

No. 149920

No. 149920

Department of Justice
Ministère de la Justice

FILE CHECKED FOR MPV
SEE BACK COVER
DOSSIER VERIFIÉ POUR DSUU
VOIR ENDOS DE LA CHEMISE

SECRET

RECORDS — DOSSIERS

JANUARY 2 1945

SECRET

Titre
Title

JUSTICE-DEPT OF LABOUR

OBJET
SUBJECT

DEPORTATION OF ALIENS-JAPANESE

De
From

F P V

Mandataire
Agent

Renvoi
Cross Reference

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

ABTRACTOR / REDACTEUR: DD

DATE: Aug 30/87

checked to June 14, 1946

No. 149920

BRING FORWARD -- DORMANT -- CLOSED
RETOURNER EN ATTENTE TERMINE

[illegible]

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)

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THE OFFICER TO WHOM A FILE IS CHARGED
IS HELD RESPONSIBLE FOR SAFETY UNTIL IT IS
RETURNED TO RECORDS BRANCH.

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 CONFIE UN
DOSSIER EST TENU RESPONSABLE DE SA
SÉCURITÉ JUSQU'À SON RETOUR À LA DIRECTION
DES DOCUMENTS.

DEPARTMENT OF JUSTICE

FILE RETIREMENT

	SCHEDULED FOR DESTRUCTION
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	NOT SCHEDULED

FILE NUMBER
149920

AUTHORITY CITED			
YES	✓	NO	
DATE			
JAN 5/46			

MASTER CARD CHECKED	
YES	✓
NO	

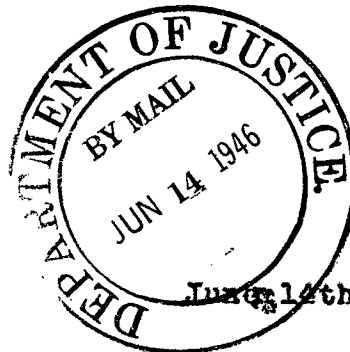
T.B. 654568 April 28, 1966.	
Sec.	Sub.Sec.

RETENTION PERIOD		
TOTAL # OF YEARS	IN JUSTICE	IN RECORDS MANAGEMENT BRANCH OF P.A.C.
	✓	

DATE OF TRANSFER TO MANUSCRIPT DIVISION OF P.A.C.
DATE OF DESTRUCTION

DATE FORM COMPLETED	SIGNATURE
May 11, 1973.	Murray Laggar

DO NOT REMOVE FROM FILE



PLIA/G

June 14th,

46.

149920

Dear Sirs:

I beg to acknowledge receipt of your letter of the 30th ultimo respecting Japanese and to advise you that your comments have been carefully noted.

Yours truly,

J. W. A. A. A.
Deputy Minister

The Lethbridge Consultative Committee
on Canadians of Japanese Origin,
Box 629,
Lethbridge, Alberta.

*Department of Justice,
Dominion Government Buildings,
Ottawa, Ontario*

The Lethbridge Consultative Committee
on Canadians of Japanese Origin,
Box 629, Lethbridge, Alberta,
May 30th, 1946.

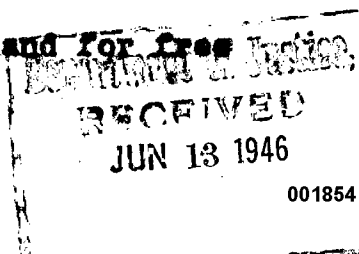
VW Dear Sirs: -

In spite of a large volume, and country-wide expression, of public opinion which has declared itself in opposition to the current mass "re-patriation" to Japan, of Canadians of Japanese origin, the measure, which amounts to deportation, is being carried out.

Every conceivable basis of argument and appeal has been used to demonstrate the iniquitous nature of the government's decision to proceed with the measure. But the government is obviously determined, upon grounds of its own, to carry it out, and has therefore made itself blind and deaf to every argument except that of the letter of the law. It is not the first time that the prestige of the law has been used to lend a semblance of justification to proceedings which on every other ground stand condemned. Accordingly the deportation has already begun and it is already too late to prevent the perpetration of a gross injustice on a scandalously wide scale. It is not, too late, however, to carry on ^{to} its conclusion⁷ the arousing of public conscience to awareness that an injustice has been committed; that it is monstrous both in scope and degree; and THAT IT HAS BEEN COMMITTED IN THE NAME OF THE PEOPLE OF CANADA. And surely it is not too late, either, to prevent similar dishonour to Canada and to humanity in the future.

To that intent, here are the facts that should have determined the government's decision, and which must determine that of the people of Canada if Canada is to be a land for free men.

(CONT'D)



To begin with, the whole basis of the government's stand was immoral because it was exclusively legal. If the issues at stake are to be seen clearly and without confusion, the facts must be lifted out of their legal context and placed where they belong, in the context of the principles of ethics.

In an ethical context it becomes quite clear that there can be no real justification for deporting anyone, whether or not he is a Canadian citizen, unless it can be demonstrated that he has committed an action which threatens the welfare of the government and people of Canada. Our Prime Minister admitted there had never been such grounds for deporting at least a large number of those who are included in the deportation order, when he said, in August 1944, "It is a fact that no person of Japanese race born in Canada, has been charged with any act of disloyalty during the years of war." Yet, in the Ottawa Journal, of November 7th, 1945, it is declared that 15,000 out of the 24,000 Japanese Canadians whom it has been decided to deport, WERE BORN IN CANADA. Besides, whether or not the Prime Minister had made such a statement, the ethical fact remains, that to punish any person when there has not been even the allegation that he has committed a crime, much less any proof of the charge, is to destroy all possibility of justice. Unless and until it had been both claimed and proved that each Japanese Canadian included in the order for deportation had committed a treasonable offence, the government had no shadow of a right to confront any resident Canadian Japanese with the necessity of choosing whether he would go to Japan or remain in Canada.

(CONT'D)

Secondly, it has been urged that the deportation is necessary because its victims have shown they will not allow themselves to be, or are incapable of being, assimilated into the life of Canada's people. But, if this is true, and it is manifestly a most difficult thing to demonstrate, it must, if justice is to be upheld, be applied exclusively to such Japanese as may in the future seek admission to Canada. Because those who are already in Canada were allowed, and even encouraged to enter, long before it was possible to know how far they would prove assimilable. By our acceptance of them in the first place we have committed ourselves to abiding by our acceptance. And if now, we are not satisfied with our bargain we must put up with it. For the alternative is to minister to our selfish convenience by treating other people with ruthless injustice, by treating men as things. It is to go back on a covenant of our own initiating and to treat men as mere conveniences, to be used by ^{us} so long as they serve our purpose, and to be discarded like worn out shoes, whenever we deem them of no further use. If this sort of treatment prevails unchallenged, it means that the Nazis have won, because they are too subtle for our childish standards to combat.

Thirdly, and it is third because it is an implication of the first two ethical facts, the government's treatment of these Canadians of Japanese origin can readily serve as a precedent, whenever the government cares to use it, for similar treatment of Canadians of Finnish, Scandinavian, Dutch, Irish, English, Scottish, or any of the other races from one of which every Canadian derives.

(CONT'D)

From now on no one is safe, all that is needed is the modern Canadian equivalent of a "lettre de cachet": an order-in-council, and Canada can be emptied of all people whose presence constitutes a hindrance to the rapacious and predatory will of the minority who hold the reins of power. And if this is the future of Canada, one can no longer wonder at a certain Japanese Canadian we read about. For on his return from service with the Canadian Armed Forces he found his property sold, (although he had been assured the government would hold it in trust for him); he found himself prevented from re-establishing himself in his legitimate business; and he chose of his own volition to leave the country that treated him thus because he felt he would be treated with greater fairness in Japan.

Not only will we cease to wonder at that man, we will find ourselves commending him however unwillingly, if like him we value the freedom that gives to life its worth. For we too will soon be driven to look for some other country where there is more decency and justice than in this Canada we had believed to be our home.

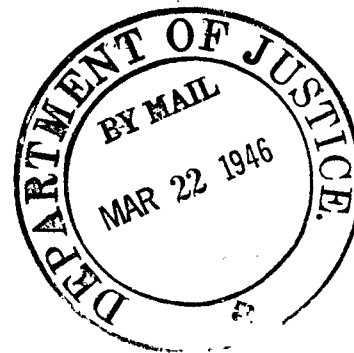
These are the sentiments of a large number of considering people of this district where so many of the Japanese Canadians have lived during the years of war. We wish them to be known at the seat of Government in Canada.

Yours Very Truly,

The Committee Executive.

*A. G. Baslin
(Miss) H. Bartling
R. W. Cowan,
W. E. Huckvale*

*J. M. Schmaltz.
J. J. Tiffin.
W. S. Wallace.
A. G. Virtue.*



PHIA/G

March 22nd,

46.

149920

Dear Sir:

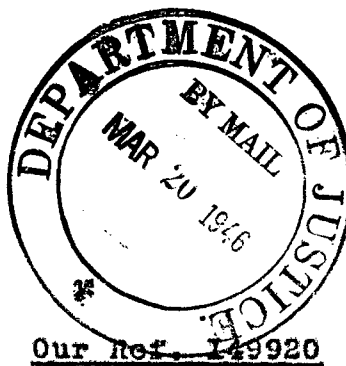
I beg to acknowledge receipt of your letter of the 12th instant to the Minister of Justice respecting Japanese in Canada, and to advise you that your observations have been carefully noted.

Yours truly,

F. P. Varcoe

Deputy Minister

S. N. Ross, Esq.,
Slocan City, British Columbia.



March 20th,

46.

Dear Madam:

With reference to your letter of the 15th instant respecting the suggested deportation of certain Japanese, no doubt you will have read in the press that the Prime Minister has indicated that no action will be taken under the Orders in Council dealing with this matter pending an appeal to the Privy Council, other than assisting any Japanese who voluntarily desire to return to Japan.

Yours truly,

F. P. Varcoe

Deputy Minister

Mrs. Madeline Scott,
87 King Street East,
Kingston, Ontario.

*Mr. Bernier
Help please - M.B.*

87 King Street East,
Kingston, Ontario,
March 15th, 1946.

Mr. Bernier,
Department of Justice,
O T T A W A, Canada.

149920

Dear Sir:

I have written the Honourable Paul
Martin with regard to the Japanese deportation problem
(I am speaking on this subject on March 28th in Kingston)
and his office advises me to write to you concerning
this matter. The attached copy of letter will explain
the information I am seeking.

Yours very truly,

Madeline J. Scott

(Mrs.) Madeline Scott

87 King Street East,
Kingston, Ontario,
March 8th, 1946.

The Honourable Paul Martin,
Minister of External Affairs,
Department of External Affairs,
O T T A W A, Canada.

Dear Sir:

I am taking the liberty of consulting you on a matter of relative unimportance, but to me, a rather concerning one.

In our centre in Kingston, we have an active Council of Women and it is my duty to head up a committee on current events. Two weeks hence, I have been asked to present an unbiased paper on the present Japanese deportation question which is causing much concern throughout the country at this time. Presumably you have your fingertips on the most recent developments so that I am writing to you to ask for any literature or points of view that are held in this matter.

