

Corr. Feb. 1946

1-8

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. McMASTER
C. G. ROBSON

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OUR FILE NO. 1414-1

RECEIVED
FEB 4 1946
MASON,
CAMERON & BREWIN

January 30th
1946

Attention Mr. Andrew Brewin

Messrs Mason, Cameron and Brewin
Barristers and Solicitors
Sterling Tower Building
Toronto 1, Ont.

Dear Sirs:

We have for acknowledgment receipt of your letter of the 28th instant, for which we wish to thank you. We have read the contents with a great deal of interest.

Your suggestion of a possible political saw-off with the Government in this matter appears to the writer to contain the possibilities of a satisfactory solution in the event that we lose the Supreme Court of Canada case. Whether or not such a saw-off should be negotiated however, in the writer's opinion, will have to depend upon the attitude of the Japanese people themselves. We would suggest in any event that a condition thereof should be that the persons appearing before the Loyalty Commission be entitled to be represented by Counsel and to call evidence. We have passed the suggestion on to some of our clients at Tashme to obtain their reaction. If their reaction is favourable then we would take it up with as many of the Japanese people in this Province as we are able to communicate with.

In order to bargain with the Government it would appear to the writer that we would have to be prepared to, and actually apply for leave, to the Privy Council to appeal and would have to be prepared to take and quite likely have to commence, a number of Habeas Corpus proceedings. We would then be in a position to say to the Government that we would withdraw the application for leave to Appeal and the Habeas Corpus proceedings if the Government would agree to an enquiry in every case.

Messrs Mason, Cameron and Brewin

January 30th, 1946

I might say that I had an opportunity to discuss this matter with Mr. B. K. Sandwell today and he agrees that whether such an arrangement is sought to be made or not we ought to definitely plan to appeal to the Privy Council.

If any such arrangement is sought to be made with the Government it would seem most advisable to us to obtain the assistance of a Liberal Member rather than relying solely upon the assistance of Mr. Coldwell. Paul Martin would be the ideal person. However, as you are aware, he is in London at the present time and therefore could not help us very much. Mr. Sandwell suggested Abbott as a possibility and it would seem to us if we could join some French Canadian Members in any representation that was made it would be helpful. As you are aware, none of the Members from British Columbia on the Liberal side at least, would be of any assistance and you people in the East would know of the most likely possibilities in this respect.

We appreciate the very splendid work that you have done in this matter and your full co-operation.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

per R. McMaster

RJM/G.

P. S. The writer had lunch with a number of the Consultative Council and the Civil Liberties Union with Mr. Sandwell in attendance. We briefly discussed the proposal of a saw-off in this matter and there was considerable opposition to it. It was definitely felt that an appeal ought to be launched and at the same time public pressure be brought on the Government but without any bartering, to try to persuade the Government to provide for an enquiry

RJM.

- 3 -

Messrs Mason, Cameron and Brewin

January 30th, 1946.

in every case. This was not an official meeting but we thought you might be interested in the general reaction of the group that were present.

BURT LLOYD, PRESIDENT
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MASON,
CAMERON & BREWIN



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FEB 12 1946

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CAMERON & BREWIN 25430**

OUR ORDER No. **843**

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52 McCaul Street

TELEPHONE ADELAIDE 0142-3

Mr. Brewin,
7th floor Sterling Towers,
Bay St, Toronto.

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Jan. 31st, 1946.

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06
Fabrewin

January 31, 1946.

Mr. John R. Cartwright, K. C.,
c/o Smith, Rae, Greer and Cartwright,
Barristers, Solicitors,
320 Bay Street,
Toronto, Ontario.

Co-Operative Committee on Japanese
Canadians

Dear Mr. Cartwright:

I take pleasure in enclosing herewith, cheque for \$2000.00 in payment of your account in this matter. Our clients are very pleased with the way in which our case was presented to the Supreme Court of Canada, and are awaiting the result with very great interest.

I was interested in the Judgment of the Canada Temperance Act case, although it seemed to me that it did not in any way touch the matters in issue in our case, as the Privy Council make it clear that they do not think that Russell vs The Queen were based on any emergency. I take it that the paragraph at the bottom of page 4 which you refer to, must in order to be at all consistent with the Fort Frances case, emphasize the word "properly" in the last line of Page 4. The paragraph surely can not be meant to be inconsistent with the Fort Frances case.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FM

FAB: HC

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Council
 CLIFFORD FORSTER
Staff Counsel

FEB 2 1946

RECEIVED

January 31, 1946

Mr. F. A. Brewin
 Sterling Tower
 Toronto 1, Canada

Dear Mr. Brewin:

Thank you very much for your letter of January 28th. Will you be good enough to keep me in touch with your case. I would appreciate it if you would let me have copies of the papers that you have filed and of course the court's opinion when it is rendered. There is, of course, no charge for any assistance we might of rendered to you.

I wonder if you could do us a favor? There was a recent decision in a Toronto court invalidating a deed restriction barring property transfer to Jewish citizens. The case is entitled, Re: Drummond Wren, and was decided by Judge McMillan.

Would you be good enough to obtain for us a copy of this decision, together with its citation? We shall, of course, pay whatever costs are in connection with that.

Very sincerely yours,

Clifford Forster
 Clifford Forster
 Staff Counsel

CF:SS

RECEIVED

FEB 4 1946

OFFICE OF ATTORNEY GENERAL MASON,
CAMERON & BREWIN



L6.....

EMENTS

Regina, Sask.,
Jan. 31, 1946.

Mr. F. A. Brewin,
c/o Messrs. Mason, Cameron
and Brewin,
Sterling Tower,
Toronto 1, Ontario.

Dear Mr. Brewin:

Thanks for your letter of the 25th
inst and for your attention to this matter.

I am returning the account. Trea-
sury requires these accounts in triplicate for some
reason or other. Will you kindly arrange this.

The fee agreed on was \$100.00. Please
send an account for that amount.

Yours faithfully,

J.W.CORMAN,

ATTORNEY GENERAL.

REGINA

January 28th 1946

Attorney General of Saskatchewan

Regina, Sask.

IN ACCOUNT WITH

~~McKIN~~ MASON, CAMERON & BREWIN
BARRISTERS AND SOLICITORS

FEES

DISBURSEMENTS

RE Reference Supreme Court of Canada
re Japanese Canadians.

Having received instructions from you by telephone to appear on your behalf in support of those submitting the invalidity of Orders-in-Council P. C. 7355, 7356 and 7357.

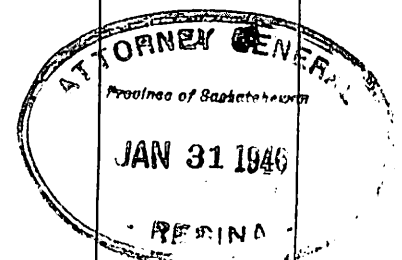
Considering same, consulting with Mr. Cartwright, Counsel for the Committee. Conference with your Ottawa agents in respect to brief. Correspondence with you and counsel fee. Appearing on your behalf before Supreme Court of Canada on the 24th and 25th of January and supporting arguments of Co-operative Committee,

Our fee in all

\$50.00

THIS IS OUR ACCOUNT HEREIN

MASON, CAMERON & BREWIN

per.....*Fabre*.....

January 28th

46

Attorney General of Saskatchewan

Regina, Sask. IN ACCOUNT WITH

MCRUER, MASON, CAMERON & BREWIN
BARRISTERS AND SOLICITORS

RE

Reference Supreme Court of Canada
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Having received instructions from you
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Appearing on your behalf before Supreme
Court of Canada on the 24th and 25th of
January and supporting arguments of Co-
operative Committee.

OUR FEE IN ALL

\$100.00

THIS IS OUR ACCOUNT HEREIN

MASON, CAMERON & BREWIN

per.....



Nisei

AFFAIRS

Volume 1, No. 7

February, 1946

Toronto, Ont.

CHANGE IN GOV'T. POLICY REQUIRED

The Attorney General of Ontario has stated that no provincial or municipal government has legislative jurisdiction to restrict in any way the free movement of Canadian citizens whatever may be their racial origin. To us this came as a distinctive surprise, when for the past several years we have experienced pressure from the Federal Department of Labour to have us move out of British Columbia, and a blocking on the part of the same Federal Department of Labour to keep us out of Toronto on grounds that the city did not sanction our entry. We are wondering if the Federal Department has been playing the role of a Greek goddess. Mythology has two-faced Janus, the guardian of the hearth, who looked outwards with a scowl and inwards with a smile.

Whatever the past has been, the restrictions on entry into Toronto or any other city or municipality anywhere in Canada should be removed. A delegation from the Toronto Co-operative Committee on Japanese Canadians has waited on Mr. Trueman of the Department, and a change in policy is now anticipated.

Threats of arrest of persons who have no desire or intention of moving out to other points will have to cease. The ordering of persons to remote parts of the province have been entirely on the initiative of the Federal Department and, in the eyes of the public, they will have to assume all responsibility and criticism for their actions.

If any credence is to be given to the claims that denial of civil rights and discriminatory treatment were for the war emergency, the Government should have removed all ves-

tige of these measures long ago. Their continuance will serve as evidence that these restrictions were not for the emergency, and may at some future date boom-erang to the disfavour of the Government, should there be an investigation of its activities during the war years.

THE POT CALLS THE KETTLE BLACK

Press reports on a Federal Department of Labour publication concerning persons of Japanese ancestry state that criticism is levelled at the British Columbia Government for not assuming the cost of the education of evacuated children resident in that province.

Should it be possible to conceive the nature of the criticism from these reports, we have a few comments to make. While there is no justification for the Provincial Government charges of seven dollars for correspondence courses for evacuee high school students, where the regular charge is two dollars, we would not expect the local municipalities to be burdened with the extra cost of education resulting from the influx of Japanese children, as some have done to the limit of their capacity at nominal rates.

It should be remembered that evacuation was carried out by the Federal Government as a supposed war measure, and stemming from that, we do not see how the Federal Government is able to avoid assuming all resulting responsibilities, and to attempt to shift any criticism for the sins of omission, for the inadequacies of the educational system and the absence of assistance to high school students, is a case of the pot calling the kettle black.

