

No. 150214

No. 150214

Department of Justice  
Ministère de la Justice

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SEE BACK COVER  
DOSSIER VERIFIÉ POUR DSUU  
VOIR ENDOS DE LA CHEMISE  
**SECRET**

**RECORDS — DOSSIERS**

**SECRET**

FEB 13 1946

**Titre**  
**Title** DEPT. OF LABOUR

**OBJET**  
**SUBJECT** REPATRIATION OF JAPANESE DRAFT REGULATIONS

**De**  
**From** P.M.A.

**Mandataire**  
**Agent** \_\_\_\_\_

**Renvoi**  
**Cross Reference** \_\_\_\_\_

MPV / DSUU ON-FILE / SUR DOSSIER  
YES / OUI ( ) NO / NON (✓)

ABSTRACTOR / REDACTEUR: DD

DATE: Aug. 30 / 87

*checked to Feb 27 / 46*



No. 150214



IMPORTANT  
PLEASE NOTE

IT IS IMPORTANT THAT ALL REPLIES TO  
CORRESPONDENCE BEAR THE FILE NUMBER.

TRANSFER OF FILES FROM ONE OFFICER TO  
ANOTHER SHOULD BE MADE THROUGH RECORDS.

IF FOR SPECIAL REASONS, A FILE IS HANDED  
PERSONALLY TO ANOTHER OFFICER, RECORDS  
MUST BE INFORMED. (PASS SLIPS)

PLEASE DO NOT KEEP FILES LONGER THAN  
ABSOLUTELY NECESSARY.

THE OFFICER TO WHOM A FILE IS CHARGED  
IS HELD RESPONSIBLE FOR SAFETY UNTIL IT IS  
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IMPORTANT  
PRIERE DE NOTER

IL EST ESSENTIEL QUE TOUTE CORRESPONDANCE  
PORTE LE NUMÉRO DU DOSSIER.

LE TRANSFERT DE DOSSIERS D'UN  
FONCTIONNAIRE À UN AUTRE DOIT SE FAIRE  
PAR L'INTERMÉDIAIRE DES PRÉPOSÉS AUX  
DOCUMENTS.

LORSQUE, POUR DES RAISONS PARTICULIÈRES,  
UN DOSSIER EST REMIS PERSONNELLEMENT À  
UN AUTRE FONCTIONNAIRE, LA DIRECTION DES  
DOCUMENTS DOIT EN ÊTRE INFORMÉE.  
(PAPILLON DE TRANSFERT)

VEUILLEZ NE PAS CONSERVER LES DOSSIERS  
PLUS LONGTEMPS QU'IL N'EST ABSOLUMENT  
NÉCESSAIRE.

LE FONCTIONNAIRE AUQUEL EST CONFIÉ UN  
DOSSIER EST TENU RESPONSABLE DE SA  
SÉCURITÉ JUSQU'À SON RETOUR À LA DIRECTION  
DES DOCUMENTS.

MEMORANDUM TO THE CABINET:

RE JAPANESE DEPORTATION POLICY

In accordance with the decision of Cabinet the Cabinet Committee appointed to consider the repatriation and relocation of persons of the Japanese race met on Wednesday, February 27th, to consider future action in light of the Supreme Court decision.

The Minister of Labour reviewed a memorandum which had been prepared and distributed to members of the Committee in which it was suggested that the following principles should govern the issue of deportation orders:

- (a) husbands and wives will not be separated by forced deportation measures except in instances where domestic relations of a man and wife have already been broken up in which case each will be dealt with as a single individual.
- (b) Canadian born persons will not be deported against their wishes.

Mr. Mitchell suggested three possible courses of action:

- (1) that the appeal to the Privy Council be proceeded with if the parties so desire and that the hearing be expedited. In the meantime, that we content ourselves with making preliminary arrangements and if possible by despatching Japanese Nationals who have no minor children and voluntary repatriates.
- (2) that those who are interesting themselves in the case be told of the principles that the government proposes to follow in not separating husbands and wives and not deporting Canadian born persons against their wishes. If this policy were accepted reference to the Privy Council would then become unnecessary.
- (3) To proceed with deportation within the limits of the Supreme Court decision and notwithstanding that an appeal is taken.

The Committee was advised that Mr. Brewin who acted as Junior Counsel on behalf of the Japanese in the recent reference before the Supreme Court had asked whether it would be possible for a delegation of six or seven persons representing the Committee to discuss the Japanese question with the government. The delegation would particularly wish to raise the following points:

- (1) In view of the difference of opinion in the Supreme Court judgments the Japanese orders should be withdrawn and the matter dropped.
- (2) Failing an abandonment of the orders they would regard it as a satisfactory solution if the government would agree that all those who are subject to deportation and who are not willing to go should have the right to have their cases heard by the Loyalty Commission which is to be established.

- (3) If there is to be no change in government policy the Committee would like to have assurance that the matter would not be proceeded with pending the outcome of an appeal to the Privy Council.

Officials of the Department of Labour charged with the responsibility of administering Japanese affairs pointed out that under the Supreme Court decisions approximately 7,000 Japanese could be legally deported but that this would mean separating parents from their children. If, however, the government decided that families should not be broken up the number to be deported might be reduced to approximately 1,500.

The Committee after lengthy discussion decided to make the following recommendations to Cabinet:

- (1) That the government facilitate an appeal to the Privy Council.
- (2) Pending the outcome of the appeal the government would repatriate only those who still expressed a desire to be returned to Japan.
- (3) The government would proceed with efforts at dispersal of Japanese to all parts of Canada other than the Pacific Coast.
- (4) The setting up of a Commission of Appeal would be deferred until the decision of the Privy Council had been announced and the government would reconsider the terms of reference of this Commission in the light of Privy Council decision.