In all likelihood, your office has been plagued with such requests but I would indeed appreciate any assistance your department is able to give me concerning this question.

Yours very truly,

(Mrs.) Madeline Scott

Mr. Anderson
Slocan City, B. C.,
March 12, 1946.

Honorable L. St. Laurent,
Parliament Buildings,
Ottawa, Canada.

Dear Sir:

IT'S HAPPENING HERE:- This hateful doctrine of racialism, which is the basic principle of the Nazi system everywhere.

Our Government, backed by numbers of its Members and Citizens, who are not acquainted with the true facts, or from selfish motives--has singled out its Japanese Citizens for discriminatory treatment, simply because of their racial origin. No similar action has ever been contemplated towards citizens of other late enemy origin.

It is true that approximately 2600 Japanese really desire to repatriate for various reasons, so by all means let these people go. But, by British Fair Play, do not deport Japanese citizens against their will, who unwillingly signed for repatriation from a sense of duty to their parents or relations and unwillingly signed these documents through subtle intimidation handed out by this B. C. Security Commission. Some of these citizens still have sons and brothers in the British and Canadian Armies, (as these lines are being written, a Canadian Japanese soldier with the rank of W.O.I. with four years active service is visiting a sister in this centre, who may be compelled to go to Japan, if this present policy is carried out, for she signed for repatriation in order not to be separated from her parents, but that sacrifice was in vain, for separation to another centre occurred at a later date).

The Government's present policy reminds many of us that we too, at one time from ignorance received these people in our midst with suspicion and dislike. But, when we got to know them, we found them to be respectable, law-abiding Citizens, whose living standards and decorums are equal

to the Occidental Canadians in similar walks of life--majority belonging to our churches and their daily lives are governed by the teachings of these churches even under this period of the last five years of utmost trial. Deprived of their properties which were sold without their consent, at very low prices to speculators, (robbed would be a better term), isolated by many forms of discrimination, yet they obeyed the rules and regulations imposed upon them by this All Powerful B.C. Security Commission, which has so skillfully kept, and is keeping this unfortunate people in a mental state of worry, frustration, and insecurity. IT'S HAPPENING HERE:- a subtle persecution; always beautifully timed, similar to an expert Fencing Master, one hand held high for the world to see that the rules of the Geneva Convention for internees are kept to the letter, while the other hand with a long arm is thrusting and striking with rapier like orders at the proper split second, to cause the utmost anguish, frustration and insecurity. There is no need to parry--for any act or word in complaint may be held against these citizens as a DISLOYAL ACT. WHY USE THE WORD COERCION? Example of this subtle persecution was given in the Nelson Daily News, March 9th, quote--"Kaslo protests order for removal of Japanese dependents;- Expensive, Inhuman, Unnecessary," unquote. The majority of these same victims were ruthlessly removed from other Centres, from their dwellings which they themselves had enlarged to make life more comfortable--just ten months ago, by a segregation order separating children from parents or elderly near relations:- Expensive, Inhuman and absolutely Unnecessary. This segregation was timed to happen before they could harvest their garden crops; timed, to happen in the midst of the Children's midsummer school examinations.

The writer protested;-but, was informed that it was for the good of these Japanese, also at a later date, that when this All Powerful Commission once issued an order, not even God could change that order.

So, Kaslo, we are standing by, waiting with interest for the results from your Protest. Perhaps now there is hope, for IT HAPPENED HERE:- the first restriction order has been cancelled, which is a noble gesture:- a changed human-like policy:-these Japanese citizens, for the first time in five years are now allowed to purchase liquor permits.

IT'S HAPPENING HERE:- These Japanese Citizens are suffering from the petty spite for the sins of the ruling Caste of Tokio, just because of the color of their skin. For through no fault or act of their own, they are now in this present position, still cooped up in these Centres. In the words of Prime Minister King, "have been guilty of no act of sabotage and have manifested no disloyalty, even during periods of utmost trial."

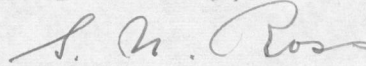
To test the writer's conviction that race prejudice had almost disappeared from or near these Japanese Centres, he contacted the farmers and citizens of British, Scandinavian and German descent in this neighborhood for a distance of ten miles, asking this question: "Have you any objection if a number of these Japanese Farmers were to settle on vacant land in this district and become producers of vegetables and small fruits, with a future plan of establishing a canning factory in the neighborhood?" So far, all the answers were along these lines: "We would sign such a petition, or we would be glad to have them here and would sign." Thus showing an entirely changed attitude in favor of this unfortunate minority.

This Appeal is made to you, Honorable Members, who sit in high places in the Council Chambers of our Canada, and who are not acquainted with the true facts, or whose opinions are based on hearsay coupled with biased propaganda made by selfish interests. The following excerpt from "Brainstorm in Canada" by Bruce Hutchinson, rings out loud over this land with truth. Quote--"We denounce the barbarism of racial persecution in every other land but, to satisfy one pressure group in British Columbia, our Government

searches out a mean legal loophole and tries to deport Japanese Canadians born in this country for no other reason than their blood and color. The same Government, radiant with sweetness and light, signs world charters prohibiting just such racialism everywhere else," unquote.

If this inhuman deportation order should be carried out as at present planned, making them refugees; compelling them to go to a land which at this time can offer them only cold, hunger, disease and death--then, we as a nation, by our actions, are denying CHRIST.

Respectfully,



S. N. Ross.

Our opinion and observations agree with this letter.

P. Swan, Mayor of Slocan City.
K. Popoff, Farmer, Slocan City.
Women's Institute, Slocan City.
Fred Storgard, Farmer, Slocan City.
R. W. Gardiner, Merchant, Slocan City.
R. Warner, Farmer, Slocan City.
M. Cameron, Citizen, Slocan City.
M. Foster, Citizen, Slocan City.
Ward Bertrum, Citizen, Slocan City.

More names being added daily.

Original signatures on file.



PHIA/G

February 26th,

46.

149920
J.R. 11-743-46

Dear Madam:

I beg to acknowledge receipt of
your letter of the 11th instant respecting
Japanese and to advise you that your obser-
vations have been carefully noted.

Yours truly,

F. P. Varcoe

Deputy Minister

Mrs. Hugh Sampson,
R. 5,
Rockwood, Ontario.

11743 Spiedside, P.O. Rockwood.
Feb. 11/46.

Dept of Justice
The Parliament Bldg.
Ottawa.



Hon. Sir,

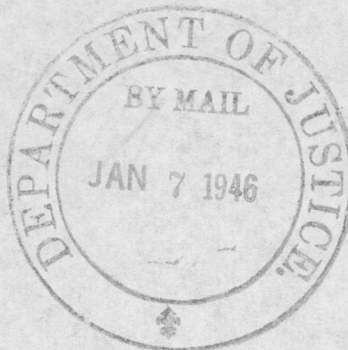
I would like to register my protest
at the treatment being meted out
to Canadian born Japanese. ~~is~~ Surely
Canada as a democratic country is
entitled to give these people fairness
and justice that they should expect,
and should ~~have~~ ^{be} entitled to it
as well as Canadian born sons
and daughters of other alien people.

And I would ask that those signing
to return to Japan (perhaps under
coercion) be given the chance to
register their desire again. And it
surely will be to Canada's glory.

Thanking you

Mr. Hugh Sampson
P.O. Rockwood,
Ontario

FPV:EM



325

January 7th,

46.

Re: Japanese Deportation
Problem

Dear Mrs. McMillan:

I acknowledge receipt of your letter of January 5th enclosing a memorandum with reference to treatment of Japanese.

I will bring this memorandum to the attention of the Government.

Yours truly,

F. P. Varcoe
Deputy Minister.

Mrs. Donald McMillan,
122 Eastbourne Avenue,
Toronto, Ontario.

January 5,

46.

J.R. 11-743-45

Dear Mr. Robertson:

I enclose herewith in duplicate memorandum on the question of whether a reference to the Supreme Court should be made to test the validity of the Japanese Orders in Council.

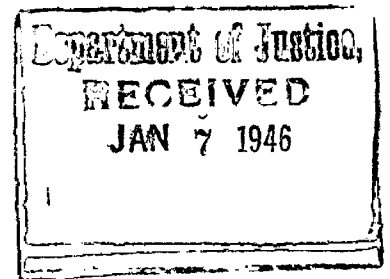
I also enclose copy of a draft Report to Council for the purpose of making the necessary reference. If there is to be a reference, I would recommend that the necessary Order in Council be considered at the next meeting of Council so that the hearing of the reference may take place commencing January 21st.

Encls.

Yours very truly,

Deputy Minister.

N. A. Robertson, Esq.,
Under Secretary of State
for External Affairs,
East Block,
O T T A W A.



126 Eastbourne Ave.,
Toronto, Ontario,
January 5th, 1946.

Mr. F. P. Varcoe,
Deputy Minister of Justice,
Justice Building,
Ottawa, Canada.

Dear Sir:

Following our interview on Friday, January 4th, re Japanese Canadians, I have compiled a list of organizations which have expressed concern over the Government's action in dealing with the Japanese Canadians.

This is a partial list, as it contains only the names of those who have been reported to our organization:

On behalf of our committee I wish to thank you for your consideration of this matter.

Yours truly,

Donald MacMillan

Donalda MacMillan.
Sec'y, Co-operative Committee
on Japanese Canadians.

Mrs. Hugh MacMillan,
126 Eastbourne Ave.,
Toronto.

DM: th

Ottawa, January 5, 1946.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The Minister of Justice reports that Section 3 of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1937, provides as follows:

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

- (a) Censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
- (b) Arrest, detention, exclusion and deportation;
- (c) Control of the harbours, ports and territorial waters of Canada and the movements of vessels;
- (d) Transportation by land, air, or water and the control of the transport of persons and things;
- (e) Trading, exportation, importation, production and manufacture;
- (f) Appropriation, control, forfeiture and disposition of property and of the use thereof.

2. All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation, extension or revocation."

The undersigned further reports that on the fifteenth of December, 1945, Orders were made by Your Excellency in Council under the authority of the War

Measures Act (P.C. 7355, P.C. 7356 and P.C. 7357, certified copies annexed hereto) which Orders provided, amongst other things, for the removal pursuant to the authority thereof of nationals of Japan and other persons of the Japanese race.

The undersigned further reports that these Orders were made by Your Excellency in Council only after a suitable arrangement had been made with General MacArthur as set out in the dispatches annexed hereto.

The undersigned further reports that representations have been made to him, by and on behalf of a number of Canadian organizations and societies expressing the opinion based on advice of legal counsel that the Orders in Council are ultra vires and requesting a reference to the Supreme Court of Canada to test the question.

The undersigned further reports that an action has been commenced by Utaka Shimoyama and Yae Nasu against the Attorney General of Canada for a declaration that the Orders in Council are ultra vires, illegal and void.

The undersigned further reports that an Order was made by Your Excellency in Council on the 28th of December, 1945, (P.C. 7414, certified copy annexed hereto), pursuant to Section 4 of The National Emergency Transitional Powers Act, 1945 ordering that all orders and regulations lawfully made under the War Measures Act in force immediately before the day The National Emergency Transitional Powers Act, 1945 came into force (January 1st, 1946) shall, while that Act is in force, continue in full force and effect.