Nishi AFFAIRS

A Journal of Opinion
published by the

JAPANESE CANADIAN COMMITTEE
FOR DEMOCRACY

84 Gerrard St., E. Toronto, 2, Ont.
February 9, 1946

Kinzie Tanaka.....Chairman
Irene Uchida.....Managing Editor

DEPORTATION - REFERENCE TO SUPREME COURT OF CANADA....By K. Hidaka

The reference concerning the validity of orders in council authorizing the deportation of certain persons of Japanese ancestry was heard on January 24 and 25 by the seven justices of the Supreme Court of Canada in their first case in the new Supreme Court Building. It was fitting that a case of such importance concerning the personal and civil rights of the people of Canada should initiate the work of the Court in their new surroundings, and it is hoped that they give an opinion of such unquestioned clarity that no subsequent case on this matter need be heard.

While the validity of the deportation orders in council was the central issue, the judgment will very likely have a bearing on many of the powers assumed by the Government during war years, and will, in all probability, provide a basis for the questioning of the legality of removal from homes, detention without trial, the sale of property without consent, and the continued restrictions on movement and the arbitrary ordering of persons to other areas.

This was a case which will be of primary importance in determining the personal and civil rights of the people of Canada, and will set the boundaries of Government powers during wartime.

Counsel for both the Co-operative Committee on Japanese Canadians who were questioning the powers of the Government and the At-

torney General of Canada who were supporting the orders, were of exceptional calibre, and traversed all possible legal ground in support of their arguments.

Counsel for the Co-operative Committee gave emphasis to the claim that the whole deportation scheme was inseverable and if one part were bad the entire scheme was ultra vires. The orders took away the common law right to habeas corpus, the War Measures Act did not permit the deportation or removal of citizens, and furthermore no provision of this kind was allowed in the new Transitional Powers Act, he argued. Revocation of nationality as provided in the orders in council was contrary to British statute applying to Canada, and could not be carried out, except under its provisions, he said. The Minister of Labour was never authorized by any statute to do any such thing. The Secretary of State was the only person with any powers over such matters and even he, could exercise these powers only under specified conditions. Deportation of civilian populations was against international law and the laws of humanity, it was contended.

Counsel for the Attorney General of Canada based his argument on the claim that after an emergency was proclaimed by the Government the War Measures Act allowed it to assume all powers of Parliament and any future provisions as well. The existence of the emergency was determined by the Government and was not a subject of investigation by the courts. Habeas corpus was not denied by the orders, he claimed, and all deportation orders of the Minister of Labour would have to conform to the provisions of the order in council. There was no danger of a Siamese being deported to Japan, as was argued by opposing counsel. Deportation, he said, could apply to both citizen and alien, so long as there was a place to send the people, and there was no problem here. International law did not apply in wartime, when the conqueror was supreme. This brought the retort from Co-operative Committee counsel that he hoped the statement would not be taken too seriously at Nurembourg.

Citizenship was not a civil right and the only loss was the right to stay which would
(Continued on Page 8)

CANADA'S NISEI SOLDIERS

By K. T.

Nisei Affairs is very glad to welcome home a group of eighteen Nisei servicemen who returned from duty in India on February third.

In the spring of 1945 when the war in Europe was drawing to a close and attention of the world was turned to the war in the Pacific, the Canadian Army and Government finally let down their barriers to Nisei enlistment. The need for interrogators and interpreters was urgent so Japanese Canadians were invited to enlist for this special work. Prior to this the policy of the government was not to accept Nisei enlistments although hundreds had repeatedly attempted and were rejected ever since the beginning of the war in 1939. It has been felt that the reason for this government policy was political rather than military.

In the fall of 1944 a Captain in the British Imperial Army was sent from India by Lord Louis Mountbatten to recruit a number of Canadian Nisei for intelligence work for the South-East Asia Command. Upon arriving in Canada he expected to request the Canadian army for certain number of Nisei soldiers for this work. However he was greatly surprised to learn that Japanese Canadians were not accepted in the army. This state of affairs made his mission very difficult for it meant that he would need to approach individuals and interest them to enlist in the British Army. This he attempted to carry out but the fact that any who enlisted would leave Canada as a civilian and return as a civilian and only be in uniform while serving in the British Army, made those who were approached very cautious and reluctant. The Captain was informed that the Nisei would be very glad to enlist and go to India if they were allowed to join the Canadian Army first. This seemed a reasonable request and so Ottawa authorities were approached, and there he struck a brick wall. Politics said no. For the following six months he repeated requests and finally after pressure from London, England, was brought to bear on Ottawa, consent was given. Six valuable months were lost just because of this unjust and senseless policy.

In the summer of 1944 just prior to the arrival of the British Captain, a Lieutenant in the Canadian Army Intelligence was working on a plan to influence the Ottawa authorities to accept Nisei enlistments. He was very interested in the Canadian Japanese and considered it very unjust that they were not accepted in the army. He learned that although hundreds had attempted to enlist, because the policy was no, no record of these attempts were kept. Believing this very unfair, he worked on a plan to have applications recorded so that they would be filed for future reference. Special application forms were printed for the specific purpose of recording the desire for enlistment by Japanese Canadians, hoping, of course, to influence the Minister of National Defense and others to have the policy changed.

With the collapse of Germany the Department of National Defense was required to consider Canadian Army personnel for the Pacific. Realizing that interrogators and interpreters were needed in the intelligence corps and with the added pressure from London, permission was given to recruit 150 Nisei for this special work. A portion of this group was immediately sent to India to serve under British Command while the remainder took their basic and advanced language training in Canada. While these boys were still studying in Canada, the atomic bomb violently blasted Japan into submission. The ending of the war with Japan did not mean that competent Japanese language personnel would not be required. On the contrary their services were very much in need for the difficult period of occupation.

This highly specialized training is conducted in Vancouver, B.C., the one-time home for many of these lads. They graduate as sergeants and hope for promotion. It is quite a coincidence that as these eighteen Nisei landed in New York after returning from India, a similar number of graduates from Vancouver were travelling across Canada to be sent to the far east for occupational duty. So Nisei Affairs finds it saying "welcome home" and "bon-voyage" in almost the same breath.

FAREWELL TO A FRIEND, OLIVE PANNELL

The Japanese Canadians lost one of their best friends in the east when Olive Jean Pannell passed away in Toronto on January 18th. She was the wife of Mr. Raymond Pannell, and both husband and wife, from the early days of 1942, did everything in their power to ease the lot of the evacuees, especially those who came to Toronto.

I did not know her until March, 1942, when she wrote me a letter full of friendship and hope. She had met my brother at the Carlton Street United Church, and through him heard of the confusion and tragedy of evacuation on the West Coast. Mrs. Pannell was Vancouver-born, and lived there for 16 years when her family moved east. Revealed in that first letter was a common ground between us in our love for the snow-capped Lions, for digging in the garden. She wrote to say we were welcome to take shelter in their home if and when we came to Toronto, that though the house wasn't large, they would manage somehow. That is how we came to depend on the Pannells until we actually arrived in Toronto.

As the train sped towards Union Station in the early hours of June 5, 1942, we were tense with worry. Then, who should come aboard at West Toronto Station but the Pannells. They introduced themselves in a most cheerful and friendly fashion, putting us at ease. Mrs. Pannell had a low, happy chuckle that I will hear every time I think of her. That morning she said: "We thoughtit might be better if we just rode into the city with you.....in case there are any nosy reporters around. Yesterday the papers made quite a fuss about the T's, and they reported that another family was coming in this morning.....that's you folks. You shouldn't be bothered by such things the moment you step off a train, so I thought Ray and I...that's my husband... would sort of....you know....pilot you past."

They they helped carry the infant Twins, and guided us down into the Station, where my brother was waiting with Mr. Finlay and the young Pannells.

Coming as we did from a West turned hostile, into a city that made it clear we were unwelcome, the thoughtfulness of these first friends warmed every worried cell in

our hearts. At once we were included into a circle of friends as casually as if we had known them for years. Then for almost four years we enjoyed a delightful and deepening friendship with one of the most intelligent and understanding women we had ever met.

In her passing we lost not only a dear friend, but the Japanese Canadians lost a fearless champion. I mention the Japanese in particular, but to Olive Pannell all races were one people. Discrimination of any kind or degree was a challenge she took up in the face of many obstacles.

When a few "prominent citizens" of Toronto met to discuss and deplore the threatened influx of evacuees, Mrs. Pannell tackled Mayor Conboy himself, then the Mayor of Toronto. Before this, both Mr. and Mrs. Pannell had roused the Carlton Street United Church to action by reading to the members of that church some letters I had written her describing the process of evacuation, the confusion in Vancouver, the state of Hastings Park Pool as I had seen it. Thereupon, with leadership and encouragement from the minister, Mr. James Finlay, a band of people stood ready to give help whenever we should need it.

That initial preparedness, spurred on by Mrs. Pannell, gradually became the spearhead of the protests against injustice arising all over the country. These separate voices, crying out in the wilderness independently of the Pannells, snowballed into the significant movement today when so many decent Canadians demand justice and the rest of Canada waits to see the results of the Toronto group's action against deportation.

Canada is now roused to action proving that the inherent love of justice in the people needed only a spokesman to be heard across the country. I know that once Mr. Finlay heard from Mrs. Pannell certain facts of the evacuation, he needed no further encouragement to cry out in thunderous protest against "man's inhumanity to man". He is the first minister to preach those challenging sermons concerning the plight of the Japanese in Canada, to bring out the crusading spirit in those Christians who heard him. For a long time it seemed

(Continued on page 6)

LETTERS TO THE EDITOR:

- 5 -

Dear Editor:

January 11, 1946

I should like to thank, through you, very sincerely the Japanese Canadian Committee for Democracy for the very welcome parcel which I have received today. It was very thrilling opening it and I appreciate its contents very much and perhaps more than that, the kindly thought that led to the sending of it - - it was like a warm handclasp over the seas.

It is nearly five years since I left Canada for I was the first Nisei to join up and I wonder very much what Canada will be like when I come back again. I suppose all soldiers wonder that, but it is not surprising that a Nisei should wonder more than most!

I am writing this letter from London, where yesterday the United Nations Organization held its first meeting. Let us hope that this time peace will be secure for all people and opportunities of service given to all mankind, irrespective of race.