Privy Council Office,  
February 27th, 1946.

A.D.P. Heeney,  
Secretary to Cabinet.

~~TWO~~

TAKE NOTICE that pursuant to section four of Order in Council P.C. 7355 of December 15, 1945, the Minister of Labour has made an order for you to be deported to Japan as soon as transportation is available for such purpose;

AND THAT pursuant to section two of the Regulations made by the Minister of Labour under the aforesaid Order in Council, <sup>under section 2</sup> you a person ordered deported are required to proceed to \_\_\_\_\_ and to report to \_\_\_\_\_ etc.

PURSUANT to arrangements made by the Minister of Labour under the authority of Order in Council P.C. 7355 of December 15, 1945, you are required

- (1)
- (2)
- (3)
- (4)

(draft)

Re: Deportation of Japanese

Regulation B in draft to be struck out and service of a copy of the deportation order will be dealt with by instructions and in form to be determined by the Department of Labour.

P.C. 7355 of December 1945, the  
Regulation 4 in draft to read as follows,-

4. Any person ordered deported may, by order of the Commissioner or any Officer commanding a division of the R.C.M.P. of the R.C.M.P., be detained or placed under restraint where in his opinion it is necessary for the purpose of effecting the deportation of such person.

Order No. A-1 in Council, you a person ordered deported

(a) To provide ~~escort~~ of guard personnel for the conveyance, detention or restraint of any person ordered deported where the same may be required or necessary.

(b) becomes (b) the authority of Order in Council P.C. 946

Balance of 4 to be taken care of under P.C. 946

Draft notice respecting orders for movement might start out to the following effect,-

"Whereas the Minister of Labour has made an order pursuant to Order in Council P.C. 7355, that you, being a person subject to deportation, be deported to Japan as soon as transportation is available for such purpose."

"Now, therefore, take notice that pursuant to the regulations made under the authority of the aforesaid Order in Council, you are required to proceed to" etc.



APPENDIX II

Department of Labour

Order made under the authority of  
Order in Council P.C. 7355 of the  
15th day of December, 1945.

ORDER NO. A-1

TO THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE

WHEREAS the Minister of Labour is authorized by the provisions of Order in Council P.C. 7355, of the 15th day of December, 1945, to make orders for the deportation of any persons who are subject to deportation under the said Order; and to take such measures as he deems advisable to provide or arrange for the deportation of such persons and for their transportation, detention, discipline, feeding shelter, health or welfare pending their deportation; and to make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of that Order;

AND WHEREAS the Commissioner of the Royal Canadian Mounted Police is authorized by the said Order in Council to give all assistance as may be required of him by the Minister of Labour in carrying out the provisions of the said Order in Council:

NOW THEREFORE I the undersigned Minister of Labour under the authority vested in me as aforesaid by the said Order in Council do hereby require the Commissioner of the Royal Canadian Mounted Police to render assistance to the Minister of Labour and officers of the Department of Labour engaged in the deportation of persons ordered deported under the provisions of the said Order in Council and in the carrying out of measures incidental thereto and in particular and without restricting the generality of the foregoing

- (a) to provide escort or guard personnel for the conveyance, detention, or restraint of any person ordered deported where the same may be required or necessary;
- (b) to enforce any orders, rules or regulations made under the provisions of Order in Council P.C. 7355, of the 15th day of December, 1945.

DATED at Ottawa, Canada, this                      day of                      A.D. 1946.

Minister of Labour.

S E C R E T

MEMORANDUM TO THE CABINET:

RE JAPANESE DEPORTATION POLICY

I. In order to complete deportation orders covering Japanese who are to be sent to Japan under P.C. 7355, it is necessary to settle at this time the general principles which will be followed in the matter of deportation where persons are now unwilling to proceed to Japan. In suggesting the following rules, due consideration has been given to the decisions of the majority of the Judges of the Supreme Court of Canada.

P.C. 7355 outlines the classes of persons who may be deported but the issue of deportation orders is discretionary and discretion must be exercised in the case particularly of deportation of family groups in a reasonable and sensible manner. It is considered that the policy in this respect should be cleared through the Cabinet Committee on Japanese Repatriation.

II. The majority decision of the Supreme Court on the recent reference as to the validity of the orders relating to Japanese deportation holds the orders valid with the exception of the provision in P.C. 7355 which says that the wives and children under sixteen years of age of persons who are deportable may be included in an order for the deportation of such persons. This latter provision is declared to be ultra vires.

III. It is proposed that the following principles shall govern the issue of deportation orders:

- (a) Husbands and wives will not be separated by forced deportation measures except in instances where the domestic relations of the man and wife have already been broken up in which case each will be dealt with as a single individual.
- (b) Canadian-born persons will not be deported against their wishes.

IV. Applying the foregoing principles to specific types of family groups, the following rules are proposed, to apply to family groups and single persons:

- 1. Man and wife - both born in Japan. Both being Japanese Nationals and both having made a request for repatriation, - both will be included in Deportation Order regardless of any request for revocation. It will be assumed that parents will take their children with them. However, if difficulties arise in this connection in so far as Canadian born children are concerned the determining consideration will be the avoidance of division of family units.

It may be argued in some quarters that the deportation of parents of children under sixteen years of age indirectly means the effective forced repatriation of children under sixteen years of age and that the effect of such a policy will be to circumvent the decision of the Supreme Court. The policy on this point is therefore a matter for the Government to determine at this time. On the other hand, if deportation is not to be undertaken in the case of married couples where there are children involved, the number of persons who will be subject to deportation will be limited to 1500 persons. Moreover in each case the deportation of the man and wife will be based upon a request from each of them.