The undersigned further reports that in these circumstances it is urgently required in the public interest that the opinion of the Supreme Court of Canada upon the question of the validity of the Orders of Your Excellency in Council aforesaid be obtained with the least possible delay which question is in the opinion of the undersigned, an important question of law touching the interpretation of Dominion legislation.

The undersigned has, therefore, the honour to recommend that Your Excellency in Council, under and by virtue of the authority conferred by Section 55 of the Supreme Court Act, refer the following question to the Supreme Court of Canada for hearing and consideration, namely:

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

Respectfully submitted

Acting Minister of Justice.

Order in Council re deportation of Japanese.

P.C. 7355.

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY:

THE GOVERNOR GENERAL IN COUNCIL:

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

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order,-

O R D E R -

1. In this Order, unless the context otherwise requires:

- (a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside Canada;
- (b) "deported" means removed or sent from Canada pursuant to the authority of this Order;
- (c) "Minister" means the Minister of Labour;
- (d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2./

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 8th, 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 of September 1st, 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.
3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.
4. The Minister may
- (a) make orders for the deportation of any persons subject to deportation;
 - (b) 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;
 - (c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
 - (d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
 - (e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.
5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

P.C. 7355.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;

(b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation;

(c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of subsection (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;

(b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

.....

P.C. 7355

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.

(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

Certified to be a true copy

A. M. Hill

A. M. HILL

Ass't. Clerk of the Privy Council.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council revoking naturalization
of persons deported in pursuance of Order
in Council P.C. 7355, 15th December, 1945.

P.C. 7356

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 7355 of 15th December, 1945, provision is made for the deportation of persons who, during the course of the war, have requested to be removed or sent to an enemy country or otherwise manifested their sympathy with or support of the enemy powers and have by such actions shown themselves to be unfit for permanent residence in Canada;

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

1. Any person who, being a British subject by naturalization under the Naturalization Act, Chapter 138, R.S.C. 1927, is deported from Canada under the provisions of Order in Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.
2. The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order.

Certified to be a true copy.

A. M. Hill

A. M. HILL

Ass't. Clerk of the Privy Council.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council re Commission to inquire
into conduct during the war of persons of
the Japanese race, etc.

P.C. 7357

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the war particular measures with regard to persons of the Japanese race in Canada were made necessary by reason of their concentration along the Pacific coast of Canada;

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

AND WHEREAS it is deemed advisable to make provision for the appointment of a Commission to institute the investigation referred to above;

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

1. A Commission consisting of three persons shall be appointed to make inquiry concerning the activities, loyalty and the extent of co-operation with the Government of Canada during the war of Japanese nationals and naturalized persons of the Japanese race in Canada in cases where their names are referred to the Commission by the Minister of Labour for investigation with a view to recommending whether in the circumstances of any such case such person should be deported.
2. Notwithstanding anything contained in the provisions of Order in Council P.C. 7355 of the 15th day of December, 1945, the Commission may, at the request of the Minister of Labour, inquire into the case of any naturalized British subject of the Japanese race who has made a request for repatriation and which request is final under the said Order in Council and may make such recommendations with respect to such case as it deems advisable.

3./

P.C. 7357

3. The Commission shall report to the Governor in Council.

4. Any person of the Japanese race who is recommended by the Commission for deportation shall be deemed to be a person subject to deportation under the provisions of Order in Council P.C. 7355 of the 15th day of December, 1945, and the provisions thereof shall apply, mutatis mutandis, to such person.

5. Where any person is recommended for deportation pursuant to this Order he shall, as and from the date on which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.

6. The Commission shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of Commissioners appointed under Part One of the Inquiries Act.

7. The Commission is authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

8. The Commissioners shall be paid such remuneration, allowances and expenses as the Governor in Council may fix.

9. All expenses incurred in connection with the inquiries and investigation of the Commission pursuant to this Order, including the remuneration, allowances and expenses of the commissioners, shall be paid from amounts allowed from the War Appropriation to the Department of Labour for such purpose.

Certified to be a true copy.
A. M. Hill
A. M. HILL
Ass't. Clerk of the Privy Council.

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

C O P Y

Teletype Message

From The Secretary of State for External Affairs, Ottawa
To: The Canadian Ambassador to the United States, Washington,
Ottawa, September 17th, 1945.

No. EX-3366

SECRET
CYPHER

Please ask United States authorities to transmit the following message by the most appropriate channel from Canadian Government to General MacArthur as Supreme Commander for the Allied Powers.
Begins:

There are approximately 24,000 people of Japanese origin now resident in Canada. About 10,000 (including dependents) have expressed a desire to be repatriated to Japan. There are also about 500 Japanese nationals now interned whom it will probably be desired to deport. At a later date it is probable that there will be some additional deportees and voluntary repatriates who will also have to be removed. The Canadian Government is anxious to proceed with repatriation and deportation as soon as this can be done without causing you embarrassment. It is difficult to proceed with redistribution and relaxation of control over Japanese remaining in Canada until repatriates and deportees are removed.

It is proposed that repatriates and deportees from Canada should be given free transportation for themselves and their effects and provided with a maintenance grant upon repatriation sufficient to take care of their immediate needs, also that they be permitted to transfer remainder of their funds to Japan.

You will appreciate the desire of the Canadian Government to proceed with these plans as soon as possible. The Canadian Government would be grateful for your advice as to the earliest date on which you would be prepared to have these people arrive in Japan. Ends.

For your own information the whole difficult subject of repatriation and relocation of persons of Japanese race is under consideration by a special Cabinet Committee. It would obviously simplify the problem if we were able to proceed immediately to return to Japan the elements referred to in the above message and we would be obliged if you would let us know what action is contemplated by U.S.

-2-

authorities in this connection. It occurs to us that if the United States have it in mind to repatriate any considerable numbers of disloyal Japanese simultaneous arrangements might be made which might expedite and simplify the problems involved.

Secretary of State for External Affairs.

COPYTELETYPE

From The Canadian Ambassador to the United States
To The Secretary of State for External Affairs, Canada

CYPHERTELETYPEWA-5545

WASHINGTON, October 29th, 1945.

WA-5545. Further my Wa-5323 of October 15th and in reply to Mr. Wrong's letter to Mr. Pearson of October 27th respecting repatriation to Japan of persons of Japanese race in Canada. I have been advised this morning by State Department that a reply has been received from General MacArthur.

2. The reply is to the effect that he authorizes the immediate repatriation of some 160 special cases now held in the United States. In addition, repatriation of all Japanese now held in the United States and Canada who desire to return, or whose return is desired by the two Governments, is authorized subject only to provision of shipping.

3. State Department are proceeding immediately with the repatriation of the special cases and intend to hold a meeting within the next week to review the situation respecting the balance of the persons to be repatriated. A representative of the Embassy will attend the meeting and I would appreciate the following:

(a) Most recent figure on the Number of Japanese in Canada who will be involved;

(b) Whether any representative may offer to assist by the provision of transportation, and, if so, to what extent.

CHARGE D'AFFAIRES.

Order in Council continuing after the 31st day
of December, 1945, in full force and effect
Orders and Regulations made under the War
Measures Act.

P.C. 7414

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 28th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS The National Emergency Transitional Powers Act, 1945 comes into force on the first day of January, 1946 and by its terms provides that on and after that day the war shall for the purposes of the War Measures Act be deemed no longer to exist;

AND WHEREAS under section 4 of The National Emergency Transitional Powers Act, 1945 the Governor in Council may, without prejudice to any other power conferred by that Act, order that orders and regulations lawfully made under the War Measures Act or pursuant to authority created thereunder in force immediately before the day The National Emergency Transitional Powers Act, 1945 comes into force shall, while that Act is in force, continue in full force and effect subject to amendment or revocation thereunder;

AND WHEREAS section 12 of the Interpretation Act provides that where an Act is not to come into operation immediately on the passing thereof and confers power to make any order, that power may, unless the contrary intention appears, so far as may be necessary or expedient for the purpose of making the Act effective at the date of the commencement thereof, be exercised at any time after the passing of the Act, subject to this restriction, that any such order shall not come into operation until the Act comes into operation;

AND WHEREAS it is necessary and expedient for the purpose of making The National Emergency Transitional Powers Act, 1945 effective at the date of the commencement thereof that those orders and regulations made under the War Measures Act or pursuant to authority created thereunder in force immediately before the first day of January, 1946 should be in full force and effect from such commencement and that there should be no cessation in the operation of such orders and regulations resulting from the War Measures Act (sections 3, 4 and 5 thereof) ceasing to operate;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the powers conferred by The National Emergency Transitional Powers Act, 1945, is pleased to order and doth hereby order that all orders and regulations lawfully made under the War Measures Act or pursuant to authority created under the said Act in force immediately before the day The National Emergency Transitional Powers Act, 1945 comes into force shall, while that Act is in force, continue in full force and effect subject to amendment or revocation under that Act.

Certified to be a true copy

A. M. Hill

A. M. HILL

Ass't. Clerk of the Privy Council.

A.D.P. Heeney,

Clerk of the Privy Council.



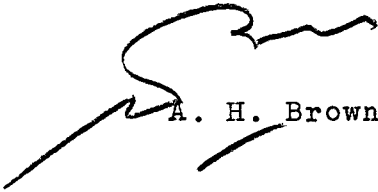
Ottawa, January 3, 194⁶.

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

I am enclosing herewith the interchange of correspondence with U.S. authorities with respect to acceptance of Japanese in Japan by General MacArthur. The specific despatch which finalizes this matter is that of October 29th from Washington.

I am enclosing, also, copy of Order in Council P.C. 946 together with amendments thereto, as requested by you.

Encs.


A. H. Brown.

COPY

TELETYPE

From The Canadian Ambassador to the United States .

To The Secretary of State for External Affairs, Canada

TELETYPE

WASHINGTON, December 21st, 1945.

WA-6364

WA-6364. Your EX-4267, December 20th, repatriation of Japanese from Canada to Japan.

1. State Department have gone to great lengths to endeavour to find the person in Treasury who gave the ruling to the American Express Company in New York respecting the amount of money which could be taken out. They have not been able to locate anyone, but as the result of discussions with my representative they mentioned to Treasury the nature of the regulations quoted to Mr. Brown during his visit here. It now appears that the regulations given to us originated with the Army and do not have Treasury approval. Treasury are calling a meeting next Wednesday, December 26th, to settle definitely what rules will apply to the export of money by the Japanese repatriates, and in the interval I would suggest that action on obtaining travellers cheques be suspended.

2. There is an amazing lack of information as to what happens to the repatriates once they embark as they are then under the Theatre jurisdiction and the Theatre has not reported their procedure in spite of both War and State Department requests for such report. The only information available is a press report of an interview in Japan with one of the early repatriates from which it appears that he was handed over immediately to the Japanese Government for maintenance and further disposal. I gather that the facilities provided by the Japanese were not particularly adequate. I have not been able to find a copy of this interview and my information comes from a member of the State Department who was told about it.