Certainly in London one can find representatives, I should think, of nearly all nations. Many cartoons are found on the theme of a crowd in the heart of London, composed of all races, gazing with interest at the solitary Englishman walking among them! Things are not quite as bad as that though during the war, with all the refugee governments over here in London certainly was a cosmopolitan city. The West End seemed to be dominated mainly by the Americans, for there they had their "Rainbow Corner", which only last week was closed. Then in other parts were little colonies of Poles and Dutch, French and Belgians, Norwegians and Czechs, and all the other allies in our fight against dictatorship.

I spent last Christmas in Devonshire, one of the counties in the southwest of England. It is very lovely there and the southwest is the mildest part of the country: in fact it is known as the English Riviera. I stayed in the valley of the Exe, which is the richest farming land of the county. The red earth is very fertile and Devonshire cream and cider and the red Devon cows are very famous.

In the last few weeks I have experienced

some of the vagaries of the English climate. Last week it was bitterly cold with a northeast wind: this week it has suddenly turned mild, though at times there has been a gale blowing from the west and shipping has been battered around the coasts.

I have been hoping to take some snapshots while I am here, but unfortunately films are almost impossible to obtain like many other things over here. I think one of the things most people are missing is the shortage of fruit, though there are rumours that bananas may be coming in greater quantities: the first lot that came a week or so ago were for children only and the banana boat had an official welcome from the Mayor of Bristol when it arrived.

Mrs. Roosevelt, who is over here for the United Nations Organization, has written an article for a London paper, and in it she describes how a friend of hers gave an orange to a London child and was thanked for the "pretty ball".

With greetings to all on the Japanese Canadian Committee for Democracy and again very many thanks. I always look forward to getting mail from Canada and especially to know of any Nisei activities.

Yours sincerely,

C.S.M. F. Yamamoto, B-94983
C.M.H.Q., Canadian Army Overseas

- - - - -

Dear Sir:

January 15, 1946

I want to thank you and your members for the wonderful time I had in Toronto. Never in my life did I enjoy New Year as this one.

When I returned to camp I was surprised to receive a grand leather wallet. You should have seen ~~the faces when the boys opened~~ their gifts. Everybody agrees that it is a swell gift.

At the present we are busy getting ready to leave for overseas. Maybe tomorrow or the next day, who knows. Anyway, everybody is anxious to leave camp.

Sincerely,

Sgt. Tome Yamashita, B-123368
Canadian Intelligence Corps
Little Mountain, Vancouver, B.C.

TWO REVOLUTIONS IN JAPAN Kakutarō Inoue

Part 1.

Only four months have passed since America occupied Japan. The new social and political adjustments initiated by America are to us Japanese really a revolution. Indeed Japanese in Japan call this a bloodless revolution or a revolution from above. However, it is neither a socialistic or communistic revolution. It is a democratic revolution.

I understand it is the intention of the Allied nations to eradicate from Japanese capitalism those feudal forces and ideas which lead her to become a fascist aggressor. If carried out to its logical conclusion, the Japanese people will have been helped to emancipate themselves from their oppression of thousands of years. You can realize the implications of this revolution by making a comparison with the results of another revolution in Japan.

In 1868, the old feudal government, the Tokugawa feudal rule, was overthrown, and the so-called Meiji government was established. Tokugawa's closed door policy to foreign countries broke down. A capitalism of a special kind was launched. It is interesting to note that the turning point of Japan's history was also initiated by foreign powers, including America.

However, unlike European democratic revolutions -- wherein feudalism was unseated to make way for capitalism, and peasants were emancipated with the emergence of new ideas, of liberty, equality, fraternity -- in the 1868 revolution of Japan, the Meiji government restored monarchy from its century-old obscurity to the political scene. The government was run by the Samurai of the several feudal clans which successfully revolted against the Tokugawa family. They revived and reformed senseless mythology into a state religion, Shintoism, so that the Emperor could become a mystical figure, an absolute ruler par excellence. Under this symbol these Samurai created a new peerage, police and military bureaucracy, war industries, subsidized a few big feudal merchants and users who were too backward to industrialize the country, for military purposes. In the 15 years following the revolution, Mitsui,

Mitsubishi, Sumitomo, and Yasuda made enormous fortunes. They represented the embryo state of the so-called Zaibatsu of today, which have developed into one of the staunchest pillars of feudal rule in Japan.

Meanwhile, the common people, i. e. the peasants, were terribly oppressed and exploited to finance the new government. Not a single agrarian reform was instituted towards their liberation: their conditions were worse than in feudal times. When the peasants took up arms and organized revolts all over the country, they were immediately suppressed by the newly created military and police forces. But these rebellions formed the seeds of a political movement called "the movement for freedom and people's rights". It was directed against the absolutism of the Meiji government and Zaibatsu -- they demanded a parliamentary system similar to the English and American systems. The leaders travelled all over the country arousing the people and enacted in agitation and propaganda theatrical performances. The Meiji government jailed and prohibited them from entering the Tokyo area. Assassination attempts on some leaders were made. When one Itagaki was attacked and seriously wounded, he cried, "You can kill me, but not freedom!" Despite the terrorism, however, the movement accelerated, until finally the government could pacify the people only by promising a parliamentary system. The people, however, were outmanoeuvred and given in 1890 a Prussian type of constitution wherein an absolute oligarchy muzzled their real desires.

Such was the content of the first revolution in Japan.

(to be continued - from J.A.C.D. News Letter)

(Continued from Pg. 4)

he preached into a void, but now, after four years of unceasing effort, Mrs. Pannell can know that her work was well done. While the fight is not over yet, still the people have been challenged to prove democracy.

Olive Pannell would be the first to laugh away any credit to herself. She would say: "It's no more than what any decent person would have done."

When the provincial Department of Education inaugurated religious education in the grade schools, I didn't like it at all. I knew too well that catechism never accomplishes what it is supposed to do. Now, watching and listening to my daughters rattling off verses for memory-work with never a thought for the true meaning of what they were parroting, I realize that there is something basically wrong in our methods of handing down Christianity to the young.

Sometimes, when I hear a childish voice hurrying through the names of the books from Genesis to Revelations, and trying to remember if the number was 66 books (does it matter if there are 66, 46 or 106?) I laugh to myself at the ineptness of such teaching.

Wasn't this "religious" education undertaken as part of a program to counteract the rising rate of juvenile delinquency? It's like applying a patent medicine, instead of treating the trouble at the source. The Bible, instead of being the x-ray through which one can discern the truth, is used as an aspirin: it might do some good; it won't kill outright, but it might also induce a drugged headache.

Young children (and teen-agers) can't be expected to grasp and understand the profound truths that have survived the ages since they were first written down by the Hebrews. How can a seven-year-old evaluate properly the significance of well-known passages in the New Testament, when all she's asked to do is memorize chapter and number of verse, get it down correctly on paper, then go on to the next text? How can youngsters take in the mature interpretation of morals, ethics, sin, good and apply these to their own behaviour? They can't. But they can understand ethics if discussed on their own level. I mean ethics, not sectional Christianity. If they can understand cause and effect they can understand what will harm and what will help.

If, instead of getting chapter and verse with the message so heavily underlined that the context is lost, the children

should hear or read for themselves only stories and parables easily understood by them, as literature, they would remember them better. Then, as they grow in understanding, the more clearly they realize what the old prophets and what Jesus meant.

We take the Bible so much for granted that we forget that it is a unique collection of books. It is not one book but many, written by different people at different stages in the history of the Hebrews. Being as it is, a record of the spiritual struggle of a people, its present-day interpretation is as varied as the number of sects and denominations. I don't see how anyone can impose one set of interpretations on everybody. I'd prefer that my daughters were taught comparative religion, embracing all the divergent faiths that exist in the world (a monstrous task) than to be forced to learn only the Ontario version of the Bible. I would much rather prefer that they learned religion after they grew up and could judge for themselves. That way their convictions are stronger because they are more nearly related to their personal lives.

Too many of the younger people are repelled by religion. I don't blame them. They are repelled by the superstition and emotionalism attached to it. They rebel against the narrow rituals, the abstract threats, the vague mysticisms that are incompatible with the increasing knowledge in scientific fact and intelligent logic. Most of all, the young hate the emotionalism that pervert the original teachings contained in the Bible.

If the schools are to contribute in the fight against juvenile delinquency, then they must adopt a more realistic method than quoting a "golden text with a moral". They need to use expert methods of reaching the enthusiastic co-operation of each pupil in class discussions of social moral, ethical behavior, teamwork between the individual and the community. They need to use channels of physical activities, balanced and supervised by men and women who know the young. They need the vital backing of parents and state if they hope to accomplish those things now expected of "religious education".

(Continued from Page 2)

be part of the deportation action, was the reply to the claim that this was a violation of civil rights and a matter outside of Federal jurisdiction.

At this moment the opinion of the judges is not known. Whatever it may be, it will have to be studied and the course of future action will have to be determined. Should the decision be unfavourable, the Government should accede to the unequivocally expressed wishes of the people of Canada and abandon altogether the forcible removal plan. Should deportation be judged beyond the powers of the Government, then there should be an early removal of all restrictions and a concerted effort to have all persons of Japanese ancestry integrated into the general life of the community. This will require measures from a bolder imagination than the half-measures of the past. There will have to be some indication that the basic needs of persons who are essentially human beings, are understood. It will require nothing less than a drastic change, not only in policy, but also in personnel, particularly in the higher strata.

February 3, 1946

Nisei Servicemen who returned home from India via New York on the Queen Elizabeth

Pte. HIGA, G.Y.	Lethbridge, Alta.
" HOITA, M. B.	Toronto, Ont.
" IMADA, T.	Taylor Lake, B.C.
" KAGAWA, W.J.	London, Ont.
" KAYAHARA, T.S.	Fletcher, Ont.
" MAIKAWA, T.	Toronto, Ont.
" MATSUO, J.M.	Newton Siding, Man.
" MIYASAKA, J.Y.	Hamilton, Ont.
" NISHIO, T.	Montreal, Que.
" OIKAWA, K.	Hamilton, Ont.
" SAITO, P.E.	Brandon, Man.
" SASAKI, H.W.	Winnipeg, Man.
" SHIMIZU, K.J.	Toronto, Ont.
" SUZUKI, G.	Winnipeg, Man.
" SUZUKI, J.	London, Ont.
" TAKEYASU, F.M.	Hamilton, Ont.
" TAKEUCHI, R.A.	Winnipeg, Man.
" UCHIDA, M.D.	Guelph, Ont.

