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Affairs

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Part 5

From Jan. 31/46

To 8-2-49

Subject:

TREATMENT OF JAPANESE IN CANADA

PROPOSALS OF VARIOUS PERSONS.

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### References to Related Files

File No.	Subject
773-B-40C	Treatment of Japanese in Canada.
3464-V-40	Post-war Treatment.
4166-40	Reports and suggestions by Capt. V.C. Best re Japanese in Canada.
614-R-1-40	Release of Japanese assets in Canada
4606-C-13-40	Individual cases
	Retention of assets & property of Japanese in Canada
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A.R.Menzies/MCC

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OTTAWA, February 8, 1949

Dear Herbert:

I am forwarding as of possible  
— interest to you an excerpt from The New  
Canadian of October 20, 1948 containing  
→ "A Review of Property Claims" written by  
F.A. Brewin, Legal Counsel to the  
Co-operative Committee on Japanese Canadians.

Yours sincerely,

A. R. MENZIES

Dr. E. H. Norman,  
Head of Canadian Liaison Mission,  
Tokyo, Japan.

Excerpt from: THE NEW CANADIAN

TORONTO, ONT., OCTOBER 20, 1948.

#### A REVIEW OF PROPERTY CLAIMS

By F. A. Brewin  
Legal Counsel to the Co-op.  
Com. on Jap. Can.

To write an account of the Japanese Property Commission while it is still in progress, especially when the writer is one of the claimants' counsel, requires a certain reserve. A review of its origin and what has occurred so far may, however, be of some interest to readers of The New Canadian.

One thing may certainly be said. The Commission is unique in the history of Canadian Jurisprudence. There have of course been many cases in which claims have been made against governments for property expropriated for public purposes. There have been inquiries into the values of very extensive properties by judicial commissions. During this war an inquiry was held into the halls and other properties of the Ukrainian Labor Farmer-Temple Association which had been declared an illegal association and as a result the halls were repurchased by the Government and returned to the original owners. Never before, however, has it become necessary to inquire into the values of many different sorts of properties lost to a large group of Canadian residents scattered over the whole of Canada.

#### GOVERNMENT POLICY

The Commission arose of course out of the evacuation of the Japanese Canadian residents from the coastal areas as a result of government policy after Pearl Harbour in December, 1941. It is unnecessary to question here the wisdom or justice of such a policy. It is enough to recall that it inevitably caused the sudden uprooting and dispersal of many people who had made their homes in British Columbia and acquired farms, businesses and personal possessions by hard work and, in some cases, the efforts of a lifetime. It was not the result of any disloyalty or subversive action or tendencies on the part of those affected. It was a hard blow to a special group of citizens. War inevitably results in hardship. The results of the policy of evacuation were unique in that they fell upon the shoulders of a particular racial group for no fault of their own and were the direct result of the policy of the Canadian Government itself.

#### IMPOSSIBLE TO PROTECT ALL

At first, it was clearly not contemplated that the evacuation would be lengthy or permanent. Later when it became apparent that the war would last for some time and that most of those evacuated would never return, the policy of liquidating or selling the assets of those evacuated was adopted. It was quite inevitable that this policy with the best effort in the world by the Custodian and his staff would mean that the owners would not get the full value of their property. With an inadequate staff available, it was impossible to protect all of the properties, many of them in remote

areas, from theft, vandalism and deterioration. When properties came to be sold, normal market conditions, despite every precaution taken by the Custodian, could hardly be expected. In 1942, invasion of the West Coast seemed no remote possibility and the very fact of evacuation robbed the market of many people who would in normal circumstances be buyers. Nor would it be human nature if everyone was as high-minded as to refuse to take advantage of the situation caused by the evacuation.

The question of property losses was for long overshadowed by the most ominous threat of wholesale deportations. The energies of the dispersed Japanese Canadians and their friends were naturally concentrated on resisting deportation. It is an ill wind that blows no one good, however. The threat of deportation aroused a widespread sympathy for the Japanese Canadians across Canada and some understanding of their problems. The press, the church, trade unions, university students and innumerable groups and individuals across Canada made it clear to the Government that they thought the proposed deportation to be a negation of justice and an expression, however unconscious, of racial discrimination. The spearhead of this battle was the Co-operative Committee on Japanese Canadians working in close co-operation with the Japanese Canadians themselves. A legal case was taken first to the Supreme Court of Canada and then to the Privy Council. The case was lost but it gained time for public opinion to make itself felt and soon after the decision was known, Prime Minister Mackenzie King announced that the orders providing for deportation had been rescinded.

#### PROMISED COMPENSATION

At the same time he promised that compensation for property losses would be considered. The Co-operative Committee now assumed the responsibility of pressing for the implementation of this promise. The Japanese Canadian Committee for Democracy had already made an extensive survey of economic losses caused by the evacuation. Further interviews were obtained with the Secretary of State and representations were made urging the setting up of a Commission with authority to enquire into these losses. Attention was called to parallel action being taken by the Government and Congress of the United States to remedy a similar situation there. The Public Accounts Committee of Parliament investigated the administration of the Custodian and after careful examination, particularly of the purchase by the Veterans Land Act Administration of a large block of farm lands formerly owned by Japanese Canadians at about 60% of the assessed value, recommended the appointment of a Judicial Commission. The Press not unnaturally called attention to more glaring and sensational instances of what seemed injustice and perhaps put the Government too much on the defensive. It has never been the attitude of the Co-operative Committee or any group representing the Japanese Canadians that they wished to attack or question the good faith or efficiency of the Custodian or his staff.