3. In view of the above it is not known whether or when the American currency of repatriates is taken from them by the Army and, as no rate of exchange has been settled by Treasury, it can only be presumed that all the repatriates got was a receipt.

I explained that this procedure would be particularly embarrassing in our case in view of the commitment to the Japanese respecting the money that they can take with them. This point will be discussed at Wednesday's meeting.

4. I will report the result of the meeting Wednesday night or Thursday, and in the meantime there is absolutely nothing that can be done as American Government Departments are closing this afternoon and will not reopen until Wednesday.

CANADIAN AMBASSADOR

COPY

TELETYPE

From The Canadian Ambassador to the United States
To The Secretary of State for External Affairs, Canada

CYPHER

TELETYPE

WASHINGTON, October 29th, 1945.

WA-5545

WA-5545. Further my WA-5323 of October 15th and in reply to Mr. Wrong's letter to Mr. Pearson of October 27th respecting repatriation to Japan of persons of Japanese race in Canada. I have been advised this morning by State Department that a reply has been received from General MacArthur.

2. The reply is to the effect that he authorizes the immediate repatriation of some 160 special cases now held in the United States. In addition, repatriation of all Japanese now held in the United States and Canada who desire to return, or whose return is desired by the two Governments, is authorized subject only to provision of shipping.

3. State Department are proceeding immediately with the repatriation of the special cases and intend to hold a meeting within the next week to review the situation respecting the balance of the persons to be repatriated. A representative of the Embassy will attend the meeting and I would appreciate the following:

(a) Most recent figure on the number of Japanese in Canada who will be involved;

(b) Whether any representative may offer to assist by the provision of transportation, and, if so, to what extent.

CHARGE D'AFFAIRES.

C O P Y

TELETYPE

From The Canadian Ambassador to the United States

To The Secretary of State for External Affairs, Canada

CYPHER

WASHINGTON, September 27th, 1945.

TELETYPE

WA-5005

WA-5005. Your EX-3435 of September 26th and our WA-4869, September 18th, repatriation of Japanese from Canada.

1. Your information respecting Canadian policy delivered to State Department today.

2. Reference paragraph 2 my WA-4869. MacArthur has just replied that consideration is being given to accepting Japanese from United States, but the date of such acceptance depends on a review of the shipping requirements to the Far East for replacements for personnel now serving in the Pacific theatre.

3. On receipt of MacArthur's reply, State Department have written War Department enclosing copy of MacArthur's reply and urging early repatriation. They are particularly interested in repatriating the group of diplomats and officials captured in Europe, amongst whom there are one or two listed as war criminals. At the same time State Department delivered your message for onward transmission and pointed out to War Department that Japanese held by Canada should be accorded same priority as those held in the United States.

4. Reference paragraph 3 my WA-4869. No ruling yet received from Department of Justice.

CANADIAN AMBASSADOR

From The Secretary of State for External Affairs, Ottawa
To The Canadian Ambassador to the United States, Washington

Ottawa, September 26th, 1945.

No. EX-3435
CYPHER

Your WA-4869, September 18th, repatriation of Japanese from
Canada:

1. With particular reference to your paragraph 4, position is as
follows:

- (a) Japanese nationals who have not been interned and who have
requested cancellation of their applications for repatriation
will be repatriated notwithstanding their change of mind;
- (b) Canadian citizens of Japanese race who have similarly requested
cancellation of their applications for repatriation will be
repatriated unless request for cancellation was received before
September 1st;
- (c) All persons of Japanese race who were interned, whether Canadian
citizens or not, will be deported regardless of whether or not
they have opted to remain in Canada.

2. The Canadian Government also proposes to take action to revoke
the status as Canadian citizens and British subjects of all persons of
Japanese race subject to repatriation under above procedure.

3. No decision has yet been made regarding the establishment and
terms of reference of a loyalty commission and it may be some time yet
before this matter is advanced further.

4. There is no objection to your informing the State Department,
confidentially, of the situation as described in the three preceding
paragraphs. For your own guidance we should point out that it is un-
likely that government policy will be settled for some little time on
the more controversial issues. These include the scope of the duties
of the proposed loyalty commission, the rights of Canadian citizens
of Japanese origin not covered by the repatriation decisions, and
the steps to be taken for location of remaining persons of Japanese
race in this country.

5. We are anxious to have some word from General MacArthur
as soon as possible and would like to know when this may be
anticipated.

From The Canadian Ambassador to the United States

To The Secretary of State for External Affairs, Canada

SECRET

WASHINGTON, September 18, 1945.

CYPHER

TELETYPE

WA-4869

WA-4869. Secret. Your EX-3366, September 17th, repatriation of Japanese from Canada.

1. A note was sent today to the State Department requesting them to forward to General MacArthur the message contained in your teletype under reference.

2. I discussed this matter informally with Mr. Clattenburg of the State Department, who informed me that they have recently sent a telegram to the American Consul General in Manila asking him to discuss informally with General MacArthur the repatriation of persons of Japanese origin from the United States to Japan. No reply has yet been received from Manila. The State Department today sent a letter to the War Department outlining the problem and asking the War Department to take up the question with General MacArthur.

3. The State Department is very anxious to arrange for the early return to Japan of fifteen to twenty thousand Japanese now in the United States. They fear, however, that, even if they secure the approval of the military authorities in Japan, there will be considerable delay in carrying out the programme. The difficulty is caused by the fact that very many applications are being received from Japanese to cancel their previous applications for repatriation. Such letters of retraction are now being received at the rate of from 300 to 500 daily. The State Department would prefer to ignore these applications for cancellation, but they are waiting for a ruling from the Department of Justice. Mr. Clattenburg thinks it highly likely that the Department of Justice will rule that every

individual Japanese slated for deportation has a right to recourse to law. If this happens, it will obviously delay the completion of the repatriation programme to a considerable extent.

4. The State Department would be very grateful to be informed what policy the Canadian Government proposes to take in respect to those Japanese in Canada who have signed applications or consent forms for repatriation to Japan and have since asked to have such applications cancelled. The State Department would also appreciate any information available concerning the organization and terms of reference of the proposed Loyalty Tribunal in Canada.

CANADIAN AMBASSADOR

C O P Y

Teletype Message

From The Secretary of State for External Affairs, Ottawa
To: the Canadian Ambassador to the United States, Washington,
Ottawa, September 17th, 1945.

No. EX-3366
SECRET
CYPHER

Please ask United States authorities to transmit the following message by the most appropriate channel from Canadian Government to General MacArthur as Supreme Commander for the Allied Powers.

Begins:

There are approximately 24,000 people of Japanese origin now residents in Canada. About 10,000 (including dependents) have expressed a desire to be repatriated to Japan. There are also about 500 Japanese nationals now interned whom it will probably be desired to deport. At a later date it is probable that there will be some additional deportees and voluntary repatriated who will also have to be removed. The Canadian Government is anxious to proceed with repatriation and deportation as soon as this can be done without causing you embarrassment. It is difficult to proceed with redistribution and relaxation of control over Japanese remaining in Canada until repatriates and deportees are removed.

It is proposed that repatriates and deportees from Canada should be given free transportation for themselves and their effects and provided with a maintenance grant upon repatriation sufficient to take care of their immediate needs, also that they be permitted to transfer remainder of their funds to Japan.

You will appreciate the desire of the Canadian Government to proceed with these plans as soon as possible. The Canadian Government would be grateful for your advice as to the earliest date on which you would be prepared to have these people arrive in Japan. Ends.

For your own information the whole difficult subject of repatriation and relocation of persons of Japanese race is under consideration by a special Cabinet Committee. It would obviously simplify the problem if we were able to proceed immediately to return to Japan the elements referred to in the above message and we would be obliged if you would let us know what action is contemplated by U.S. authorities

in this connection. It occurs to us that if the United States have it in mind to repatriate any considerable numbers of disloyal Japanese simultaneous arrangements might be made which might expedite and simplify the problems involved.

Secretary of State for External Affairs.

PMA/G

December 29th, 45.

J.R. 11-736-45

A. MacNamara, Esq., Deputy Minister of Labour, Ottawa.

Re: Deportation of Japanese - P.C. 7355,
of the 15th day of December, 1945.

With reference to your letter of the 26th instant and discussion between Mr. Brown, Deputy Commissioner Mead, Inspector Leopold and Mr. Anderson, the orders and regulations submitted by you have been re-drafted and I enclose copy of each herewith, which would appear to meet your requirements.

Encls.

Deputy Minister

PMA/G

December 29th, 45.

J.R. 11-736-45

THE COMMISSIONER, R.C.M. POLICE

Attention: Deputy Commissioner Head.

Re: Deportation of Japanese - P.C. 7355,
of the 15th day of December, 1945.

Herewith, for your information, copies of orders
and regulations as redrafted pursuant to discussion
yesterday among Messrs. Brown, Head, Leopold and
Anderson.

Encls.

Deputy Minister

DEPARTMENT OF LABOUR

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

ORDER NO. B.

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 WHEREFORE 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) where he considers it necessary for the purpose of effecting the deportation of any person ordered deported by the Minister of Labour under the authority of Order in Council P.C. 7355, of the 15th day of December, 1945, to detain or place in restraint in any place any such person;
- (b) to convey any such person from any place in Canada to any other place in Canada, or if authorized, to any port in the United States of America, and to deliver such person on board ship with a view to his deportation to Japan;
- (c) 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
January A.D. 1946.

day of

Minister of Labour

DEPARTMENT OF LABOUR

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

ORDER NO. D-ONE

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, 1945, 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 January, 1946.

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. 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, 1945, or any person authorized by the Minister, may
 - (a) 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;
 - (b) 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.
3. Any person ordered deported may be detained or placed in restraint where in the opinion of the Minister or the Commissioner of the Royal Canadian Mounted Police it is considered advisable 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 other place designated by the Minister as a deportation centre, shall proceed beyond the boundaries thereof without a written permit from the Royal Canadian Mounted Police.

4. No person ordered deported shall take with him out of Canada or on board ship personal belongings or household effects or currency or securities for money other than as prescribed by the Minister or as authorized by the aforesaid Order in Council.

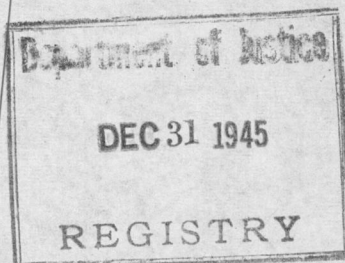
5. Every person ordered deported shall comply with the provisions of these regulations and of any order or direction made or given thereunder.

DATED at Ottawa this

day of January, 1946.

Minister of Labour

PTV:BM



88

December 29th, 45.

Re: Deportation of Japanese

Dear Sir:

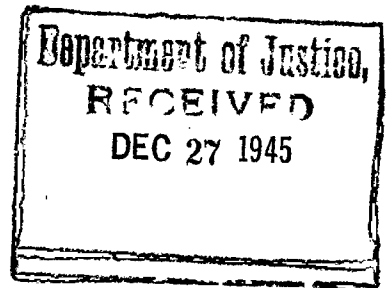
In the absence from Canada of the Minister of Justice, I beg to reply to your letter of December 25th with reference to deportation of persons of the Japanese race.