2. Man and wife - both born in Japan. One having become a Naturalized British Subject and both having requested repatriation. If the one who is a Naturalized British Subject applied prior to midnight the first day of September, 1945, for revocation neither will be included in a Deportation Order (in order to avoid compulsory division of a family) unless on further interview the naturalized person makes a new election to go to Japan. It is assumed that the parents will take their children with them. If they refuse to do so no assistance to go to Japan will be given to a man and wife without the children.
3. Man and wife - both born in Japan and both Naturalized British Subjects - both having requested repatriation, If either applied for revocation prior to September 2, 1945, neither will be included in the Deportation Order unless upon a new election both decide to go. If neither person has applied to revoke prior to September 2, 1945, both will be included in the Deportation Order.
4. Rules 1, 2 and 3 are for cases where both have requested repatriation. In such limited number of cases (and there are very few) where the husband alone has requested repatriation and is deportable and the wife has been silent (i.e. has neither applied for repatriation nor made a statement verbally or written, of which there is a record, stating she does not wish to be repatriated) - neither will be sent if the wife is not prepared to go.
5. Man and wife - the husband having requested repatriation and the wife having signified her desire not to be repatriated. If the wife is not prepared to go, neither will be sent.
6. Man and wife - one born in Japan and one born in Canada - both having applied for repatriation. If the Canadian born applies for revocation, neither will be sent.
7. Where the husband goes to Japan and the wife stays in Canada, the children remain with the wife if they have been in the home with her unless the parties otherwise agree.
8. In the case of single Japanese born in Japan and not Naturalized, men or women, who have applied for repatriation, an order for deportation will be made and deportation proceeded with.
9. In the case of a single man or woman born in Japan who is a Naturalized British Subject, an order for deportation will be made and such person will be deported if such person has requested repatriation and has not revoked prior to September 2, 1945.
10. If the domestic relationship of the man and wife has already been broken up, each will be dealt with as in the case of a single individual.
11. No Japanese person, irrespective of national status, who fought for Canada in the last war, will be sent from Canada on other than a voluntary basis.
12. Forced deportation will not be undertaken in the immediate future in the family groups east of Manitoba who signed for repatriation but have since revoked. Voluntary repatriation from Eastern Canada may be proceeded with, however, at any time.

13. Internees

Japanese national internees are subject to deportation without having requested repatriation.

The following is the present status of internees:

JAPANESE NATIONALS

Signed for repatriation.....	15
Wouldn't sign but want to go .....	81
Undecided ,.....	49
Want to remain in Canada .....	26
	<hr/>
	171

NATURALIZED CANADIANS

Signed for repatriation .....	14
Wouldn't sign but want to go .....	16
Undecided .....	0
Want to remain in Canada .....	10
	<hr/>
	40

CANADIAN BORN JAPANESE

Signed for repatriation .....	123	(a number of these have revoked recently)
Wouldn't sign but want to go .....	28	
Undecided .....	0	
Want to remain in Canada .....	51	
	<hr/>	
	202	

In the case of Naturalized Canadian Internees and Canadian born Internees who have applied to be repatriated, the deportation of such persons and their families will be subject to the same provisions as apply to persons having a similar status and who are not presently interned. Persons in these groups who are not to be repatriated will be released as quickly as placement can be found for them.

In the case of Japanese Nationals, a deportation order will be issued covering those who have signed for repatriation and those who, although not having signed, have signified their intention of going. This is, however, subject to the provision that if the wife has not signed neither will be sent.

A decision has to be made as to whether the remaining Japanese Nationals who want to remain in Canada or are undecided should be deported under the same conditions as apply to those who have requested repatriation or whether, in the alternative, these should be permitted to stay in Canada or go to Japan as they may elect. It is suggested that the persons who are undecided should not be sent.



PHIA/G

February 26th, 46.

Our Ref. 150214

A. MacManara, Esq., Deputy Minister of Labour,  
O t t a w a

Re: Repatriation of Japanese.

With reference to your letter of the 13th instant and recent discussions between Mr. Brown and Mr. Anderson, enclosed, herewith, is copy of memorandum re deportation procedure, together with appendices I to IV, inclusive, referred to therein.

I have amended Appendix 1 and Appendix 3, as indicated in ink thereon, and as so amended I approve these draft documents, namely, Order for Deportation, Order No. A-1, Regulations made under P.C. 7355, and Draft Notice.

Encls.

F. P. Varcoe

Deputy Minister

Ottawa, February 26th, 1946.

MEMORANDUM FOR MR. VARCOE:

150214

Pursuant to your instructions of the 13th instant, I have had several interviews with Mr. Brown, and the forms and procedure upon which we have temporarily agreed are submitted herewith for your approval or otherwise. If you approve, I will prepare appropriate letter to the Deputy Minister of Labour accordingly.

I have suggested the following changes in the attached appendices:-

Appendix 1 - line 2 - After "provides" insert "in part" - Strike out subsection (4) of s. 2 as quoted, and insert before "provisions" in the third last line, the word "aforesaid" and substitute "said" for "aforesaid" where it appears in the same line.

Appendix 3 - p. 3, cl. 8, first line - After "pending" strike out the words "direction by the Minister as to the further action to be taken in respect thereof" and substitute therefor "deportation when it shall be handed to the Custodian of Enemy Property for disposition".

P.M.A.

*Approved.*  
*F.P.V.*



Ottawa, February 26, 1946.

Mr. P. M. Anderson,  
Department of Justice,  
O t t a w a .

I now enclose memorandum, in duplicate, outlining proposed deportation procedure and attaching as appendices thereto the orders, regulations and notices which have been revised in accordance with our discussion.

With reference to Appendix I, it occurs to me that in view of the decision of the Supreme Court, the reference therein to subsection (4) of section 2 of P.C. 7355 will have to be struck out since the majority of the Court ruled this provision to be ultra vires and it will, therefore, be improper to cite this section in the Deportation Order. Would you please consider this point?