The following are the recent graduates of S-20, Japanese Language School in Vancouver who will be shortly taking up occupational duties in the Pacific:

Sgt. ADACHI, D.	Toronto, Ont.
" HASEGAWA, G.	" "
" IMAI, S.	" "
" INOSE, J.	Montreal, Que.
" ITO, K.	" "
" KITAGAWA, K.	Toronto, Ont.
" MATSUBUCHI, F.	Montreal, Que.
" NOEUTO, M.	" "
" OBATA, R.	Toronto, Ont.
" OHASHI, G.	" "
" OKI, J.	Hamilton, Ont.
" OMURA, S.	Toronto, Ont.
" SAKAMOTO, A.	" "
" SATO, J.	Montreal, Que.
" SHINTANI, G.	Toronto, Ont.
" YAMASHITA, T.	" "
" YATABE, M.	" "

A C K N O W L E D G M E N T

J.C.C.D. gratefully acknowledge the following donations:

Miss Hattie Kunitomo	Toronto, Ont.
Miss Agnes Suzuki	" "
Miss Mary Suzuki	" "
Pte. Louis Suzuki	Vancouver, B.C.
Miss Betty Kobayashi	Montreal, Que.
Sgt. Kiyoshi Kitagawa	Vancouver, B.C.
Miss Kimi Takimoto	Alma College, Ont.

SMITH, RAE, GREER & CARTWRIGHT
BARRISTERS, SOLICITORS, ETC.

G. LARRATT SMITH, K.C.
R. H. GREER, K.C.
JOHN R. CARTWRIGHT, K.C.
T. B. RICHARDSON
GORDON D. WATSON
BETHUNE L. SMITH, K.C.
JOHN GALBRAITH EDISON
ARTHUR E. MALONEY

RECEIVED

FEB 2 1946

MASON,
CAMERON & BREWIN

320 BAY STREET
TORONTO 1, CANADA

REGISTERED CABLE ADDRESS: NATIVE TORONTO

TELEPHONE
ADELAIDE 6288

Civil Liberties

February 1st, 1946.

F. A. Brewin, Esq.,
Barrister etc.,
372 Bay Street,
Toronto 1.

Dear Mr. Brewin:-

re: Co-Operative Committee on
Japanese Canadians.

Thank you very much for your letter of
January 31st and for the cheque for \$2,000.00 in full
payment of our account in this matter for which we are
very much obliged.

Yours very truly,

SMITH, RAE, GREER & CARTWRIGHT,

JRC/D.

Per. *J. R. Cartwright*



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

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W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

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FEB 4 1946

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9.50 A.M.

VANCOUVER BC 2 AMERON & BREWIN

1946 FEB 2 PM 2 18

ANDREW BREWIN

STERLING TOWER BLG TORONTO

644

CONSIDER APPEAL TO PRIVY COUNCIL SHOULD BE LAUNCHED WITHOUT DELAY BY
TORONTO GROUP SUGGEST DELEGATION ATTEND OTTAWA IMMEDIATELY AFTER
DECISION IF UNFAVOURABLE AND SEEK TO OBTAIN ASSURANCE GOVERNMENT
WILL DELAY DEPORTATION PENDING APPEAL PLEASE KEEP ADVISED

R J MCMASTER

TELEPHONED

To: RJB/1005 By: Bm

TO BE

DELIVERED
FILED

mon

February 4, 1946.

The Honourable J. W. Corman, K. C.,
Attorney General of Saskatchewan,
Regina, Sask.

Dear Mr. Corman:

We enclose herewith our account in
triplicate, as requested by you.

Yours very truly,
MASON, CAMERON & BREWIN
per:

FAB:HC

TELEPHONE 4-1225

J.P. ERICHSEN-BROWN
BARRISTER, SOLICITOR &
46 ELGIN STREET
OTTAWA, CANADA

RECEIVED
FEB 6 1946
MASON,
CAMERON & BREWIN

February 5, 1946

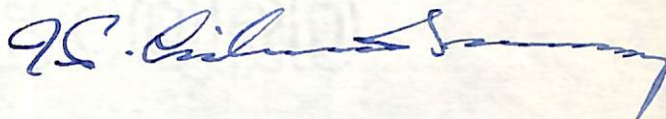
F. Andrew Brewin, Esq.,
Barrister Solicitor, etc.,
372 Bay Street,
Toronto, Ontario.

Dear Andy: Re: Japanese Canadians

I received your letter. I am finally getting settled in my new office and will be sending out formal announcements in the near future. In the meantime, I have not figured out just what my bill should be nor have I received my bill forms from the printers.

With your permission, I will let this stand for a few days and will write you shortly.

Yours very truly,



JPE/MM

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. McMASTER

C. G. ROBSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE NO. 1414-1

RECEIVED

FEB 12 1946

MASON,
CAMERON & BREWIN

February 7th
1946

Andrew Brewin Esq.,
C/O Messrs Mason, Cameron and Brewin
Barristers and Solicitors
Sterling Towers Building
Toronto 1, Ont.

Dear Sir:

We have for acknowledgment receipt of your letter of the 4th. instant, and are pleased to know that your group also favour an appeal to the Privy Council and will take steps immediately after a decision by the Supreme Court has been handed down, if it is unfavourable.

With regard to the proposed discussions with the Government, we regret that we apparently did not clearly understand your suggestion previously and trust that we caused you no embarrassment by the discussion which we reported to you. Our personal opinion in the matter is that your suggestion of an informal discussion is a good one and ought to be proceeded with. However, it is our understanding that no definite commitments would be made in such informal discussion. Please let us know how this progresses. We would also ask you to keep us advised by wire what steps are taken as to appeal to the Privy Council as we may well have to start Habeas Corpus proceedings here soon after the decision by the Supreme Court, if unfavourable, and we would, if at all possible, have them stayed pending the appeal.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. J. McMaster*

LJM/G.

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. McMASTER

C. G. ROBSON

ROYAL BANK BUILDING
675 WEST HASTINGS STREET

VANCOUVER, B.C.

February 8, 1946.

OUR FILE NO.

RECEIVED

FEB 12 1946

MASON,
CAMERON & BREWIN

Andrew Brewin Esq.,
C/O Messrs. Mason, Cameron and Brewin
Barristers and Solicitors,
Sterling Towers Building,
Toronto 1, Ont.

Dear Sir:

When Mr. Sandwell was in town he mentioned that he knew of certain Japanese young people in the East who had applied for permission to see their parents before they were repatriated to Japan and that the permission had been refused unless they, themselves, signed Repatriation Forms.

We think that if this information could be substantiated it might be useful in Habeas Corpus proceedings. Accordingly if you could find several persons who from their own personal knowledge can verify this fact, we would appreciate your obtaining Statutory Declarations from them setting forth the full details.

What plans if any, are being considered for Eastern Canada for taking Habeas Corpus proceedings in the event of an unfavourable decision from the Supreme Court and in the event that the Government will not stay any action pending appeal to the Privy Council?

Yours truly,

CAMPBELL, BRAZIER, FISHER & McMASTER

Per. *R. J. McMaster*

RJM:HB

February 8, 1946

J. Price Erichsen Brown, Esq.,
Room 39,
Central Chambers
Ottawa, Ontario.

Dear Price:


I understand that there is a possibility
of the Judgment being delivered in our case on Monday.
I would be glad if you could make inquiries about this
and rush a copy of the reasons for Judgment as soon as
possible after they are available.

Yours very truly,

MASON, CAMERON & BROWN

per:

FAB:HC



February 9, 1946.

Mr. Clifford Forster,
Staff Counsel,
American Civil Liberties Union,
170 Fifth Avenue,
New York City, N. Y.

Dear Mr. Forster:

We enclose herewith copy of the Judgment you wanted. We have not yet received the Judgment in our case in regard to Japanese Canadians. I will send it to you when available. The cost of obtaining the Reasons for Judgment in the Wren Case was \$4.40.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC
Encl.



CANADIAN PACIFIC TELEGRAPHS

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VANCOUVER BC 10

ANDREW BREWIN

2082

BARRISTER AND SOLICITOR STERLING TOWER BLDG TORONTO ONT

MIGHT BE USEFUL FOR YOU TO KNOW WE HAVE INSTRUCTIONS FOR HABEUS

CORPUS FOR OVER THIRTEEN HUNDRED AND MORE TO COME ALL IN BRITISH

COLUMBIA LEAVE TO YOUR DISCRETION DISCLOSURE OF THIS FIGURE PLEASE WIRE

COURT DECISION AS SOON AS KNOWN

CAMPBELL BRAZIER FISHER AND MCMASTER

February 11, 1946.

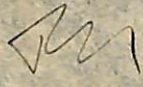
Mrs. Hugh McMillan,
126 Eastbourne Avenue,
Toronto, Ontario.

Dear Mrs. McMillan:

I am enclosing herewith, four copies
of Draft Statement as to the result of the Appeal
to the Supreme Court of Canada. Further discussion
on this can probably wait until after the decision
is given.

Yours sincerely,

FAB:HC
Encl.

A handwritten signature, possibly "J.M.", in dark ink, located to the right of the typed name "FAB:HC".

J.P. ERICHSEN-BROWN

BARRISTER, SOLICITOR &c

46 ELGIN STREET

OTTAWA, CANADA

RECEIVED

FEB 12 1946

TELEPHONE 4-1225

F. Andrew Brewin Esq.,
Barrister etc.,
372 Bay St., TORONTO.

MASON,
CAMERON & BREWIN

re Japanese Canadians

Dear Sir,-

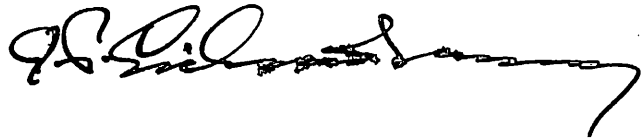
The Court sat this morning and adjourned until Feb. 18th.

A Newspaper item in the morning Citizen said that judgment had been deferred until Feb. 18th.

Mr. Justice Rand's secretary was in the library last Friday enquiring for "the Statutes on transportation which had been taken out by Mr. Justice Kellock."

I will keep you informed of developments.

Yours very truly,



February 12, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Royal Bank Building,
675 West Hastings Avenue,
Vancouver, B. C.