The principles which you favour have been given full consideration by those responsible for the project and it is thought that the Orders in Council under which deportation will be affected contain adequate safe-guards against the deportation of any but those who are disloyal or disaffected or who wish to be repatriated.

Yours truly,

E. P. Varcoe
Deputy Minister.

Charles W. Leslie, Esq.,
5 Roe Avenue,
T O R O N T O, Ontario.



Ottawa, December 26, 1945.

JR. 11-736-45

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

Re: Deportation of Japanese
P.C. 7355 of December 15, 1945.

We would like to settle with your officers the form of Deportation Order and other orders and regulations which it is considered necessary or advisable to issue in carrying out deportation of Japanese under the provisions of P.C. 7355 of December 15, 1945.

Draft copies of orders are attached, together with copy of the Order itself and it will be appreciated if you will ask the officer of your Department, who will be looking after this, to get in touch with Mr. A. H. Brown of this Department, as quickly as possible, with a view to settling the same as early as possible. This is a matter that requires early attention.

Encs.

A. MacNamara
A. MacNamara.

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.

DEPARTMENT OF LABOUR

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

ORDER NO. B.

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 this Order:

NOW THEREFORE the undersigned Minister of Labour under the authority vested in me as aforesaid by the said Order in Council do hereby ~~authorize and request~~ the Commissioner of the Royal Canadian Mounted Police and ~~under his direction and the member of the Royal Canadian Mounted Police,~~ to render assistance ~~as required~~ 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 Order~~ Order in Council P.C. 7355 of ~~December 15, 1945~~ and in the carrying out of measures incidental thereto and in particular and without restricting the generality of the foregoing

- (a) ~~Subject to the direction of the Minister of Labour,~~ to detain or place in restraint any person ordered deported by the Minister of Labour under the authority of Order in Council P.C. 7355 of the 15th day of December, 1945, in any place ~~in order to keep such person safely pending deportation, and to convey~~ such person from any place in Canada to any other place in Canada, ~~or through any part of Canada and deliver such person on board ship with a view to his deportation to Japan;~~

- (b) To enforce any orders, rules or regulations made under the provisions of Order in Council P.C. 7355 of December 15, 1945.

Dated at Ottawa, Canada this day of
January A.D. 1946.

Minister of Labour.

*if authorized
or to report in the United States of
America*

3. Any person ordered deported may be detained or placed in restraint where in the opinion of the Minister or the Commissioner of the Royal Canadian Mounted Police it is considered advisable for the purpose of ~~ensuring~~ ^{effecting} the deportation of such person. *and without restriction*

DEPARTMENT OF LABOUR

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

WHEREAS under the authority of Order in Council P.C. 7355 of December 15, 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 ~~to apply to persons whose deportation is ordered by the Minister of Labour under the authority of the aforesaid Order in Council P.C. 7355 of December 15, 1945:~~

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 December 15, 1945.

2. With a view to carrying out the deportation of any person ordered deported, ^{appointed to carry out} any officer of the Department of Labour employed in the administration of Orders in Council P.C. 946 of February 5, 1943 or P.C. 7355 of December 15, 1945 (including ^{and} the Commissioner of Japanese Placement, the Medical Supervisor, other supervisors and assistant supervisors and placement officers ^{or any other person authorized by the Minister})

(a) 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;

(b) direct any person ordered deported to report and submit himself for medical examination or vaccination ~~against diphtheria or immunization~~ against typhoid by a ^{physician} ~~medical officer~~ at such time or times and at such place as may be indicated in such direction;

3. 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 other place designated by the Minister as a deportation centre, shall proceed beyond the boundaries thereof ~~(as defined by the officer in charge thereof)~~ without a written permit from the Royal Canadian Mounted Police.

4. No person ^{ordered} deported shall take with him out of Canada or on board ship personal belongings or household effects or currency or securities ^{for money other than} as prescribed by the Minister.

5. Every person ordered deported shall comply with the provisions of these regulations and of any order or direction made or given thereunder.

Dated at Ottawa this

day of January, 1946.

as authorized by the aforesaid O.C.

Minister of Labour.

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 by the first ship available for such purpose.

DEPARTMENT OF LABOUR

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

Order No. D-one

1. In this Order, unless the context otherwise requires, words and expressions have the same meaning as in Order in Council P.C. 7355 of the 15th day of December, 1945.

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 of September 1, 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 the aforesaid Order in Council, do hereby order that each and every person whose name is included in Schedule A hereto ~~and~~ every one of whom is a person subject to deportation to Japan under the provisions of the aforesaid Order in Council, be deported to Japan by the first ship available for such purpose.

Dated at Ottawa this

day of January, 1946.

Minister of Labour.

Order in Council re deportation of Japanese.

P.C. 7355.

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order,-

O R D E R -

1. In this Order, unless the context otherwise requires:

- (a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside Canada;
- (b) "deported" means removed or sent from Canada pursuant to the authority of this Order;
- (c) "Minister" means the Minister of Labour;
- (d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2./

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 8th, 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 of September 1st, 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.
3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.
4. The Minister may
- (a) make orders for the deportation of any persons subject to deportation;
 - (b) 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;
 - (c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
 - (d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
 - (e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.
5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

P.C. 7355.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;

(b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation;

(c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of subsection (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;

(b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

.....

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.

(2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.

(3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.

9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.

10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.

11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

A.D.P. Heeney,

Clerk of the Privy Council.

5 Roe Ave.,

Toronto, Ontario,

December 28/45

The Minister of Justice,
House of Commons,
Ottawa, Ontario.

Mr. Vanecko

Dear Sir; As a private citizen and believer in the liberal and democratic way of life, I wish to protest most emphatically against what seems to me to be a flagrant injustice about to be perpetrated against certain residents of our country whose racial and national origin has been Japanese, by the proposals now before our government.

My view is that no resident who has been legally established here, should be required to leave this country or his present or customary place of residence unless it has been clearly established before the regular courts of our land that he has committed ^{some} acts of sabotage, or given definite evidence of disloyalty, or has been proven guilty of some specific subversive influence. I think that every case should now be considered on its merits before a properly qualified judicial board; and that no one should now be required to leave this country against his will regardless of any requests made under the stress of war conditions, unless he is guilty in ^{one of} the senses mentioned above. Those whom we have admitted regularly in the past and who have in no way violated their part of the contract, it seems to me, ought to have an unquestioned right to remain here, citizens or not, naturalized or otherwise.

In particular, I wish to protest ~~what~~ against what seems to me to be the adoption of a principle of mere expediency and dishonourable compromise in yielding to the noisy clamour of a vociferous minority, or a sectional interest. Surely liberalism still stands for freedom and equality before the law, and the presumption of innocence until guilt has been established; and surely the Liberal Party has some vestige of its former moral principles! What was the practical difficulty of the problem, surely we dare not shame ourselves before the world in the first year of Victory! Respectfully yours, Chas. W. Leslie

DEPARTMENT OF JUSTICE

MEMORANDUM

December 31/45.

Mr. Geoffrion has been requested to act for Japanese interests in case there is a reference to the Supreme Court as to the validity of Orders in Council. I requested him to hold himself free to act for the Dominion if there should be such a reference.

F. P.V.

c/o Mason, Cameron & Brewin,
372 Bay Street, Toronto,
December 24, 1945.

The Honourable Louis St. Laurent,
Minister of Justice,
Ottawa.

Re Orders-in-Council, P.C. 7355, 7356
and 7357

Dear Mr. St. Laurent -

I have been requested to write to you by a group of citizens who represent some forty organizations and who include Mr. Sandwell, of "Saturday Night", Mr. J. E. Atkinson, of the Toronto Daily Star, Mr. George Ferguson, of the Winnipeg Free Press, Mr. G. J. A. Reany, of the Mutual Life, Hamilton, Colonel David Croll, M.P., Professor George Tatham, President of the Civil Liberties Association of Toronto, and many others who are deeply concerned about the proposals to "deport" certain Canadian citizens of the Japanese race under the provisions of the above Orders-in-Council.

We have secured a legal opinion that the Orders-in-Council are ultra vires the Governor-in-Council. To put the matter briefly, the view expressed is that the War Measures Act, by virtue of the provisions of which the Orders-in-Council were passed, expressly limits the extent of the Governor-in-Council's power under the Act by Section 3 (b), to "deportation", which has been judicially defined as the forcible removal of an alien out of the country and is, on this interpretation, a word wholly inapplicable to the forcible removal of Canadian nationals, to whom, I believe, it has never been applied.

A writ has been issued in the Supreme Court of Ontario by one of those affected to test the legality of the Orders-in-Council and we are informed that similar proceedings are to be instituted shortly in other provinces. No doubt when it is sought to enforce deportation orders a series of applications for habeas corpus are likely to ensue.

In these circumstances, and to avoid the multiplicity of actions that might otherwise result, we would request the Government to take the initiative by referring the question of the legality of the Orders-in-Council for the opinion of the Supreme Court of Canada under the provisions of Section 55 of the Supreme Court Act.

In this connection, I venture to draw to your attention the language of the Privy Council in *Eastern Trust vs MacKenzie*, 1915, A.C. 759: "It is the duty of the Crown and of every member of the Executive to abide by and obey the law and if there is any difficulty in ascertaining it, the Courts are open to the Crown to sue and it is the duty of the Executive in cases of doubt to ascertain the law in order to obey, not to disregard it"; and again, in the *Eshigbay Eleko* case, 1931, A.C. 670, per Lord Atkin: "In accordance with British jurisprudence, no member of the Executive can interfere with the liberty and property of a British subject except on condition that he can support the legality of the action before a Court of Justice".

We would be very much obliged if you could meet Mr. Sandwell, Professor Tatham, Colonel Croll and the writer in the near future to hear our views more fully on the matter. The subject is one of grave importance as it may well affect our future relations with Oriental nations, concerns the rights and privileges of Canadian citizens and, in so far as the proposed "deportations" of citizens on the grounds of race is concerned, constitutes a new departure in civilised countries expressly disapproved by recent developments in the field of international law.

The matter is also urgent as the proposed "deportations" are to start next month. We therefore request that if at all possible you should give us an interview during the latter part of next week. Friday, the 4th of January would be convenient for us if it were for you. May we request an early reply so that the necessary travelling arrangements may be made.

Yours sincerely and respectfully,

F. A. Brewin

F. Andrew Brewin.

C O P Y

c/o Mason, Cameron & Brewin,
372 Bay Street, Toronto,
December 24, 1945.

The Honourable Louis St. Laurent,
Minister of Justice,
Ottawa.

Re: Orders-in-Council, P.C. 7355,
7356 and 7357.

Dear Mr. St. Laurent -

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We have secured a legal opinion that the Orders-in-Council are ultra vires the Governor-in-Council. To put the matter briefly, the view expressed is that the War Measures Act, by virtue of the provisions of which the Orders-in-Council were passed, expressly limits the extent of the Governor-in-Council's power under the Act by Section 3 (b), to "deportation", which has been judicially defined as the forcible removal of an alien out of the country and is, on this interpretation, a word wholly inapplicable to the forcible removal of Canadian nationals, to whom, I believe, it has never been applied.