A handwritten signature in dark ink, appearing to be "A. H. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Encs.

A. H. Brown.

MEMORANDUM RE DEPORTATION PROCEDURE

1. Deportation order form approved for use is attached as Appendix I. The persons to be deported will be listed in schedule attached to order.
2. Certified copies of the order will be furnished to each officer commanding an R.C.M.P. district in which persons listed in the order are resident and with the Commissioner of Japanese Placement, Department of Labour (Vancouver) - The Commissioner, R.C.M.P. Ottawa and the Officer Commanding, R.C.M.P., Vancouver, the embarkation point will be furnished with certified copy of each deportation order.
3. Copies of memorandum outlining the general provisions relating to repatriation i.e. health regulations, baggage, handling of funds, etc. will be circulated among the Japanese who have requested repatriation.
4. P.C. 7355 requires the R.C.M.P. and National Defence to furnish assistance in the administration of the order.
5. A general warrant signed by the Minister of Labour and directed to the Commissioner, R.C.M.P. marked Appendix II will be issued giving requisite authority to R.C.M.P. to enforce the instructions issued on behalf of the Minister and to enforce the regulations made by the Minister.
6. Regulations to be issued by the Minister of Labour under P.C. 7355 are attached as Appendix III.

These provide

  - (a) authority for the issue of necessary movement instructions to deportees and for issue of notices for necessary health examinations and disease inoculations required to comply with the regulations of the U.S. Military Shipping authorities.
  - (b) authority for detention of deportees by R.C.M.P.
  - (c) authority for military guard personnel who will be responsible for security of deportees from time delivered on board ship until delivery to U.S. Supreme Commander in Japan.
  - (d) regulations governing baggage, funds.
7. The procedure envisaged is that following the issue of deportation orders, deportees will be served approximately two weeks in advance of sailing with a notice in form Appendix IV attached, signed by the Commissioner of Japanese Placement, Vancouver, or by the Department of Labour Supervisor for the Japanese settlement in B.C. or for a provincial district outside B.C. or by a member of the R.C.M.P. Service will be effected by the R.C.M.P. who will be responsible for compliance by the deportee with the same.
8. It is also the opinion in Ottawa that while an order for deportation is effective without service (see sec. 5 of P.C. 7355) and therefore no regulations should be passed making service of the order obligatory, nevertheless as a matter of practice provision should be made to leave with each deportee at time of service of the notice (Appendix IV) a copy of the order of deportation affecting him or of the order and extract from the appendix to that order referring to him.



In the Japanese settlements notice of the issue of the order may be given simply by putting up in the settlement a certified copy of the order.

Copies of each deportation order might be printed as an appendix to Emergency Orders.

9. Movement from the settlements in B.C. to shipboard would be by special train with R.C.M.P. escort.

Movement from other points would be in small groups either directly to Immigration Sheds, Vancouver, or initially to the settlements, under R.C.M.P. escort where necessary.

DEPARTMENT OF  
LABOUR

CANADA

Order for Deportation  
made under the authority of Order  
in Council P.C. 7355, of the 15th  
day of December, 1945.

ORDER NO. D-

WHEREAS section two of Order in Council P.C. 7355, of the 15th day of December, 1945, provides as follows:

- "2. (1) Every person of sixteen years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who,
- (a) has, since the date of declaration of war by the Government of Canada against Japan, on December 8, 1941, made a request for repatriation; or
- (b) has been in detention at any place in virtue of an order made pursuant to the provisions of the Defence of Canada Regulations or of Order in Council P.C. 946, of the 5th day of February, 1943, as amended by P.C. 5637, of the 16th day of August, 1945, and was so detained as at midnight the first day of September, 1945,
- may be deported to Japan.
- (2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to midnight the first day of September, 1945.
- (3) Every natural born British subject of the Japanese race of sixteen years of age or over resident in Canada who has made a request for repatriation may be deported to Japan: Provided that such person has not revoked in writing such request prior to the making by the Minister of an order for deportation.
- (4) The wife and children under sixteen years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person."

AND WHEREAS the said Order in Council further provides that the Minister of Labour may make orders for deportation of any persons subject to deportation as aforesaid:

NOW THEREFORE I, the undersigned, Minister of Labour, under the authority vested in me by Order in Council P.C. 7355, of the 15th day of December, 1945, do hereby order that each and every person, being a person subject to deportation to Japan under the provisions of the aforesaid Order in Council, whose name is included in Schedule "A" attached hereto, be deported to Japan as soon as transportation is available for such purpose.

DATED at Ottawa this            day of            , 1946.

*aforesaid*

Minister of Labour

APPENDIX II

Department of Labour

Order made under the authority of  
Order in Council P.C. 7355 of the  
15th day of December, 1945.

ORDER NO. A-1

TO THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE

WHEREAS the Minister of Labour is authorized by the provisions of Order in Council P.C. 7355, of the 15th day of December, 1945, to make orders for the deportation of any persons who are subject to deportation under the said Order; and to take such measures as he deems advisable to provide or arrange for the deportation of such persons and for their transportation, detention, discipline, feeding shelter, health or welfare pending their deportation; and to make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of that Order;

AND WHEREAS the Commissioner of the Royal Canadian Mounted Police is authorized by the said Order in Council to give all assistance as may be required of him by the Minister of Labour in carrying out the provisions of the said Order in Council:

NOW THEREFORE I the undersigned Minister of Labour under the authority vested in me as aforesaid by the said Order in Council do hereby require the Commissioner of the Royal Canadian Mounted Police to render assistance to the Minister of Labour and officers of the Department of Labour engaged in the deportation of persons ordered deported under the provisions of the said Order in Council and in the carrying out of measures incidental thereto and in particular and without restricting the generality of the foregoing

- (a) to provide escort or guard personnel for the conveyance, detention, or restraint of any person ordered deported where the same may be required or necessary;
- (b) to enforce any orders, rules or regulations made under the provisions of Order in Council P.C. 7355, of the 15th day of December, 1945.