Attention Mr. McMaster:

Dear Sirs:

Your wire of February 10th has been received. It is interesting to note that the Supreme Court of Canada has again postponed giving the decision, which I take to be a hopeful sign. Colonel Croll endeavoured to see the Prime Minister when he was in Ottawa last week, but was unable to do so. He may again be trying to get in touch with him this week.

It is interesting that the Prime Minister when he learned the nature of Mr. Croll's business, made a very substantial effort to get in touch with him.

The Government seemed very unhappy about the situation, and may perhaps be relieved if the Supreme Court of Canada decides in our favour, at least some of the Government.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. MCMASTER

C. G. ROBSON

RECEIVED

FEB 16 1946

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

February 14th
1946

OUR FILE NO. 1414-1

MASON,
CAMERON & BREWIN

Attention Mr. Brewin

Messrs Mason, Cameron and Brewin,
Barristers and Solicitors,
Sterling Tower Building
Toronto 1, Ont.

Dear Sirs:

We have for acknowledgment receipt of
your letter of the 12th instant and note the contents
with interest.

We thought it might be of interest to
report an incident which happened last week. The
R.C.M.P. demanded from a Committee of our clients at
Tashme a list of those who had instructed the writer
to take Habeas Corpus proceedings in their behalf.
They refused to give it to them and communicated with
our firm. The writer was in touch with Mr. Pickerskill
the head of the Japanese Division of the Labour Depart-
ment in this Province and he explained the purpose of
wanting to know those who instructed us to act is that
they are preparing to remove certain persons and wanted
to avoid those who had instructed us for the time being
so that the luggage would not be all mixed up etc.
We are advised, although we have not yet seen the list,
that there are some 1000 people in two centers in
British Columbia who are willing and desirous of going
to Japan on the first ship and we intimated to Mr.
Pickerskill that we might be able to get instructions
to give him this list. He intimated that it would be
helpful if we could.

The writer has been thinking this incident
over since it happened and sees in it the possibility
that to avoid difficulty and further Court proceedings
the Government might be prepared only to ship out those
who are now willing to go and those who, because of some
other acts than the mere signing of the repatriation
form might be found upon enquiry to have been disloyal.

- 2 -

Messrs Mason, Cameron and Brewin

February 14th, 1946.

We wondered, therefore, in approaching the Government in the informal manner which you have suggested whether it might not be better to suggest in the first instance that those who are still desirous of going to Japan be deported and if there are others who have committed acts other than the signing of repatriation forms indicating their disloyalty, an enquiry be held with respect to these. If there is any chance of the Government conceding to such an arrangement as this we would feel much happier than having an enquiry in the case of every person who does not want to go.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

Per.

R. J. McMaster

RJM/G.

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

TORONTO, ONT.

RECEIVED

FEB 18 1946

MASON,
CAMERON & McLEOD

299 Queen St. w., Toronto

Feb. 16, 1946

Mr. F. Andrew Brewin,
372 Bay St.,
Toronto,

Dear Mr. Brewin,

In a letter I received from you recently acknowledging a check for \$500.00 from the Co-operative Committee I think you said that some time in the near future you would send in a financial statement regarding various items which had been dealt with by yourself.

Our finance committee has set Friday, the 22nd of February for a meeting to prepare a financial statement for the general committee. If you could convene it by that date we would be glad to have any statement from you by that date.

Sincerely yours,

Constance Chappell

Treas., Co-operative Committee on Japanese-
Canadians

46 ELGIN STREET

STATEMENTS RENDERED MONTHLY

Mason Cameron and Brewin,
372 Bay Street,
Toronto, Ontario.

OTTAWA, February 19, 1946

IN ACCOUNT
WITH

J. P. ERICHSEN-BROWN

BARRISTER, SOLICITOR, ETC.

Professional services rendered:

Reference to the Supreme Court of Canada on
Validity of Order-in-Council re Japanese
Canadians

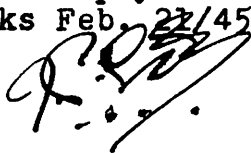
\$50.00

Disbursements for long-distance, special
postage, etc.

\$ 5.56

\$55.56

Received payment with
thanks Feb. 22/45



RECEIVED

J.P. ERICHSEN-BROWN

BARRISTER, SOLICITOR &

46 ELGIN STREET

OTTAWA, CANADA

TELEPHONE 4-1225

FEB 20 1946

O. MASON,
CAMERON & BREWIN

February 19, 1946.

Mason Cameron and Brewin,
372 Bay Street,
Toronto, Ontario.

Dear Andy: Attention: Mr. Brewin

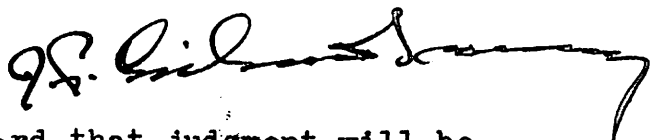
This morning's Citizen contained a statement to the effect that judgment would be delivered tomorrow but Mr. Audette informs me that there has been no official confirmation given to the Registrar's office. As requested, I will attend when judgment is delivered, will order the reasons for you and will also telephone you long-distance as soon as judgment has been delivered.

I am enclosing a memorandum of services rendered. Items (d) and (p) are covered by allowances in the Party and Party Tariff form I in the sums of \$20.00 and \$25.00 respectively. The solicitor and client charges are, I believe, generally equal to or higher than these sums but are, of course, divisible between the solicitor and his agent. The Party and Party Tariff also includes an item "allowances to the duly entered agent in any appeal.....\$10.00. I am not clear as to whether this is intended to cover such things as services and filings. My feeling is that I should receive approximately \$35.00 net, plus disbursements but I want you to feel at liberty to revise this figure as you see fit. I am enclosing a statement in case this suggestion is satisfactory. If you think the figures should be revised, either up or down, please send me a cheque for whatever you feel is justified and fair and of course what the traffic will stand and I will send you a receipt accordingly for your files.

I have allowed in my disbursements for a person-to-person call at the tariff rate, plus tax when judgment is delivered but not, of course any disbursement upon ordering the reasons for judgment.

Yours very truly,

JPEB/MM
Enc.



P.S. I have just received word that judgment will be delivered on the above at 10.15 a.m. tomorrow.



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

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W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

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VANCOUVER BC 20 940A

ANDREW BREWIN 4135

MASON CAMERON & BREWIN STERLING TOWERS BLDG TORONTO

HEARD RADIO REPORT DECISION PLEASE WIRE ACTION BEING TAKEN RE

APPEAL AND FOR STAY OF PROCEEDINGS BY GOVERNMENT

R J MCMASTER

ad 4391
1915 FEB 20 PM 12 45

TELEPHONED
To _____ At _____ By _____

TO BE
DELIVERED
MAILED
FILED

C.D. 1R

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

299 Queen Street West, Toronto, Ontario.

Japanese Canadians.

1945

Oct. 18

Considering material sent to me by Prof. McCurdy in respect to the legality of the forms for repatriation. Advising that in our opinion these forms are invalid and illegal, in the absence of an Order-in-Council giving legal effect to them. Advising as to procedure and suggestion that action for Declaration may be the proper method for procedure.

Dec. 7

Long letter to Mr. McCurdy.

Having had our attention called to Mr. Humphrey Mitchell's statement in respect to proposals to deport Canadian citizens of the Japanese race, considering and advising you.

Advising you in respect to the relevance of the Charter for the trial of War Criminals.

Later in December having obtained the copies of the Orders-in-Council from Mr. Allister Stewart, M.P.P., Winnipeg, considering same and advising you that in our opinion there is a good ground for attacking these Orders-in-Council, and that the proper mode of attack should be:

(a) By a declaratory judgment.

(b) By seeking for reference to the Supreme Court of Canada.

Engaged in preparing memorandum of law.

Further engaged in consultations with you and with others in regard to proposed test cases.

Receiving instructions to institute the same, and issuing Writs for Summons for a Declaratory Judgment in the Supreme Court of Ontario.

Preparing letter to the Minister of Justice on behalf of Committee, asking for interview.

Drafting Statement of Claim in test Action.

Correspondence throughout this matter in consultation with Mr. R. J. McMaster of Vancouver, Mr. Arnold Campbell, Winnipeg.

Various telephone conversations obtaining instructions.

Letter to Mr. Geoffrion.

February 20, 1946.

J. P. Erichsen-Brown, Esq.,
Barrister, Solicitor,
46 Elgin Street,
Ottawa, Ontario.

Dear Price:

Before receiving word from you this morning in regard to the result of the Action, I have dictated this letter in respect to your account.

In my opinion, the amount for which you have asked is too modest, and I have increased it to \$50.00.

We enclose herewith cheque for \$55.56 to cover the account.

Yours very truly,

MASON, CAMERON & BREWIN

per: 

FAB:HC

February 20, 1946.

Miss Constance Chappel,
Treasurer,
Co-operative Committee on Japanese Canadians, and
Prof. Geo. Tatham,
President,
Civil Liberties Association,
299 Queen Street West,
Toronto, Ontario.

Dear Miss Chappel and Prof. Tatham:

I am enclosing herewith statement of my account. As you will observe, there is a small balance left, out of the moneys which we have received. There may be some small incidental expenses which I have not yet received.

I will send a cheque for the balance when it is available.

Yours very truly,

MASON, CAMERON & BREVIN

per: *J*

FAB: HC

February 21, 1946.

Honourable J. W. Corman,
Attorney General of Saskatchewan,
Provincial Buildings,
Regina, Saskatchewan.

Re Japanese Canadian Reference

Dear Mr. Corman:

You will have no doubt read in the newspapers, a report of the decision in the Supreme Court of Canada.

The decision by a majority, holds that, Sub-section 4 of Section 2 of P.C. 7355 is invalid. This order deals with wives and dependent children.

According to the Minister of Labour, out of a total of 10,347 involved, 3503 were children, so that theoretically at least the largest numerically of the four groups, have been held not to be liable to be deported. Unfortunately many of these children who could not be legally deported, will be forced to go if their parents are to be deported.

It is also of great interest and significance, that two of the Judges, Mr. Justice Kellock, and Mr. Justice Rand, held that the Orders are invalid insofar as they apply to Canadian born subjects resident in Canada who comprise out of the total, another 2480. Mr. Justice Kellock further is of the opinion that the Order is invalid insofar as it applies to 1461 naturalized Canadians.