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In these circumstances, and to avoid the multiplicity of actions that might otherwise result, we would request the Government to take the initiative by referring the question of

the legality of the Orders-in-Council for the opinion of the Supreme Court of Canada under the provisions of Section 55 of the Supreme Court Act.

In this connection, I venture to draw to your attention the language of the Privy Council in *Eastern Trust vs MacKenzie*, 1915, A.C. 759: "It is the duty of the Crown and of every member of the Executive to abide by and obey the law and if there is any difficulty in ascertaining it, the Courts are open to the Crown to sue and it is the duty of the Executive in cases of doubt to ascertain the law in order to obey, not to disregard it"; and again, in the *Eshigbay Eleko* case, 1931, A.C. 670, per Lord Atkin: "In accordance with British jurisprudence, no member of the Executive can interfere with the liberty and property of a British subject except on condition that he can support the legality of the action before a Court of Justice".

We would be very much obliged if you could meet Mr. Sandwell, Professor Tatham, Colonel Croll and the writer in the near future to hear our views more fully on the matter. The subject is one of grave importance as it may well affect our future relations with Oriental nations, concerns the rights and privileges of Canadian citizens and, in so far as the proposed "deportations" of citizens on the grounds of race is concerned, constitutes a new departure in civilized countries expressly disapproved by recent developments in the field of international law.

The matter is also urgent as the proposed "deportations" are to start next month. We therefore request that if at all possible you should give us an interview during the latter part of next week. Friday, the 4th of January would be convenient for us if it were for you. May we request an early reply so that the necessary travelling arrangements may be made.

Yours sincerely and respectfully,

(Sgd.) F. A. Brewin.

F. Andrew Brewin.

MEMORANDUM RE DEPORTATION OF UNDESIRABLE

Under the Immigration Act-- Chapter 93, Section 3--

No person, unless he is a Canadian citizen, or has Canadian domicile, shall be permitted to remain in Canada, who belongs to any of the prohibited classes, of which classes (p), (q) and (r) are as follows:

(p) Enemy aliens or persons who have been alien enemies and who were or may be interned on or after the eleventh day of November, one thousand nine hundred and eighteen, in any part of His Majesty's dominions or by any of His Majesty's allies;

(q) Persons guilty of espionage with respect to His Majesty or any of His Majesty's allies;

(r) Persons who have been found guilty of high treason or treason or of conspiring against His Majesty, or of assisting His Majesty's enemies in time of war, or of any similar offence against any of His Majesty's allies;

Canadian domicile can be acquired only after at least five years residence in Canada, subsequent to having been legally landed therein.

Under section 13- The Minister may nominate Boards of Inquiry to examine any person seeking to enter Canada or detained under the Act.

Under section 42 - Upon receiving a complaint that a person in Canada belongs to any prohibited or undesirable class, the Minister or Deputy-Minister may order that such person be taken into custody and detained, and if upon investigation it is found that he is of undesirable class, he shall be deported and if he is the head of the family all his dependents may be deported at the same time. Dependent members of the family include father, mother and children under eighteen years of age.

Under the Naturalization Act- Chap. 138- Section 9

When the Governor in Council is satisfied that a person who has obtained a certificate of naturalization has shown himself by act or speech to be disaffected or disloyal to His Majesty, the Governor in Council shall by order revoke

- 2 -

the certificate.

And Under Section 10-

The revocation affects the wife and minor children and when a certificate of naturalization is revoked, the former holder shall be regarded as an alien and as a subject of the state which he belonged when the certificate was granted.

Under Section 24 of the Immigration Act

The Governor in Council may make regulations governing the procedure of Boards of Inquiry and

Under Section 82- he may make orders and regulations for enforcing the Act according to the true intent and meaning thereof.

Under the War Appropriation Act - Money is voted for the security, defence, peace, order and welfare of Canada and for the carrying out of such measures deemed necessary or advisable by the Governor in Council in consequence of the existing of a state of war.

Order in Council amending P.C. 946, 5th
February, 1943, re Japanese.

P.C. 5793

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS it is deemed advisable by reason of the war for the peace, order and welfare of Canada to amend, as hereinafter provided, the regulations established by Order in Council P.C. 946 of February 5, 1943, providing for the placement, control and maintenance of persons of the Japanese race in Canada;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, is pleased to amend the said regulations and they are hereby further amended by deleting the words "from residing in any place in Canada" in paragraph (viii) of subsection one of section three thereof and substituting therefor the words "from residing in any place or area in Canada".

A.D.P. Heeney,

Clerk of the Privy Council.

M
28/1/45

SECRET

MEMORANDUM TO THE CABINET:

Re: Japanese deportation policy

The specific questions upon which decisions by the Cabinet are required may be summarized as follows:

1. Should the scope of the enquiries of the Loyalty Commission extend to:

(a) persons of enemy nationality and naturalized persons of enemy origin, and all persons of Japanese race? or

(b) persons of enemy nationality and naturalized persons of enemy origin who have been detained under the Defence of Canada Regulations, and all persons of Japanese race? or

(c) all persons of Japanese race; or

(d) persons of Japanese nationality and naturalized Canadians of Japanese race?

2. Should the "repatriation" of Canadian-born Japanese be confined to those who still wish to go to Japan?

If the answer to this question is in the affirmative, Canadian-born Japanese will be excluded from the enquiries of the Loyalty Commission.

3. Three draft Orders in Council are submitted, with alternative provisions depending upon the answers to the above questions:

P.C. 7355 to provide authority for deportations;

P.C. 7356 to revoke British and Canadian status of deportees;

P.C. 7357 to establish the Loyalty Commission and define its scope.

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

Privy Council Office,
December 15th, 1945.

Order in Council re deportation of Japanese.

P.C. 7355.

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

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

AND WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan;

AND WHEREAS it is deemed desirable that provisions be made to deport the classes of persons referred to above;

AND WHEREAS it is considered necessary by reason of the war, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Labour, concurred in by the Secretary of State for External Affairs, and under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make and doth hereby make the following Order,-

- O R D E R -

1. In this Order, unless the context otherwise requires:

- (a) "deportation" means the removal pursuant to the authority of this Order of any person from any place in Canada to a place outside Canada;
- (b) "deported" means removed or sent from Canada pursuant to the authority of this Order;
- (c) "Minister" means the Minister of Labour;
- (d) "request for repatriation" means a written request or statement of desire, to be repatriated or sent to Japan.

2./

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 8th, 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 of September 1st, 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.
3. Subject to the provisions of section 2 of this Order, a request for repatriation shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.
4. The Minister may
- (a) make orders for the deportation of any persons subject to deportation;
 - (b) 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;
 - (c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order;
 - (d) subject to the approval of the Governor in Council, employ such officers and other employees as are necessary to assist him in carrying out this Order and fix their remuneration;
 - (e) authorize from time to time any person to exercise on his behalf any power vested in him under paragraph (b) of this section.
5. An order for deportation made by the Minister shall be in force and effect from the date of the order.

P.C. 7355.

6. (1) Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order, shall be entitled, in so far as circumstances at the time permit

(a) at or immediately prior to the time of his deportation from Canada, to purchase suitable foreign exchange to the extent of any money in his possession or standing to his credit in Canada or advanced to him by the Minister pursuant to section seven and to take such foreign exchange out of Canada with him;

(b) to deposit any money in his possession or standing to his credit in Canada with the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase foreign exchange therewith, and transfer the same, less transfer charges, to such person whenever reasonably possible following upon his deportation;

(c) at the time of his deportation to take with him such other personal property belonging to him as may be authorized by the Minister;

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions.

(2) Where real or personal property of a person who has been deported to Japan or who, having made a request for repatriation, has proceeded to Japan without the issue of an order for deportation, has not been sold or otherwise disposed of prior to departure such real and personal property shall, as of the date of deportation of such person, be vested in the Custodian of Enemy Property, who shall sell the same as soon as in his opinion it is reasonably practicable to do so, and in the meantime he may take such measures as he deems proper for the care, maintenance and safeguarding of such property, and the net proceeds realized from such sale, after the deduction of reasonable charges of handling shall be placed to the credit of such person and dealt with as provided in paragraph (b) of subsection (1) of this section.

7. (1) The Minister may at or immediately prior to the time of departure advance to or for a person who is being deported to Japan or who, having made a request for repatriation, is proceeding to Japan without the issue of an order for deportation, an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is sixteen years of age or over and does not possess at least two hundred dollars, the difference between the amount he possesses and two hundred dollars which shall be paid to such person;

(b) Where such person has one or more dependents under sixteen years of age and does not possess at least two hundred dollars together with a further amount computed on the basis of fifty dollars for each such dependent, the difference between the amount he possesses and the total of two hundred dollars and the amount so computed, to be paid to such person.

(2) Any amount advanced as provided for in subsection (1) of this section shall be recoverable from the person to whom it is paid, from any money to the credit of such person with the Custodian of Enemy Property.

.....

P.C. 7355

8. (1) The Minister may make arrangements with any department or agency of the Government of Canada to assist him in carrying out the provisions of this Order.
- (2) The Department of National Defence shall provide any military guard personnel which may be required in carrying out the provisions of this Order.
- (3) The Commissioner of the Royal Canadian Mounted Police shall give all assistance which may be required of him by the Minister in the carrying out of the provisions of this Order.
9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody.
10. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties with respect to any order made pursuant to the provisions of this Order shall be guilty of an offence against this Order.
11. Any person who contravenes or omits to comply with any of the provisions of this Order or any order made or given pursuant thereto is guilty of an offence and liable upon summary conviction to a fine not exceeding Five Hundred Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.
12. Every document purporting to be or to contain or to be a copy of an order, certificate or authority made or given by the Minister in pursuance of the provisions of this Order and purporting to be signed by the Minister shall be received as evidence of such order, certificate or authority without proof of the signature or of the official character of the person appearing to have signed the same and without further proof thereof.

GENERAL

13. The costs involved in the administration of this Order shall be paid from the amounts allotted from the war appropriation to the Department of Labour for Japanese administration.

A.D.P. Heeney,

Clerk of the Privy Council.

Order in Council re Commission to inquire
into conduct during the war of persons of
the Japanese race, etc.

P.C. 7357

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS during the war particular measures with regard to persons of the Japanese race in Canada were made necessary by reason of their concentration along the Pacific coast of Canada;

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

AND WHEREAS it is deemed advisable to make provision for the appointment of a Commission to institute the investigation referred to above;

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

1. A Commission consisting of three persons shall be appointed to make inquiry concerning the activities, loyalty and the extent of co-operation with the Government of Canada during the war of Japanese nationals and naturalized persons of the Japanese race in Canada in cases where their names are referred to the Commission by the Minister of Labour for investigation with a view to recommending whether in the circumstances of any such case such person should be deported.
2. Notwithstanding anything contained in the provisions of Order in Council P.C. 7355 of the 15th day of December, 1945, the Commission may, at the request of the Minister of Labour, inquire into the case of any naturalized British subject of the Japanese race who has made a request for repatriation and which request is final under the said Order in Council and may make such recommendations with respect to such case as it deems advisable.