DATED at Ottawa, Canada, this                      day of                      A.D. 1946.

Minister of Labour.

APPENDIX III

DEPARTMENT OF LABOUR

Regulations made under the authority of Order  
in Council P.C. 7355, of the 15th day of  
December, 1945.

WHEREAS under the authority of Order in Council P.C. 7355, of the 15th day of December, 1945, the Minister of Labour is authorized to make orders for the deportation of any persons who are subject to deportation under the said Order in Council and to take such measures as he deems advisable to provide or arrange for the deportation of such persons and for their transportation, detention, discipline, feeding, shelter, health or welfare pending their deportation; and to make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of the said Order in Council.

NOW THEREFORE the undersigned Minister of Labour pursuant to the authority vested in him under the aforesaid Order in Council does hereby make the following regulations:

REGULATIONS

1. In these Regulations, unless the context otherwise requires
  - (a) "Minister" means the Minister of Labour;
  - (b) "person ordered deported" means a person for whom an order for deportation has been made under the authority of Order in Council P.C. 7355 of the 15th day of December, 1945.
  
2. (1) With a view to carrying out the deportation of any person ordered deported any of the following persons, namely, the Commissioner of Japanese Placement, the Medical Supervisor, other Supervisors and Placement Officers of the Department of Labour appointed pursuant to Order in Council P.C. 946 of February 5, 1943 and members of the Royal Canadian Mounted Police or any person authorized by the Minister may
  - (a) direct any person ordered deported to report and submit himself for medical examination or vaccination or inoculation against disease by a physician at such time or times and at such place as may be indicated in such direction;
  - (b) direct any person ordered deported to proceed to any place and to report to any person at such time as may be indicated in such direction;
  - (c) direct any person ordered deported to comply with any requirement or instruction incidental to the carrying out of his deportation.
  
- (2) Such direction may be verbal or in writing and in the latter case may be served personally or by registered mail.
  
3. Any person ordered deported may, by order of the Commissioner of the Royal Canadian Mounted Police or any officer commanding a division of the Royal Canadian Mounted Police be detained or placed under restraint where in his opinion, it is necessary for the purpose of effecting the deportation of such person.
  
4. Military guard personnel detailed by the Minister of National Defence for guard duty in connection with the deportation

of persons ordered deported are authorized

- (a) to assist the senior officer in charge of the Royal Canadian Mounted Police at Vancouver, B.C., as required by him in the embarkation and safeguarding of persons ordered deported.
- (b) to enforce the lawful orders of the ship's commander on board ship for the safe custody and discipline of such persons, and
- (c) to enforce the lawful orders of the Supreme Commander for the Allied Forces in Japan in connection with the disembarkation of such persons in Japan or their transportation to any place designated for their delivery in Japan.

5. Every person ordered deported shall submit himself for immunization for typhoid, or vaccination for smallpox or for medical examination by a physician in accordance with any direction given to him under the authority of these Regulations.

6. (1) Any person ordered deported or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, may, at or immediately prior to his deportation or departure from Canada, exchange any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven of Order in Council P.C. 7355 of December 15, 1945 for yen receipts issued by the Government of Canada at the conversion rate of 15 Japanese yen to the United States dollar which yen receipts may be cashed in Japan under arrangements made by the Government of Canada for this purpose and may take with him on deportation yen receipts so issued or Japanese currency or Japanese securities in his possession or any receipts issued to him by the Custodian of Enemy Property with respect to funds left on deposit with the Custodian by such person.

(2) Except as provided in subsection one of this section, no person referred to in the said subsection may take with him on deportation any currency, securities for money, or foreign exchange of any kind.

7. Subject to the provisions of section six of these Regulations, any person ordered deported or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, may take with him at the time of his deportation personal property belonging to him not in excess of 175 lbs. weight per person but this shall not include furniture, stores, kitchen utensils, other like bulky articles, firearms, explosives, liquor or articles of a readily inflammable nature.

8. Every person ordered deported or who having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, shall, at any time or from time to time, if so required, report to any member of the Department of Labour engaged in the deportation of persons ordered deported or a representative of the Custodian of Enemy Property or any member of the Royal Canadian Mounted Police, and truly answer all questions as to what goods, monies, securities for money and other property he has or proposes to take with him on deportation or repatriation, as the case may be, and shall produce all such goods, monies, securities for money, and other property and such member or representative or any person acting on his instructions may, without the formality of any warrant, search such person and examine and search any such property for the purpose of satisfying himself that the provisions of these Regulations are complied with and may seize any such property which such person is not permitted to take with him on deportation or repatriation and hold same

pending direction by the Minister as to the further action to be taken in respect thereof, under Order in Council P.C. 7355 of December 15, 1945.

9. Every person ordered deported or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, shall comply with the provisions of these Regulations and of any order or direction made or given thereunder.

DATED at Ottawa this

day of February, 1946.

Minister of Labour.

*deportation when the it shall be handed  
to the Custodian <sup>of I.P.</sup> for disposition.*

APPENDIX IV

DRAFT NOTICE

To

WHEREAS the Minister of Labour has made an order pursuant to Order in Council P.C. 7355 of December 15, 1945, that you being a person subject to deportation, be deported to Japan as soon as transportation is available for such purpose.