The Court was unanimous that the Order is valid insofar as it applies to the 2923 Japanese Nationals.

I have not yet received a copy of the Reasons for Judgment, but as soon as I do so, I will send it on to you. A summary of these Reasons, appears in the Toronto Daily Star. It would seem that Mr. Justice Renfret, Mr. Justice Taschereau and Mr. Justice Kerwin base their opinion on their interpretation of the overriding powers of the Dominion Cabinet in war

Honourable J. W. Corman

February 21/46.

time which they go so far as to say ^{are} as broad as those of Parliament, and that the Governor-in-Council is the sole judge of the necessity or advisability of the measures which are not subject to review in a Court of Justice.

The other four Judges all seemed to have held that the Orders-in-Council were invalid insofar as they purport to authorize the forceful removal or deportation of Canadian citizens. Two of them held however, that by reason of the requests for repatriation, that the provisions for removal to Japan of these persons could not be regarded as deportation.

I confess that I cannot follow this reasoning, as the requests in the cases to be considered, were clearly withdrawn or might be withdrawn before action was taken, and thereafter the procedure would have to be by way of forcible removal. Of course the purely voluntary removal of citizens is not deportation and could not be objected to. Mr. Justice Kellock and Mr. Justice Rand seemed, so far as I can determine, to have both been of the opinion that the forcible deportation of Canadian citizens, naturalized or born in Canada was not authorized by the War Measures Act, nor the provisions depriving naturalized citizens of their status as Canadian citizens.

As you have probably read, the Co-operative Committee on Japanese Canadians has already instructed me to apply for Leave to Appeal, and to Appeal to the Privy Council. In the meantime we shall urge the Government to stay deportations under the Orders. We have also urged that the Government amend the Orders-in-Council so as to provide that no one should be unwillingly deported unless a judicial inquiry has been made to find out whether or not they have acted during the war individually in any manner that makes them undesirable citizens.

Our Committee is of the opinion that we should continue the battle on two fronts.

(1) The legal front, by pressing the Appeal as vigorously as possible.

(2) On the political front by urging that the Government withdraw or amend the Orders-in-Council.

The effect of the decision as it stands now, not only throws serious doubt by reason of the dissenting judgment on practically all of the Orders-in-Council, but further would mean if it were literally carried out, that

Honourable J. W. Corman

February 21/46.

wives and children might be left in Canada without support,
and families separated.

I will send you a further report when I have
secured the full text of the Reasons for Judgment.

Yours very truly,

MASON, CAMERON & BREWIN

per: .

FAB:HC

J.P. ERICHSEN-BROWN

BARRISTER, SOLICITOR & S

46 ELGIN STREET

OTTAWA, CANADA

TELEPHONE 4-1225

RECEIVED

FEB 21 1946

MASON,
CAMERON & BREWIN

February 20, 1946

Mason Cameron and Brewin,
372 Bay Street,
Toronto, Ontario.


Dear Sir: Re: Japanese - Canadians

I am enclosing a copy of the ~~mimeographed~~ summary of the effect of the judgment delivered herein as read by the Chief Justice at the opening of court this morning.

I have ordered the reasons for judgment. It appears that the reasons are already in the hands of the stenographers. It was impossible for me to see them this morning. I will be notified as soon as they are ready. I expect they will be mailed to you tomorrow if all goes well.

I hope you are not too disappointed at the result. I think there has been sufficient success on the appeal in any event to have made it worthwhile.

Yours very truly,



JPEB/MM
Enc.

P.S. Since your call I have spoken to Mr. Armand Grenier, K.C., Court reporter. He informs me the reasons are 100 pages and he has had six or seven people after him to get them and has an extra stenographer on the job. I will either have the reasons tomorrow or else I will peruse them with a view to finding out what was said in connection with habeas corpus.



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FORM 6122

CANADIAN NATIONAL



W M ARMSTRONG GENERAL MANAGER
TORONTO

TELEGRAPHS

1946 FEB 21 PM 3 24 21.

GA299 20=OTTAWA ONT 21 315P

F A BREWIN= C/O MASON CAMERON AND BREWIN
ROOM 702 STERLING ~~NEW~~ BLDG
307 BAY ST TOR:

1821

=MAY WE HAVE ARTICLE FOR NEWS COMMENT ON SUPREME COURT
JUDGMENT RE JAPANESE FOR MARCH FIRST ISSUE ONE THOUSAND
WORDS=

CONSTANCE WRIGHT CCF NATIONAL OFFICE.

Conf add
Ad 4371
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TO BY
CALLS LEFT BY
ATTEMPTS
MAIL DELIVER

February 21, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 Hastings Street West,
Vancouver, B. C.

Attention Mr. R. J. McMaster.

Dear Sir:

Our Ottawa agent is endeavouring to procure a copy of the Reasons for Judgment as soon as possible. It appears that they cover altogether, one hundred pages.

The Toronto Star published the summary of the Reasons for Judgment. From these, it would appear that the Orders-in-Council have been held not to deprive a person of their right to Habeas Corpus. Mr. Justice Rinfret, Mr. Justice Kerwin and Mr. Justice Taschereau seem to have gone entirely upon the sweeping powers under the War Measures Act, and have restated these in even more extreme form.

The other four Judges seemed to have agreed that the War Measures Act does not authorize the forcible deportation of Canadian citizens, but by a peculiar reasoning, which I must say I do not follow, Mr. Justice Estey and Mr. Justice Hudson seemed to hold that by reason of the requests, those parts of the Orders-in-Council which allow for the deportation of those who made the requests, are not technically speaking, deportation at all. This entirely overlooked the question of whether or not after the request is withdrawn, the procedure then to be adopted is not clearly that of forcible removal or deportation.

I am much encouraged as to the possibility or even likelihood of success on Appeal to the Privy Council.

Without seeing the Reasons for Judgment, it is impossible to comment on the situation in regard to the Japanese Nationals, but I was much impressed with the force of our argument that the scheme should be regarded as an

Messrs. Campbell, Brazier, Fisher & McMaster

Feb. 21/46.

inseparable whole, and that assuming the majority of the Court to be right as to one at least of the four groups, the whole Order-in-Council should fall.

It seems to me that the reasons of the majority of the Court may be extremely helpful when it comes to fighting cases on Habeas Corpus in regard to the voluntariness of the removal. The majority of the Court seemed to lay it down very clearly that the justification in making the Order for deportation and indeed the constitutionality of any such Orders, depends upon the voluntary nature of the requests.

This would seem to emphasize the importance of determining as a matter of fact in each case, whether the signing was really a voluntary act at all.

As soon as I get a copy of the Reasons for Judgment, I will send it to you.

Yours very truly,

MASON, CAMERON & BREWIN

per:

FAB:HC

February 22, 1946.

The Honourable J. W. Corman,
Attorney General of Saskatchewan,
Provincial Building,
Regina, Saskatchewan.

Dear Mr. Corman:

Further to my letter of yesterday, I have not yet received a text of the Reasons for Judgment. I understand that the Judgment of Mr. Justice Kellock which is almost wholly in our favour, reads most impressively of all the Judgments, and I am extremely optimistic as to the outcome of the appeal to the Judicial Committee.

I presume that in due course, your Cabinet will be discussing what part, if any, you wish to play in the proposed appeal.

I think it would be most helpful if the Government of Saskatchewan saw fit to continue its association with the Co-operative Committee in the appeal, and I will be glad to discuss with you, what this would involve in the way of expense.

We are contemplating a deputation to the Prime Minister next week to urge:

- (1) That the Orders be abandoned.
- (2) That at least they be amended so as to give every person who is not willing to be deported, an opportunity to have his case reviewed by an adequate judicial process.
- (3) To obtain an undertaking that no proceedings for deportation will be taken while the Appeal is pending to the Privy Council.

The Honourable J. W. Corman

Feb. 22/46.

I will wire you the date of any appointment. While I think it might be helpful if some member of your Government were by any chance available, to attend with the deputation, if this is not possible, it would be helpful if you could wire to the Co-operative Committee in care of me, your Government's support of our representations.

Best wishes,

Yours sincerely,

FAB:HC

FAB

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN

AUDIT

VOUCHER FOR PAYMENT

6216 G

RECEIVED

Department of the Attorney General.

FEB 22 1946

Payee Mason, Cameron & Brewin,Address Sterling Tower, 372 Bay St.MASON,
CAMERON & BREWIN

DATE	PARTICULARS	AMOUNT
1946 Feb 7	Re: Reference re. persons of Japanese Race. ----- To amount of account as per state- ment attached.....	\$100.00

TREASURY, ENTERED

TREASURY, PAID

APPROVED FOR PAYMENT
CHARGE VOTE 3-8-1To be Completed by
DepartmentTo be Completed by
DepartmentCHEQUE MAILED OR
RECEIVEDMiscellaneous Service
Crown Litigation and Miscel-
laneous Legal Services and
Expenses.Order
No.

Amount

Code
No.

Amount

43

Asst. Deputy Attorney General.

Dept. No.

Audit No.

Treas. No.

Cheque No.

Total

Total

PAYEES' LEDGER
ENTERED

February 22, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 Hastings Street West,
Vancouver, B. C.

Attention Mr. R. J. McMaster

Dear Sir:

Since dictating my last letter to you, I have had a memorandum from our Ottawa agent, with excerpts from the Reasons for Judgment, which I thought might be of great interest and value to you.

Rinfret, C. J. said "But I do not think it can be concluded from the wording of Section 9, that the intention of the Order-in-Council is that the recourse to Habeas Corpus is thereby abolished".

Kellock, J., agreed with, and adopted in this connection, the reasoning in Rex vs Secretary of State with Home Affairs ex parte Greene, 1941, 3 All England Reports 104.

Mr. Justice Hudson says "I think that where any question of fact bearing on the jurisdiction of the Governor-in-Council is raised, the person concerned would have a right to put it forward (on Habeas Corpus proceedings), and gives as instances of this, the possibility,

- (a) That he had not signed the request
- (b) That there was misrepresentation or coercion
- (c) That he was not of the Japanese Race.

The validity of the Orders depends on the reality of requests.

Mr. Justice Estey holds that Section 9 does not preclude an inquiry as to whether that legal custody is justified, or legal within the terms of the Order-in-Council. The Judgments of all the Justices concur in this view.