3./

P.C. 7357

3. The Commission shall report to the Governor in Council.

4. Any person of the Japanese race who is recommended by the Commission for deportation shall be deemed to be a person subject to deportation under the provisions of Order in Council P.C. 7355 of the 15th day of December, 1945, and the provisions thereof shall apply, mutatis mutandis, to such person.

5. Where any person is recommended for deportation pursuant to this Order he shall, as and from the date on which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.

6. The Commission shall, for the purpose of all inquiries and investigations made pursuant to this Order, have all the powers and authority of Commissioners appointed under Part One of the Inquiries Act.

7. The Commission is authorized to engage the services of such clerks, reporters, assistants and counsel as they deem advisable to aid and assist in the performance of their duties.

8. The Commissioners shall be paid such remuneration, allowances and expenses as the Governor in Council may fix.

9. All expenses incurred in connection with the inquiries and investigation of the Commission pursuant to this Order, including the remuneration, allowances and expenses of the commissioners, shall be paid from amounts allowed from the War Appropriation to the Department of Labour for such purpose.

A.D.P. Heency,

Clerk of the Privy Council.

Order in Council revoking naturalization
of persons deported in pursuance of Order
in Council P.C. 7355, 15th December, 1945.

P.C. 7356

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 15th day of DECEMBER, 1945.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS by Order in Council P.C. 7355 of 15th December, 1945, provision is made for the deportation of persons who, during the course of the war, have requested to be removed or sent to an enemy country or otherwise manifested their sympathy with or support of the enemy powers and have by such actions shown themselves to be unfit for permanent residence in Canada;

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

1. Any person, who, being a British subject by naturalization under the Naturalization Act, Chapter 138, R.S.C. 1927, is deported from Canada under the provisions of Order in Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national.
2. The Secretary of State shall publish in the Canada Gazette the names of all persons who have ceased to be British subjects or Canadian nationals by virtue of this Order.

A.D.P. Heeney,

Clerk of the Privy Council.



Ottawa, 29th October, 1945.

Hon. L.S. St. Laurent, M.P.,
Minister of Justice,
Ottawa.

Dear Mr. St. Laurent:

--

In connection with Mr. Coldwell's letter to you of October 15th concerning the government policy with regard to persons of Japanese origin in this country, I believe that Mr. Wrong sent you a copy of a memorandum which I prepared on the present position. In connection with this general matter, you will be interested in three letters which have been received here in the last two or three days, dealing with a new aspect of the problem - namely the effect of Section 3 (1)(g) of the Emergency Powers Bill. It seems clear that full attention is going to be given to all aspects of the government's policy with regard to Japanese when it comes under discussion in the House.

I am sending copies of the enclosed letters to the Departments of Labour and External Affairs.

Yours sincerely,

(R.G. Robertson)
Secretary.

Copy

31 George Street
Kingston, Ontario.

23 x 1945

My dear Mr. Robertson,

Dr. H. M. Estall kindly showed me a copy of a letter he has just written you on section 3 (1), sub-section (g) of the present bill on National Emergency Powers.

I write on my own initiative to associate myself with his sentiments on this topic, and to urge that, if possible, his letter be brought to the attention of the Secretary of State and of others in the government who are considering this matter.

Yours respectfully,

(Sgd.) Gregory Vlastos

Gregory Vlastos

Gordon Robertson, Esq.
Department of External Affairs
Ottawa

Copy

Canadian Association for Adult Education

Director
E. A. Corbett, M.A., LL.D.
198 College Street, Toronto
Toronto, October 22nd, 1945. 2B.

Mr. Gordon Robertson
Dept. of External Affairs
Ottawa

Dear Mr. Robertson:

The other day you were good enough to discuss with me one or two matters having to do with Canadian citizens of Japanese ancestry. At that time neither of us had, I think, examined the wording of a bill to which I should like now to direct your attention.

I have before me a printed copy of a document described as Bill 15, to which first reading was given on October 5th, 1945, dealing with certain National Emergency Powers which it proposes to confer on the Governor-in-Council for a period of one year. It is, as I think you will agree, generally understood that the primary intention of this proposed legislation is to permit the continuance of certain economic controls during the transition stage of reconversion and thus to ward off the dangers of inflation. With this purpose I am of course in entire accord. However, section 3 (1) of the Bill enumerates certain matters in the control of which the Governor-in-Council is accorded rather wide powers, and sub-section (g) thereunder specifies "entry into Canada, exclusion and deportation, and revocation of nationality."

You will no doubt recall that, but for the intervention of the Canadian Senate, a clause of the Soldier Electors Act would have disfranchised Japanese-Canadians throughout Canada. It would appear that a similar tactic of attaching to legislation dealing in the main with quite other matters a clause which might be used to the disadvantage of Japanese Canadians is being followed once more. I may say that I strongly deplore such tactics, and those who have the welfare of Japanese-Canadians at heart propose not to let the offending clause pass unnoticed in the House.

I draw this to your attention on the day that the Secretary of State has introduced legislation concerning Canadian citizenship, the intentions of which are wholly admirable, and which, one would have otherwise supposed, would apply to Japanese-Canadians equally with others.

Yours faithfully,

(Sgd.) H. M. Estall

H. M. Estall.

Copy

The Woman's Missionary Society
of
The United Church of Canada

General Offices: 412-413 Wesley Buildings
Toronto 2 B - Canada

Oct. 24, 1945.

The Hon. Wm. Lyon MacKenzie King,
Prime Minister,
Parliament Buildings,
Ottawa, Ont.

Dear Sir:

The Japan Mission Committee in Canada of the United Church of Canada has been in session today, to discuss some immediate problems for which we feel responsibility. Among the matters which give us great concern is the question of minority rights, particularly as they affect Canadians of Japanese ancestry.

Our attention has been called to Bill 15, Section 3, Clause G, of the National Emergency Powers Act (1945) concerning the "entry into Canada, deportation and relocation of nationalities." Should this clause be passed we are afraid it would legalize the proposed deportation of Japanese-Canadians. This would be a grave injustice to these people, whose record as citizens is good. You, yourself, have said in a public statement that they are guilty of no crime, nor even of any ill intention. We feel, too, that a dangerous precedent would be established, contrary to the principles of democracy, for citizenship rights could then be taken from other innocent groups.

We ask particularly that the attention of the House be drawn to this clause, which appears as a small section in a bill otherwise likely to cause little discussion. It would indeed be unfortunate if through inadvertence this clause should be allowed to pass without debate.

We trust you will give serious attention to this matter. Thanking you, we are,

Truly yours,

(Sgd.) Alfred Stone
Chairman, Japan Mission Committee in
Canada of the United Church of Canada.

(Sgd.) Sybil Courtice
Secretary.

001933

Ottawa, 29th October, 1945.

Dr. H. M. Estall,
Canadian Association for Adult Education,
198 College Street,
Toronto 2B, Ontario.

Dear Dr. Estall:

I have received your letter of October 22nd drawing to my attention the terms of Section 3 (1)(g) of the new Emergency Powers Bill, which makes provision with regard to "Entry into Canada, Exclusion and Deportation and Revocation of Nationality."

I have noted your comments on this matter, and I am bringing them to the immediate attention of the Ministers of Justice and Labour.

Yours sincerely,

(R.G. Robertson)
Secretary.

RG/RJC

Ottawa, 29th October, 1945.

Miss Sybil Courtice,
Secretary,
The Japan Mission Committee in Canada
of the United Church of Canada,
412-413 Wesley Buildings,
Toronto 2B, Ontario.

Dear Madam:

In the absence of the Prime Minister,
I wish to acknowledge your letter of October 24th
conveying the views of the Japan Mission Committee
in Canada of the United Church of Canada, with
regard to Section 3 (1)(g) of the new Emergency
Powers Bill.

The comments and views of the Committee
have been noted, and are being brought to the
attention of the appropriate authorities of the
Canadian government.

Yours sincerely,

(R.G. Robertson)
Secretary.

RGR/JHC

Ottawa, 29th October, 1945.

Gregory Vlastos, Esq.,
31 George Street,
Kingston, Ontario.

Dear Mr. Vlastos:

I have received your letter of October 23rd, in which you associate yourself with the views expressed by Dr. H. M. Estall in his letter to me of October 22nd, concerning Section 3 (1)(g) of the new Emergency Powers Bill.

I am bringing both Dr. Estall's letter and your own to the attention of the Ministers of Justice and Labour, for their consideration.

Yours sincerely,

(R.G. Robertson)
Secretary.

RGR/JEC

HHW/SR
26.10.45

MEMORANDUM FOR MR. ST. LAURENT

You sent me, with your letter of October 17th, a copy of Mr. Coldwell's letter to you of October 15th, urging that no further action looking to the repatriation of persons of Japanese origin should be taken until the Prime Minister returns. As I have not been directly involved in the consideration of this difficult problem in the Department, since it was handled by Mr. Norman Robertson, in consultation with the Legal Adviser and other officers, I asked Mr. Gordon Robertson to prepare a note on the situation. I am enclosing a copy of his note, which you might find time to look through.

We have no definite information as to when it will be possible to begin repatriation, as General MacArthur has replied, so far, neither to our own enquiry nor to similar enquiries addressed to him by his own Government. The indications are that it will be a good many months before shipping becomes available. There therefore seems to be no necessity of further action being taken until Mr. King gets back, and I should hope that you could give some assurance to this effect to Mr. Coldwell.

I recently sent you some comments on the draft submission to Council, prepared in the Secretary of State's Department, concerning the revocation of the nationality of repatriated Canadians of Japanese origin, and in so doing I suggested that the whole question might be dealt with in a single Order in Council covering the appointment of the "Loyalty Commission" promised by the Government and the special procedure for deportation, as well as the revocation of nationality. The major problem which is particularly agitating a number of people, is the suggestion that Canadian-Japanese who asked to be repatriated should not be able to withdraw their applications unless they have already applied before September 1st.

ln

SECRET

Memorandum for Mr. Wong.

re Policy regarding Japanese in Canada.

1. The letter of October 15 to Mr. St. Laurent from Mr. Coldwell regarding policy toward the Japanese in Canada is, I think, indicative of the embarrassment in which the government is likely to find itself unless certain aspects of the present policy are reviewed. In the course of a conversation yesterday, Mr. Coldwell said that his party were going to take the government heavily to task over the Japanese policy.

With regard to Mr. Coldwell's letter itself, I have ascertained that Mr. St. Laurent has not yet replied to it. It seems to me that, either through Cabinet agreement or simply with the concurrence of the Minister of Labour, Mr. Coldwell should be assured that no action with regard to deportation is contemplated until after the Prime Minister's return, and that rumours concerning immediate deportation are inaccurate. It might also be desirable to refute the suggestion that any "improper pressure" was put on the Japanese to get applications for repatriation. The instructions were specifically against any pressure whatever, and the report by Mr. Haag to the International Red Cross (about June of this year) was to the effect that there was no evidence of pressure. It is significant that none of the letters here requesting withdrawal of applications suggest any pressure or undue influence.