NOW THEREFORE, take notice that pursuant to the regulations made under the authority of the aforesaid Order in Council, you are required to proceed to \_\_\_\_\_ and to report to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

and further take notice that you are required to comply with the following instructions:

(1)

(2)

(draft)

Re: Deportation of Japanese

Regulation 2 in draft to be struck out and service of a copy of the deportation order will be dealt with by instructions and in form to be determined by the Department of Labour.

Regulation 4 in draft to read as follows,-

4. Any person ordered deported may, by order of the Commissioner or any Officer Commanding a division of the R.C.M.P. of the R.C.M.P., be detained or placed under restraint where in his opinion it is necessary for the purpose of effecting the deportation of such person.

Order No. A-1

(a) To provide escort or guard personnel for the conveyance, detention or restraint of any person ordered deported where the same may be required or necessary.

(c) becomes (b)

Balance of 4 to be taken care of under P.C. 946

Draft notice respecting orders for movement might start out to the following effect,-

"Whereas the Minister of Labour has made an order pursuant to Order in Council P.C. 7555, that you, being a person subject to deportation, be deported to Japan as soon as transportation is available for such purpose."

"Now, therefore, take notice that pursuant to the regulations made under the authority of the aforesaid Order in Council, you are required to proceed to" etc.



TO

TWO

TAKE NOTICE that pursuant to section four of Order in Council P.C. 7355 of December 15, 1945, the Minister of Labour has made an order for you to be deported to Japan as soon as transportation is available for such purpose;

AND THAT pursuant to section two of the Regulations made by the Minister of Labour under the aforesaid Order in Council, <sup>under section 2</sup> you a person ordered deported are required to proceed to \_\_\_\_\_ and to report to \_\_\_\_\_ etc.

PURSUANT to arrangements made by the Minister of Labour under the authority of Order in Council P.C. 7355 of December 15, 1945, you are required

- (1)
- (2)
- (3)
- (4)



FEB 25

Ottawa, February 23, 1946.

Mr. F. P. Varcoe, K.C.,  
Deputy Minister of Justice,  
O t t a w a.

Re: Japanese Deportation Policy

I am enclosing memorandum prepared as a basis for discussion by the Sub-Committee of the Cabinet on Japanese, which is self-explanatory.

Your attention is directed to Section IV, Sub-section 1 of this memorandum in which there is raised for consideration the problem which arises where a married couple both born in Japan are deportable under P.C. 7355 and have children under sixteen years of age born in Canada. The recent answers of the Supreme Court on the reference covering the Japanese deportation orders contain a majority finding that paragraph four of section two of P.C. 7355 which provides that wives and children of other classes of Japanese subject to deportation may be included in the deportation order with such person. The effect of this finding insofar as wives are concerned is not important in regard to the Deportation Policy inasmuch as all wives made an independent election and signed a request in those instances where they wished to go to Japan. The number of cases where the husband elected to go to Japan and the wife did not elect to do so are not large. On the other hand, the great majority of Japanese Nationals and Naturalized Canadians who are deportable are married and have Canadian-born children. If, therefore, parents are not deportable in instances where there are Canadian-born children, the effect will be to limit repatriation to a comparatively small number of single National and Naturalized Canadians and childless married couples in the

.....2

same categories.

In the light of the Supreme Court decision and reasons furnished in support thereof, we would appreciate your advice as to whether there are valid legal objections towards proceeding with the deportation of parents who are themselves deportable under P.C. 7355 having children who are not deportable and born in this country and to have the benefit of any observations which you may wish to make in reference thereto.

Enc.

  
A. MacNamara.



Ottawa, February 23, 1946.

Rt. Hon. L. S. St. Laurent, M.P., P.C.,  
Minister of Justice,  
O T T A W A.

My dear Colleague:

The attached secret memorandum (copy of which is going to Mr. Varcoe) outlines the policy in regard to Japanese deportation which I propose to recommend to the Cabinet Committee and the Secretary of the Committee will be calling a meeting early next week. I hope you will be able to attend.

In the attached draft an attempt has been made to decide the various classes of cases on a most reasonable basis and to fit the determining of the action in with the decisions of the majority of Judges of the Supreme Court.

Three possibilities under existing circumstances occur to me:-

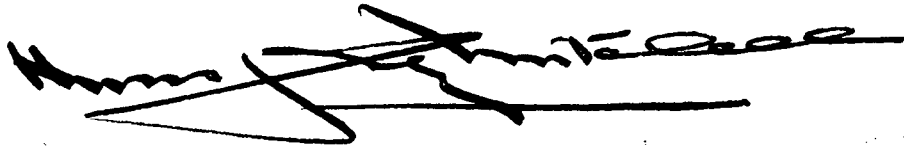
- (1) That the appeal to the Privy Council be proceeded with if the parties so desire and that the hearing be expedited. In the meantime, that we content ourselves with making preliminary arrangements and if possible, by dispatching Japanese Nationals who have no minor children, and voluntary repatriates.

or in the alternative -

- (2) That those who are interesting themselves in the case and who will probably be interviewing you in the near future be told that the attached outlines the plan which the Government intends to follow. It is just possible that their acceptance of the policy might be obtained and that the agitation would then stop and the reference to the Privy Council would then become unnecessary.

- (3) To proceed with deportation within the limits of the Supreme Court decision and notwithstanding that an appeal is taken.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Wm. J. [unclear]". The signature is written in a cursive style with a long horizontal line extending to the right.

DEPUTY MINISTER  
OF LABOUR



FEB 23 1946

Ottawa, February 23, 1946.

Mr. F. P. Varcoe,  
Deputy Minister of Justice,  
O t t a w a.

Dear Mr. Varcoe:

I attach copy of letter sent by my  
Minister to Rt. Hon. L. S. St. Laurent, together with  
copy of secret memorandum referred to.

Very truly yours,

*A. MacNamara*  
A. MacNamara

C O P Y

Ottawa, February 23, 1946.