It has occurred to me that you should give careful consideration to the possibility of a test

Messrs. Campbell, Brazier, Fisher & McMaster

Feb. 22/46.

application for Habeas Corpus under the provisions in the Supreme Court Act. In this connection I would refer you to in re Gray, 57 Supreme Court Reports 150. The decision on the reference seems to leave open the question as to the reality of consent, and the question as to whether or not a particular individual is of the Japanese Race. Both questions of fact which the Court has held were not arguable on the reference. It might well be, however, that if you could select one or two typical cases in which elements of coercion or misrepresentation existed, and also file affidavits from scientific experts in which they would say that they were unable to assert that a particular named individual however Japanese he appeared, was of the Japanese Race. You might in view of the majority decision in the Supreme Court, get a more favourable result there than you would in applications for Habeas Corpus in the British Columbia Courts. Such an application would enable a review of the whole question of the validity of the requests, which, of course, could not be argued upon the reference to the Supreme Court.

Another ground that occurs to me is that the form of request signed, including as it did a request to relinquish British nationality during war time, would be invalid for that reason alone on the basis of the various cases which you no doubt have as to the impossibility of this being done in war time. This argument, of course, would have no bearing if the requests were simply requests to be sent back to Japan, but where the request is broader, it might well be that neither the Government nor any other person who participated in the request, could assert the validity of a document which went further to relinquish allegiance to the King in time of war, so as to assume allegiance to his Majesty's enemies.

I appreciate that no applications for Habeas Corpus can be made until some Order of deportation is made, but it seems to me that Judgment of the majority of the Supreme Court, presents us with very cogent arguments when any application actually comes to be heard.

Yours very truly,

FAB:HC

February 22, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers,
675 Hastings Street West,
Vancouver, B. C.

Attention Mr. R. J. McMaster

Dear Sir:

I have still not received a copy of the Reasons for Judgment. I have however, had a report from our agent, who tells me that it appears to be the unanimous view of the Court, that Habeas Corpus proceedings do lie, notwithstanding Section 9 of P.C. 7365. He also tells me that the Judgment of Mr. Justice Kellock, which goes all the way in favour, except in regard to the Japanese Nationals, reads as the most effective.

We are planning a delegation to Ottawa next week to urge:

- (1) That the Orders be abandoned.
- (2) That at least they be amended so as to give every person who is not willing to be deported, an opportunity to have his case reviewed by an adequate judicial process.
- (3) To obtain an undertaking that no proceedings for deportation will be taken while the Appeal is pending to the Privy Council.

I have already written to Lawrence Jones & Company asking them to enroll themselves as our agent, and inquiring whether or not it is possible on consent, to have the application for leave to appeal, and the hearing at the same time.

In respect to the retention of Counsel, it is my present opinion that Canadian Counsel should be retained, and I would much prefer if it were possible, to secure Mr. Cartwright's services again. I would be glad to have any observations of yours in this matter.

Messrs. Campbell, Brazier, Fisher & McMaster

Feb. 22/46.

In respect to the deputation to Ottawa, would it be possible or advisable that someone from Vancouver could fly to Ottawa for the deputation. I will wire you when appointment is made. I would also like to have any information as to the present situation, which you think might be helpful to the delegation.

We are having a public meeting on Sunday to deal with the matter.

Yours sincerely,

FAB:HC

FW

Mason, Cameron & Brewin,
Barrister, Solicitors,

372 Bay Street,
Toronto, Ontario.
February 22, 1946.

Lawrence Jones & Company,
Solicitors,
Winchester House,
Old Broad Street,
London, E.C. 2, England.

Dear Sirs:

We have instructions to apply for special leave to appeal and to appeal to the Judicial Committee, from a Judgment of the Supreme Court of Canada on a Reference under Section 55 of our Supreme Court Act.

The question referred to the Court was whether certain Orders-in-Council dated the 15th of December 1945, being P.C. 7355, 7356 and 7357 were ultra vires of the Governor-in-Council either in whole or in part.

These Orders-in-Council were passed under the War Measures Act, and provided for the deportation of 4 classes of Japanese Canadians.

These 4 classes include:

- (a) Japanese Nationals.
- (b) Certain naturalized Canadians of the Japanese Race.
- (c) Certain Canadian born citizens of the Japanese Race.
- (d) The wives and children of the persons liable to be deported under the other heads.

The Supreme Court of Canada by majority held that the Orders-in-Council were ultra vires of the Governor-in-Council insofar as the last class, namely, the wives and children were concerned, but a majority of the Judges certified as their opinion, that in respect to all the other classes, the Orders-in-Council were valid.

We represent those who were impugning the Orders-in-Council. The name of the Appellant would be the Co-operative Committee on Japanese Canadians, who are a representative group.

We would be obliged if you would enter yourselves as our agents in this matter.

We will prepare the petition for special leave to appeal, and send it to you as soon as possible. We presume that it will not be necessary or advisable to have Canadian Counsel appear on the application for leave to appeal. We doubt whether it would be seriously opposed as the Order of Reference under the Supreme Court Act, does not refer to the matter as raising important questions of law.

There are altogether some 10,000 persons who may be affected by the Orders, and the questions of law involved, are obviously of great importance. The case has aroused very great public interest in Canada.

We assume without having yet discussed the matter with the Department of Justice, who will be the Respondents, that they will be anxious to expedite the hearing of the appeal, as we too would be. Is there any possibility of the application for leave to appeal and the argument itself being heard simultaneously, if all parties consent to this cause? We shall be glad to know something as to the dates upon which the application for leave and the appeal might be heard.

There is not a very substantial record, indeed the printing record would be a simple matter.

If as we assume, there will be no necessity for Canadian

Citizenship Defense Committee

39 GRANT STREET

TORONTO

CHAIRMAN:
SHUICHI SASAKI
VICE-CHAIRMAN:
SABURO SHINOBU

RECEIVED

FEB 25 1946

MASON,
CAMERON & BREWIN

TREASURER:
RYOTARO NOBUOKA
EXECUTIVE SECRETARY:
KUNIO HIDAKA

February 22, 1946.

Mr. F. A. Brewin,
Mason, Cameron and Brewin,
372 Bay Street,
Toronto, Ontario.

Dear Sir:

I am advised by SHIKETOSHI FUJIOKA, age 29,
of Sheridan Nurseries, Sheridan, that he is desirous
of retaining your services should a writ of habeas
corpus be required. He is a national of Japan.

Very likely he has himself written you, and
will be asking for an appointment for an interview.

Yours very truly,

Kunio Hidaka
Kunio Hidaka,
Executive Secretary.

h

Counsel to be present on the Application for special leave, we would be glad to have your recommendations as to Counsel who might look after this, as we have said we do not think it should be a very difficult matter.

We would much appreciate your early advise on these matters.

There is, of course, a distinct possibility that in view of the political issue involved, and our partial success in the Supreme Court of Canada, that the Government will amend or withdraw the Orders before the hearing, but we wish to press on with the matter nevertheless. Some of the provinces will very likely wish to be represented. Upon the hearing, the Attorney General of British Columbia was represented in support of the Orders-in-Council, and the Attorney General of Saskatchewan was represented in opposition to the Orders.

Yours very truly,

FAB:HC

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. MCMASTER

C. G. ROBSON

RECEIVED

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B. C.

OUR FILE NO.

FEB 27 1946

MASON,
CAMERON & BREWIN

February 25, 1946.

Messrs. Mason, Cameron & Brewin,
Barristers and Solicitors,
Sterling Tower Building,
Toronto 1, Ontario.

Attention Mr. Brewin

Dear Sirs:

We have for acknowledgment your three recent airmail letters which we have read with considerable interest and for which we wish to thank you.

We have given some thought to taking Habeas Corpus proceedings direct to the Supreme Court of Canada. However both the Act and the cases included in re. Grey seem to indicate that the proceedings are only open in criminal actions. It appears to us that an order for deportation and detention pursuant thereto in this case could in no way be alleged to be criminal. The only way that we can see that this could be arranged would be if one of the Japanese got himself arrested for an offence under the Orders-in-Council. We think that the Department of Labour would be very cautious about laying any charge in as much as they can take and hold a person in custody for deportation without the necessity of laying a charge. If you have different views or authority with respect to this matter we would be pleased to hear the same as a direct application of Habeas Corpus to the Supreme Court of Canada might save a lot of trouble.

We have lately been applying our minds to the practical problem of taking Habeas Corpus proceedings. The fact that the Supreme Court did not specifically declare Section 9 to be ultra vires may help the situation somewhat as presumably if it remains in the Order-in-Council the moment a deportation order is made against a person he will be deemed to be in legal custody. If this Section does not help us in this way we fear that the Department of Labour

Messrs. Mason, Cameron & Brewin

Feb. 25, 1946.

will not take these people into custody at all until they actually put them on a train, in which event the difficulty of who the actual jailer is would make Habeas Corpus proceedings difficult.

We have been giving considerable thought and study to the possibility of taking certiorari proceedings instead and have in fact drawn a draft Notice of Motion and Affidavit with a view to taking these proceedings and which will be subject, of course, to our seeing the reasons for judgment and also a copy of the deportation order. As you may find it necessary in Ontario to take up proceedings on behalf of individuals there, for your information we enclose herewith copies of the draft which we have drawn. We might say that they have not yet been revised by senior counsel.

If you are not already familiar with a line of English cases dealing with the deportation of aliens under the "Restriction of Aliens Act" of 1914 and Amendments we would refer you to them. The Order-in-Council under that Act provided that the Secretary of State might make an order for deportation in somewhat similar circumstances to those provided for in the Orders-in-Council in question herein. The cases are *Rex vs Governor of Brixton Prison* 1916 2 K.B., *Rex vs The Home Secretary, Duke of Chateau Thierry* 1917 1 K. B. 922, and *The King vs Superintendent of Chiswick Police Station, ex parte, Sackstedder*, 1918 1 K.B. 578. The last two of these cases are in the Court of Appeal in England. The second one was on proceedings by way of certiorari and the right to bring such proceedings was apparently not questioned either in the King's Bench or in the Appeal Court. There are subsequent decisions under this Act which are less favourable. However, apparently in 1919 the provisions of the order were somewhat changed making the discretion to be exercised by the Secretary of State partly discretionary and less judicial.