2. So far as the policy is concerned, I think that the government has not gone so far that it cannot withdraw somewhat without too much difficulty. The only public statement of policy has been that of the Prime Minister in the House on August 4, 1944. That statement was well received and so far as I know it has not been attacked except by some extreme "exclusionists". The "questionnaire"

regarding repatriation can be defended as an entirely voluntary procedure, and charges of pressure can be refuted. It is not inconsistent with the August 4 statement. The point that seems to require review is the Cabinet decision of September 19, 1945, approving the Cabinet Committee report of September 8, 1945 to the effect that applicants for repatriation should be deported as soon as possible "with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1, 1945". It was decided to allow no withdrawal of applications whatever in the case of Japanese nationals (or, rather, non-Canadian Japanese, since many are dual nationals.) It will, I think, be possible to defend the refusal to allow any withdrawal of applications by the non-Canadian Japanese, but it is becoming increasingly clear that it is going to be very difficult to refuse to consider withdrawals after September 1 from Canadian citizens, especially in view of the U.S. "Bill of Rights" protection in parallel cases.

3. The essential elements of policy in the Prime Minister's statement in 1944 were as follows:

- (a) Examination of Japanese by a "quasi-judicial commission" to determine those loyal and those disloyal.
- (b) Deportation of the disloyal - British subjects among these to have their status revoked.
- (c) Loyal Japanese to be allowed to stay.
- (d) Resettlement throughout Canada.
- (e) No future immigration.

The questionnaire can logically be regarded as a preliminary to (a) in order to separate out those Japanese who do not wish to stay here and so need not be examined. So far as non-Canadian Japanese are concerned, it can be held that, as enemy aliens they have no right whatever to

be allowed to stay in Canada, and that their application for repatriation will be held to be conclusive in all cases. But in the case of Japanese who are British subjects it can be well argued that those who applied and then withdrew may have been guilty of nothing more than an initial error that they tried to rectify. To hold them to their original application can be attacked as a denial of their rights as Canadian citizens and British subjects on straight racial grounds. There is no doubt but that in many cases the applications for "repatriation" reflected, not a desire to go to Japan, but despair of ever securing a livelihood or fair treatment in Canada in the future.

4. There has been a decided increase in interest in the government policy with regard to Japanese, and the pressure now is almost entirely in favour of a moderate policy. The lead in this has largely been given by church groups and the Winnipeg "Free Press". It is significant that the Toronto "Star" and the Ottawa "Journal" also have taken the matter up in editorials this week. Apart from arguing in favour of a moderate policy in general, the most frequent specific demand is that Japanese who are British subjects and who signed applications to go to Japan, should be given the right to withdraw their applications.

To secure some indication of the trend in local opinion, I have checked the files here with regard to submissions received on the Japanese policy, with the following results:

<u>Date</u>	<u>Submissions urging that all Japanese be deported.</u>	<u>Submissions for a moderate policy</u>
1942	2	3
1943	2	1
1944	8	4
1945		
(a) until June 30	4	4
(b) June 30-Aug 31	2	36
(c) Since Sept. 1	1	37

4.

On October 20 alone there were 7 letters and telegrams to the Prime Minister urging a moderate policy.

The organizations that have sent in submissions in favour of total deportation have generally been Boards of Trade in British Columbia, fishermen's and lumbermen's organizations in B.C. etc. Some of the organizations arguing a moderate policy are the following:

National Interchurch Advisory Committee on
Resettlement of Japanese Canadians
(Represents the Church of England, the
Roman Catholic Church, the Baptist Church,
the Presbyterian Church, and the United
Church of Canada.)

Y.M.C.A.'S

University S.C.U.

Toronto Welfare Chest

Canadian Friends Service Committee

Japanese Settlement Council, Hamilton.

The Vancouver Advisory Council.

Various church organizations and conferences, etc.

In addition to the above submissions, over 45 form letters have been received here urging a moderate policy and permission to Japanese Canadians to withdraw applications for repatriation. Many more have been received by External Affairs, Labour and Justice.

5. Any moderation of the present policy will be strongly opposed by B.C. members on the government side and by many in the province in general. However, there may be some significance in the fact that, with the C.C.F. in B.C. definitely committed to lenient treatment of the Japanese, it has not, apparently, been worth the other parties' while in the provincial election to make an issue of this. As a gauge of possible reaction in the country, the Gallup Poll of February, 1944, may also be of some value. It's results were as follows:

(a) On the question of deportation of Japanese nationals:

Deport	- 80%
Allow to stay	- 14%
Undecided	- 6%

(b) On the question of deportation of Canadian citizens of Japanese race:

Deport	- 33%
Allow to stay	- 59%
Undecided	- 8%

It was stated that the B.C. figures were in line with the above national averages.

On the question of principle and constitutional right there can be no doubt but that greater regard should be had for requests from Canadian citizens to withdraw applications for repatriation than that authorized in the recent Cabinet decision, and it is equally clear that the government is going to be strongly attacked if it does not recognize this. The embarrassment of the government last year over the elections act amendment indicates a strong feeling that treatment must be fair.

6. According to an analysis by Mr. Pickersgill, the Commissioner of Japanese Placement, on August 31, the results of the questionnaire on repatriation are as follows:

Number involved in application for repatriation - 10,397

- Japanese nationals - 3,020
 - Naturalized Canadians - 1,474 ✓
 - Canadian-born - 5,903

10,397

Number of Canadian-born who signed declaration - 2,461

Number of Canadian-born under 16 who are included under parental certificates - 3,484

Number of Japanese nationals who did not sign - 3,596

Number of their dependent children - 2,230

According to the 1941 census, the Japanese population of Canada was as follows:

Born in Canada - 14,073
 Naturalized in Canada - 3,135
 Born in other British countries - 12

Total British subjects 17,220
 Japanese Nationals 5,911
 Others 18

23,149

The number of Canadian-born who signed applications is 2,461. Presumably all, or nearly all, of the naturalized group would be over 16 and would be individual signatories. Thus the total of Canadian citizens who signed is probably about 2,461 plus 1,474 = 3,935. There are no figures on the number of dependents with the group, so it is impossible on the basis of the available statistics to know how great the total might be who would be affected by a decision to extend the right to

withdraw application for repatriation. It is stated, however, that the 3,596 Japanese nationals who did not sign have 2,230 dependent children. If the 3,020 Japanese nationals involved in applications similarly include about 2,000 children, the total group of Canadian citizens plus dependents may be about 10,397 minus 5,020 = 5,377 -- or about half the total.

7. It would appear from the above very uncertain figures and deductions that if it were decided to give consideration to any and all applications from Canadian citizens for withdrawal of applications, not more than 5,000 out of the present group of 10,000 could be affected. Probably the actual group involved would be much less. Up to August 31 the Commission had received 154 applications for withdrawal from Canadians. The Prime Minister's Office has received (and passed on) the following total:

to August 31	- 16
September	- 44
October	- <u>86</u>

146

The figures are steadily growing, but they are still only a small fraction of the potential total, it would seem.

8. It is clear that the whole matter is going to come up in the House - presumably on either the Labour or External Affairs estimates. I would suggest, for consideration, that what might be done would be to have a statement by the Prime Minister reaffirming the policy of August, 1944; explaining the purpose of the questionnaire; announcing that the Commission would be set up immediately; and stating that, to quiet any fears of pressure, applications for withdrawal from Canadian citizens would be accepted up to (e.g.) Dec. 31, 1945. At the same time it might be announced that restrictions on the holding and acquisition of land outside of the protected area of B.C. were being lifted to encourage resettlement eastward. Presumably nothing could be said

8.

about arrangements with the provinces other than that they would be taken up after the Commission had completed its work of selection of the undesirables.

9. I do not know what immediate steps, if any, should be taken in this matter.

R.G.R.

24th October, 1945.

RGR/JMC



Ottawa, October 24, 1945.

Honourable L. St. Laurent,
Minister of Justice,
O t t a w a.

My dear Colleague:

I have your personal letter of October 17 to which you attached a letter addressed to you from Mr. Coldwell.

Mr. Coldwell, in his letter, takes up the case of Japanese whom we propose to send back to Japan.

The situation, as you know, is that the External Affairs Department has asked the United States Authorities to communicate with General MacArthur with a view of arranging for reception of some of the Japanese who want to go back to Japan.

From the word we have received, there will be some delay before arrangements can be made. Consequently, I don't believe Mr. Coldwell need fear of immediate action.

Yours sincerely,

AT THE GOVERNMENT HOUSE AT OTTAWA
FRIDAY, the 14th day of SEPTEMBER, 1945

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, and under the authority of the War Measures Act, is pleased to amend the regulations established by Order in Council P.C.946 of the 8th day of February, 1943, and they are hereby further amended by adding immediately after Regulation 3A thereof the following:

- "3B.(1) No person of the Japanese race and no Japanese company shall, except as hereinafter provided, have the capacity, after the twenty-fourth day of February, 1942, during the continuation of the state of war now existing to acquire or hold land or growing crops in Canada.
- (2) No conveyance made or executed after the twenty-fourth day of February, 1942, shall be effective to convey to or for the benefit of a person of the Japanese race or of a Japanese company any land or growing crops in Canada.
- (3) (a) Nothing in this Regulation shall deprive a person of the Japanese race or a Japanese company of capacity to hold land or growing crops acquired or held by such person or company before the twenty-fourth day of February, 1942, or acquired by such person or company after the twenty-fourth day of February, 1942, pursuant to the terms of a written contract or agreement executed before the twenty-fourth day of February, 1942, or under a will or intestacy.
- (b) Nothing in this Regulation shall deprive a person of the Japanese race of capacity to lease any building or part of a building for a term not exceeding one year or from month to month or for some lesser periodic tenancy.

The Honourable
the Minister of Labour

(4)/

- (4) (a) The Minister of Labour may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race or to a Japanese company, a licence to acquire or hold land or growing crops in Canada or any interest therein which such person or company would by reason of this Regulation be denied the capacity to acquire or hold.
- (b) A person of the Japanese race or a Japanese company to whom or to which such a licence is granted shall have the capacity to acquire or hold land or growing crops in Canada or any interest therein in accordance with the terms and conditions of such licence.
- (c) A conveyance of land or growing crops made in conformity with any such licence shall be effective according to its terms.
- (5) Any person who after the twenty-fourth day of February, 1942, makes or executes any conveyance other than a conveyance made in conformity with a licence granted hereunder or a lease granted in accordance with sub-paragraph (b) of paragraph (3) of this Regulation, of any land or growing crops to or for the benefit of any person whom he knows to be of the Japanese race or to a company which he knows to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (5A) Every person who acquires or holds land or growing crops for the benefit of any person known to him to be of the Japanese race or a company known to him to be a Japanese company shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.
- (6) In this Regulation:
- (a) "conveyance" shall include a gift, conveyance, transfer, agreement for sale, appointment, lease, settlement, mortgage charge, encumbrance, or other conveyance by deed, bill of sale or other instrument made inter vivos, and "convey" shall have a meaning corresponding with "conveyance";
- (b) "Japanese company" means any corporation of which the majority of the shares issued by the company are owned by persons of the Japanese race, or of which a majority of the directors are persons of the Japanese race;
- (c) "land" shall include land and any real or

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immoveable property and any interest, legal or equitable therein and the right to possession thereof;

- (d) "person of the Japanese race" means a person wholly of the Japanese race."

(Sgd.) L. D. J. Mooney,

Clerk of the Privy Council.