Rt. Hon. L. S. St. Laurent, M.P., P.C.,  
Minister of Justice,  
O T T A W A.

My dear Colleague:

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- (3) To proceed with deportation within the limits of the Supreme Court decision and notwithstanding that an appeal is taken.

Yours sincerely,

(sgd.) Humphrey Mitchell

Minister of Labour



Ottawa, February 22, 1946.

Mr. P. M. Anderson,  
Department of Justice,  
Justice Building,  
O t t a w a .

Re: Deportation of Japanese

With reference to our recent consideration of Regulations to be issued under P.C. 7355 of December 15, 1945, covering the issue of the service of notices to Japanese who are to be deported, the draft of provisions were considered by Mr. Pickersgill, Mr. Sheppard and the R.C.M.P. at Vancouver. I enclose Mr. Pickersgill's reply including copy of letter from Mr. Sheppard.

You will observe that there is strong exception taken to the obligatory service of copy of the deportation order. The procedure which is suggested by our people at the coast in reference to deportation is as follows:

1. All Japanese who have applied for repatriation will be furnished with a memorandum outlining the general conditions relating to baggage, transfer of funds, health requirements and other provisions to be observed in the matter of repatriation.
2. Each person included in a deportation order will be served with a notice about two weeks prior to sailing directing him to proceed to Vancouver and report to a specific person for shipment. Such notice would include any specific instructions which might be necessary and the notice would be signed by the supervisor of the Japanese settlement or by the Commissioner of Japanese Placement as the case may be or in the case of Japanese outside British Columbia, by the Supervisor of Japanese for the district in which the Japanese resides. In some instances, the Japanese might be requested to move not directly to Vancouver but to another point of one of the

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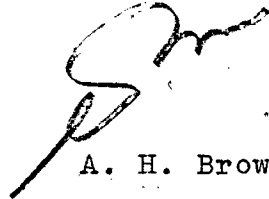
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settlements of British Columbia as the first step towards deportation.

3. I should think it would be advisable if with the notice, each Japanese was left a copy of the regulations made by the Minister. This would serve as a notice of what is required of him.

Revised Regulations are attached herewith, also copy of draft notice.



Encs.

A. H. Brown.

C  
O  
P  
Y

DEPARTMENT OF LABOUR  
Japanese Division

360 Homer Street,  
VANCOUVER, B.C.

20th February 1946

AIRMAIL.

Attention: Mr. Brown.

A. MacNamara Esq.,  
Deputy Minister,  
Department of Labour,  
OTTAWA.

Re: REPATRIATION PROCEDURE.

I received your memorandum of February 16th enclosing suggested amendments to draft regulations to be made under the authority of P.C. 7355. Superintendent Belcher, O.C. this Division, R.C.M.P., and I have met with Mr. Sheppard to discuss your memorandum and the suggested amendments to the regulations.

I am enclosing copy of letter from Mr. Sheppard. You will note that his principal recommendation concerns section two of the suggested amendments. If it should still be considered necessary to make provision for notifying people of Japanese origin for whom deportation orders are signed, that such an order has been signed for their deportation, I presume that we would have to mimeograph sufficient copies of each sheet so that there would be sufficient for each adult named on the sheet. There would also have to be attached to each mimeographed sheet a copy of the Minister's order.

As we plan to notify all people at least two weeks in advance of the actual sailing date, when the definite date is known, we are wondering if this is not sufficient notice to them that their names have been included in the orders for deportation.

After considering these suggestions, I wonder if you would advise if the proposed formal notice attached to Mr. Sheppard's letter of February 9th, copy of which I enclosed in my memorandum to you of February 9th, will be satisfactory.

T. B. PICKERSGILL

Commissioner.

001983

C O P Y

Locke, Lane, Guild & Sheppard  
Barristers and Solicitors

703 Rogers Building  
Vancouver, B.C.

February 19th, 1946.

T. B. Pickersgill, Esq.,  
Commissioner of Japanese Placement,  
Department of Labour,  
360 Homer Street,  
Vancouver, B.C.

Dear Sir:-

Re: Deportation of Japanese

We are returning herewith your suggested amendments to the Regulations made under the authority of P.C. 7355. We consider that Sec. 2 of the suggested amendments is inadvisable. The Section states that the order for deportation shall be personally serviced; "shall" of course is mandatory and the use of a mandatory form may carry consequences which are not intended. In particular you will observe that Section 9 of P.C. 7355 defines "legal custody" and Sec. 4 (c) of P.C. 7355 permits the Minister to make regulations necessary for the purpose of carrying out the provisions of the order. Therefore, if the Minister should make such regulation wherein personal service is mandatory, that would afford a basis for the argument that personal service is an essential of legal custody. In other words if personal service be necessary then inferentially the order for deportation referred to in P.C. 7355 must mean such an order personally service, and the detention which is permitted following upon such order must mean the detention following upon the order plus personal service.

On that construction it would appear that in habeas corpus proceedings the Department's return to the Writ should include a statement to the effect that the order for deportation had been made and had been personally served as required by this mandatory provision of the Regulations. Further if the return were contested then the onus would be upon the Department to prove such personal service had been made, and that could readily involve bringing many members of the Police Force from various parts in Canada, and might endanger any detention in which several Japanese might choose

to swear that the personal service to which the officer has testified had not been made. Then again if it were known that personal service were required we can understand that the Japanese might use some considerable ingenuity in attempting to prevent personal service.

Also it appears to us that the mandatory provision for personal service may be unnecessary. Apparently the reason for it is to give the Japanese being deported sufficient warning. If that be the only purpose could not Sec. 2 be wholly omitted, and instructions be given to have such personal service effected where possible. If it is considered necessary to have any provision such as Sec. 2 then we would prefer the draft marked February 19th, 1946, which we are enclosing, but we consider it a matter which might be left out of the Regulations entirely and be allowed to depend upon instructions.