The possibility of success either in Habeas Corpus or certiorari appears to us to turn upon the question as to whether the powers of the Minister of Labour under the Orders-in-Council are purely administrative, legislative or judicial. Our greatest hope is if we can get his discretion described as judicial because there is then authority to say

Messrs. Mason, Cameron & Brewin

Feb. 25, 1946.

that he is obliged to give notice of the proceedings to the party effected and to hear his representations on the facts. There is an interesting article with respect to judicial ~~consent~~ ^{discretion} by D. M. Gordon of Victoria, B. C. in 49 Law Quarterly Review at Page 94. The context of the article appears to be that if the discretion to be exercised must be related to ~~particulars~~ ^{particulars} set down by law, then the decision is judicial. If we are able to get behind the provisions of the order to the preamble it would not appear to us that there is any doubt that in deciding whether or not he will make an order for deportation the Minister must decide this upon the principle that the person against whom the order is to be made did some act whether by signing the repatriation form or otherwise which showed his sympathy to Japan in the course of the war.

We would appreciate receiving your comments in this matter and also being kept fully advised as to the preparation which is being made in Ontario to fight individual cases if the occasion arises.

A while back we referred to statement made by Mr. Sandwell when he was here that he knew of several Japanese who had applied for permission to go and see their parents before they were deported and who had been advised that if they signed repatriation forms themselves permission would be granted but not otherwise. If you or some member of your Committee in Toronto were able to follow this up and get written statements for us from these people it might prove helpful. As you will observe from the draft proceedings which we have drawn, we hope to endeavour to show that the signing of repatriation forms was part of a scheme on behalf of the Department of Labour to get as many people as possible to sign by whatever means possible and therefore cast doubt upon the voluntariness of the whole business in support of the claim of any particular Japanese that he did not sign voluntarily.

We will take up with Norris & McLennan, who are acting with us in this matter, and the committees of our clients the question of counsel before the Privy Council and also the advisability and possibility of sending someone from here to accompany your delegation to Ottawa and advise you in due course.

Yours truly,

CAMPBELL, BRAZIER, FISHER & McMASTER

Encl.
RJM:PG

Per *R. J. McMaster*

Campbell, Brazier, Fisher & McMaster

Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER

A. W. FISHER
R. J. MCMASTER

C. G. ROBSON

RECEIVED

ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

OUR FILE NO. 1414-1

FEB 27 1946

February 26th,
1946

MASON,
CAMERON & BREWIN

Andrew Brewin Esq.,
C/O Messrs Mason, Cameron and Brewin
Barristers and Solicitors
Sterling Tower Building
Toronto 1, Ont.

Dear Sir:

We have wired today expressing our agreement to the appointment of Mr. Cartwright on the appeal to the Privy Council, in the event that he is unable to attend we believe that Mr. Norris knows of Counsel in England for whom he has considerable respect and we would like to be consulted if English Counsel is considered.

No mention has been made in our discussions as to the question of fees in the event of an appeal to the Privy Council. We have given a general indication to our clients that the Japanese people might be expected to contribute towards these, but the matter has not been definitely taken up with them. As you are aware, of course, the Japanese in this Province are bearing and expect to bear the total expense themselves of Habeas Corpus proceedings and they financed Mr. McLennan's attendances at the Supreme Court hearing. If your Committee, in making arrangements for raising the funds for appeal to the Privy Council feel that these people ought to bear a share of it we would appreciate being advised as to what they feel would be a proper amount, and thereupon we shall be pleased to take the matter up with the various Committees.

Concerning the question of representation on the Delegation to Ottawa, while we would like very much to join in it we do not feel that we can justify the expense of someone flying down from here unless your Committee, who are closely in touch with the situation feel that we would add considerable weight to the representations to be made. If you do feel that we would we think that we could get instructions from our clients to appear with your delegation, but otherwise we shall not take the matter up with them.

Andrew Brewin Esq.,

February 26th, 1946.

With respect to the representations which you make to Ottawa we enclose herewith a letter which you may use if you see fit, in making those representations. As you will notice from this letter, we feel that the thing which ought to be urged upon the Government particularly, having in mind the portions of the Reasons for Judgment which you refer to in your last air mail letter is, that the "official" repatriation forms were not obtained voluntarily or were obtained upon representations which were misleading. Surely the Government must realize that by trying to accomplish two purposes at the same time in obtaining the repatriation forms confusion and misunderstanding naturally arose. The two purposes were, a voluntary indication of willingness to return to Japan, or desire to go to Japan, and, an attempt to give effect to the policy of the Government to move as many of the Japanese as possible east of the Rockies. Whether intentionally, or otherwise, the following of this course by the Government naturally resulted in the Japanese understanding that if they did not desire to be moved from the places where they were then living they were forced and compelled to sign a repatriation form. Further, prior to the signing of the repatriation forms in some centers, as we believe the Government knows, representations were made to either individuals or committees of the Japanese that these repatriation forms could be readily cancelled. Thus any person signing the form as a matter of expediency to avoid being moved would feel justified in doing so by reason of the representation that he could cancel at any time. Now the Government has introduced legislation preventing nationals from cancelling altogether and setting an arbitrary date for cancellation by naturalized.

We recite these allegations, which are undoubtedly known to you, because we believe that if they are made to the Government it may be possible to persuade the Government to follow a course of action which we believe would avoid a considerable amount of embarrassment to the Department of Labour in giving effect to the Orders-in-Council and at the same time would be fair and equitable. The suggestion that we make is one that we have made to you before and that is that those persons who still desire to be repatriated be moved out of the country and that those persons only who have committed some other act or acts besides signing a repatriation form be referred to the Loyalty Commission before deportation. We would ask you to make these representations on our behalf to the Government.

Yours truly

CAMPBELL, BRAZIER, FISHER & McMASTER

per R. J. Brewin

RJM/G.



CANADIAN PACIFIC TELEGRAPHS

World Wide Communications

C.D. 1R

W.D. NEIL, GENERAL MANAGER OF COMMUNICATIONS, MONTREAL

VRB309 47 NL

VANCOUVER BC 26

ANDREW BREWIN

1437

STERLING TOWER BUILDING TORONTO

CONCUR APPOINTMENT OF CARTWRIGHT BUT IF HE IS UNABLE TO ACT
AND ENGLISH COUNSEL CONSIDERED WOULD LIKE TO BE CONSULTED STOP
WOULD CONSIDER REPRESENTATION ON DELEGATION TO OTTAWA ONLY IF YOU
FEEL IT WOULD SUBSTANTIALLY STRENGTHEN REPRESENTATIONS OTHERWISE
COULD NOT JUSTIFY EXPENSE WIRE IF DELEGATE CONSIDERED ADVISABLE

R J MCMASTER

RECEIVED

FEB 26 PM 8 48

FEB 27 1946

MASON,
CAMERON & BREWIN

February 27, 1946.

F. P. Varcoe Esquire, K.C.,
Deputy Minister of Justice,
Ottawa, Ontario.

Re: Japanese Canadian Reference

Dear Mr. Varcoe:

As you may have read, I have received instructions to apply for leave to appeal to the Judicial Committee from the decision of the Supreme Court of Canada on the Reference. My clients are anxious to expedite the appeal, and would like to see what can be done about bringing the hearing on by next July.

I have some vague recollection that in certain cases the Judicial Committee will agree to hearing the application for special leave at the same time as the argument of the appeal itself.

In this case the printing is not a heavy job, and if this is a possible course, I think it might be mutually convenient.

With your wider experience, you might advise me whether you think this can be done, and whether or not you would be willing if it were possible, to make some such arrangement.

I would be obliged if you will advise me of what solicitors will be acting as your London agents.

Yours very truly,

MASON, CAMERON & BREWIN

per:

Ruh

FAB:HC

40 CHARLES STREET EAST
TORONTO 5

16 / 2 / 46

Dear Mr. Brewin:-

I enclose cheque
of \$10 towards expense of appeal
to Privy Council on Japanese Repatriation
matter. I don't know name etc of Pres²
of the C-Off. Com so send to you.
I'm sorry that the only "kang" at your
Sunday ev'g meeting found the Japanese
a sub-normal people. This war-time
guards may have been so but my own
residence in Japan for more than
forty years showed them a normal
people and quite up to the average
of Western nations. Repatriation would
not only be a loss to them but to
Canada also. Yours faithfully,
H. J. Hamilton, Esq.

February 27, 1946.

Miss Constance Chappel,
Co-operative Committee on Japanese Canadians,
299 Queen Street West,
Toronto, Ontario.

Dear Miss Chappel:

We enclose a cheque for \$10.00 sent to
us by Bishop Hamilton, 40 Charles Street East.
This is a contribution towards costs of the Privy
Council Appeal.

Yours very truly,

FAB:HC
Encl.

JM

February 27, 1946.

Bishop H. J. Hamilton,
40 Charles Street East,
Toronto, Ontario.

Dear Bishop Hamilton:

Thank you very much for your cheque
for the expenses of appeal to the Privy Council.
I have sent it on to Miss Constance Chappel, the
Treasurer of the Co-operative Committee, and no
doubt she will send you a receipt.

With many thanks for your support.

Yours sincerely,

FAB:HC

A handwritten signature, possibly "FAB", in dark ink.

February 27, 1946.

Messrs. Campbell, Brazier, Fisher & McMaster,
Barristers and Solicitors,
675 West Hastings Street,
Vancouver, B. C.

Attention Mr. R. J. McMaster

Dear Mr. McMaster:

I received your wire, and doubt if it is essential to have a representative from British Columbia. I did have in mind, however, that if it were possible, it would be a satisfactory arrangement.

The Cabinet cannot see us until next week at any rate.

Yours very truly,

FAB:HC



OFFICE OF ATTORNEY GENERAL

RECEIVED

FEB 28 1946

MASON,
CAMERON & BREWIN

Regina, Sask.,
Feb. 25, 1946.

Mr. F.A.Brewin,
Barrister,
Sterling Tower,
Toronto 1, Can.

Dear Mr. Brewin:

Thanks for your letter of the 22nd inst.
Mr. Corman is out of the city for a few days and this
matter will be brought to his attention on his return.

Yours faithfully,

J.W.CORMAN,

ATTORNEY GENERAL.

Per.....

Secretary.

Marg. C. Wilson