Other than this we have no comments except that Sec. 3 which permits registered mail might designate the address instead of any address found in the records compiled pursuant to P.C. 117 or P.C. 9760.

Yours truly,

LOCKE, LANE, GUILD & SHEPPARD

Per: F.A.S.

FAS/EB  
encl.

C  
O  
P  
Y

Feb. 19/46

PROPOSED SEC. 2 OF REGULATIONS MADE  
UNDER P.C. 7355

2. Any person for whom an order for deportation has been made may be served with such Order by delivering to him, or by mailing to him, by postage prepaid, at any address (amongst the information complied pursuant to P.C.117 or P.C. 9760) a copy of such order, or a copy of the formal portion of such order with an extract from the Schedule thereto containing the names which concern the person served, or an abstract of such order and Schedule containing the names which concern the person served PROVIDED that service of an order on a child or children under sixteen may be effected by the delivery of such copy or extract therefrom to the father, mother or person in charge of such child or children, PROVIDED HOWEVER that service of such order shall not be required and such order shall become effective when made.

(draft)

SUGGESTED AMENDMENTS TO DRAFT REGULATIONS TO BE MADE UNDER  
AUTHORITY OF ORDER IN COUNCIL P.C. 7355, OF THE 15TH  
DAY OF DECEMBER 1945

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*out*  
2. For the purpose of giving notice to those concerned, each person ordered deported shall be personally served, as soon as reasonably possible following the making of the Order, with a copy of the Order for deportation and extract of any schedule thereof referring to such person: Provided, however, where the children under sixteen years of age of any person are included in the Order for deportation of such person it shall not be necessary to effect service on such children.

3. With a view to carrying out the deportation of any person ordered deported, any of the following persons, namely, the Commissioner of Japanese Placement, the Medical Supervisor, other Supervisors and Placement Officers of the Department of Labour appointed pursuant to Order in Council P.C. 946, of the 5th day of February, 1943, and members of the Royal Canadian Mounted Police or any person authorized by the Minister, may

- (a) direct any person ordered deported to report and submit himself for medical examination or vaccination or inoculation against disease by a physician at such time or times and at such place as may be indicated in such direction;
- (b) direct any person ordered deported to proceed to any place and to report to any person at such time as may be indicated in such direction.

(2) Such direction may be verbal or in writing, and in the latter case, may be served personally or by registered mail, and any such direction to any person shall be deemed to be a direction also to the children under sixteen years of age of such person ordered deported, if included in the Order for deportation of such person.

4. ....

4. Any person ordered deported may be detained or placed under restraint where in the opinion of the Commissioner of the Royal Canadian Mounted Police or Officer Commanding any division of the Royal Canadian Mounted Police it is considered necessary for the purpose of effecting the deportation of such person; and without restricting the generality of the foregoing, no person ordered deported who is in or who is placed in any settlement in British Columbia administered under the Japanese Interior Housing Settlement Scheme by the Department of Labour or in any place designated by the Minister as a deportation center shall proceed beyond the boundaries thereof without a written permit from the Royal Canadian Mounted Police.

PL. 946

NOTE: The Department might consider it advisable to have printed a list of instructions over the Minister's names, which could be handed to a person to be deported when he is served with the Order for Deportation. Such instructions would contain such general information as might be deemed advisable.

Japanese Repatriation Group,  
Greenwood, British Columbia.  
February 20, 1946.

Hon. L. S. St. Laurent,  
Minister of Justice.  
Ottawa, Canada.

To the Hon. Minister of Justice:

We, the repatriation group, are going to entreat to our most respected and trusted Minister of Labour following the important request presented on January 12.

On January 14, our group had a meeting with Mr. Pickersgill, at Tashme, B. C. At that time, Mr. Pickersgill announced that there was no change of Order-in-Council concerning the conversion of the Canadian funds to the American fund and from it to the Japanese funds at the rate of 15 Yen to American 1 dollar; as specified by the American Government and that this is not the decision of Canadian Government.

However, as you will be well aware of the fact, that we were forced to live in this camp soon after the evacuation and some of us, although they were maintained financially by the relief, issued from the government, had great difficulties to keep up their living at the time when there is especially high price of commodities; there was no alternative but to spend what little money we had in such a long time, therefore, at the present time none of the money left in our pocket.

In case of workers, they had so many members of the families, therefore, it has been very hard to keep filled their necessities, though they might get some money from their works.

Furthermore when we consider about the present circumstances of Japanese country, it is plain that many of the cities were bombed and suffered beyond reconstruction that it will be terribly hard to get the necessities such as foods, houses, and wearings.

Under these conditions, our most interested and important problem is to carry what money, even one cent, we can obtain, therefore, I beg your honourable consideration that you will confer with the U. S. government and arrange to have the Canadian fund converted into American fund and then be permitted to obtain the prevailing rate of exchange at the time of our arrival in Japan.

We trust that you will kindly give this matter your full consideration together with American Government and fill our earnest wishes of repatriation group.

Respectfully yours,

Japanese Repatriation Group.

  
Chairman.





Ottawa, February 13, 1946.

BY HAND

Mr. F. P. Varcoe, K.C.,  
Deputy Minister of Justice,  
O t t a w a.

*New File*

Re: Repatriation of Japanese

I am enclosing herewith correspondence of February 9th from Mr. Pickersgill of Vancouver to this office enclosing memorandum from Mr. Sheppard; also copy of draft Regulations under P.C. 946.

Mr. Brown would like to discuss the matters raised in this correspondence with one of your officers as soon as possible.

Enc.

*A. MacNamara*  
A. MacNamara.