#### DEFENSIVE ATTITUDE

It was nevertheless the result of this defensive attitude that the original terms of reference which appointed the Hon. Mr. Justice Bird as a Commissioner under the Public Inquiries Act were a grave disappointment. They provided that the Commissioner might only recommend the payment of losses due to the negligence or lack of care of the Custodian or his staff. The Co-operative Committee promptly arranged to interview the Government and express their disappointment. The writer saw the Ministers chiefly concerned: the Hon. J. L. Ilesley, then Minister of Justice and the Hon. Colin Gibson, Secretary of State. We urged that the terms of

reference be widened so as to permit inquiry into all tangible property losses arising out of the evacuation which would include losses caused by forced sales by evacuees themselves. The Government would not go so far but they did amend the terms of reference substantially by removing the reference to losses caused by the lack of care of the Custodian. The terms of reference as amended of course set the limits of the powers of the Commissioner. They direct him to inquire into losses sustained by persons of the Japanese race resident in Canada through the sale of their property, both real and personal, by the Custodian at less than its fair market value or through the loss, destruction or theft of personal property vested in the Custodian (but not while in the care of some person into whose custody, control or management other than the Custodian, it was committed by the owner).

#### TREMENDOUS TASK

And so the Commission was set up. It has proved to be a tremendous task. The first step, and by no means a simple one, was the filing of claims. The Co-operative Committee printed suitable forms in accordance with the newspaper advertisements published by the Commissioner. The filling in of these claims was the first task and of course involved a detailed and careful examination of each claim. The claims, with the exception of a few late claims, were completed by January of this year. The Commissioner has, since that time, travelled across Canada and heard the evidence of a very large number of claimants. Many of the readers of The New Canadian will be familiar with these hearings. To shorten and clarify the evidence to be presented, written forms giving some of the necessary details of the properties in question were prepared. Government Counsel cross-examined claimants and presented documents indicating the reasons why the Government opposed a claim. The claimants have been represented in nearly all cases by Counsel representing the Co-operative Committee. Though it has been made clear that claimants have every right to appear without counsel and to choose their own counsel, the scheme of representation made available by the Co-operative Committee has been accepted by the large majority of claimants except in Southern Alberta where Mr. A. Gladstone Virtue, K.C., represents a large group of claimants. Counsel representing the Co-operative Committee have included: Mr. R.J. MacMaster and Mr. J.A. MacLennan of Vancouver; Mr. L. S. Turcotte and Mr. W.E. Huckvale of Alberta; Mr. Morris Shumiatcher, Mr. George Tamaki and Mr. P. G. Makiaroff in Saskatchewan; Mr. S. M. Cherniack of Manitoba; Mr. R.A. Best and the writer in Ontario; and Mr. Roger Ouimet, K.C., in Quebec. They have been much assisted in the arduous task of preparing the written evidence and interviewing claimants by Mr. Leckie and Mr. Jack Gilbert and representatives of the JCCA whose co-operation has been essential.

#### COURTEOUS ATTENTION

Perhaps some of the claimants feel that they would like to have a chance to present further evidence in support of their claim. Nevertheless, claimants cannot fail to be impressed by the courteous attention of the Commissioner, Mr. Justice Bird. In the time available, however, it was found impossible for the Commissioner himself to hear all the evidence of the claimants and various County Court Judges have been appointed to hear the remaining evidence of claimants. At the present time, the Sub-Commissions have completed all their work except in Ontario where the hearings are proceeding now. Some 200 cases are still to be heard.

Considering all the difficulties, it is remarkable how smoothly and efficiently the evidence has been presented and the facts brought before the Commissioner. In few, if any cases, has there been any suggestion that claimants were intentionally misleading the Commissioner.

#### FIRST STAGE ENDS

This will end the first stage of the Commission but it is by no means the most important. In all cases of valuation, the opinion of the expert is required. To establish a fair market value, evidence will have to be given by expert real estate valuers. Research has to be undertaken into voluntary sales made contemporaneously with sales by the Custodian, the relation of selling values to assessments and crop values and market trends. The values of timber limits, of cars, radios, farm implements, fishing vessels, fishing nets, household furniture and many other forms of property, at the relevant dates must be considered and related to individual cases. A great deal of this work has already been done for the claimants by the Co-operative Committee under the supervision of Mr. R. J. McMaster of Vancouver.

The Commissioner has heard and is now hearing general evidence presented by Government Counsel. Shortly he will be hearing claims presented by corporations. This will be followed by detailed hearings of a selected number of representative cases dealing with special categories of claims. The evidence of valuers on both sides will be presented. Upon the principles established in these representative cases, each case will be reviewed and if possible fitted into its category. Cases involving special features will be specially reviewed.

The immensity of the task before the Commission, Government Counsel and the representatives of the claimants may perhaps be realized when it is considered that there are some 1,500 claimants claiming upwards of \$5,000,000.00 and that each claim represents a multitude of details. It is hoped that with continued co-operation between all concerned, the Commission may complete its work and make final recommendations to the Government in 1949.

Most of the Japanese Canadians will not regard the outcome of the Property Commission as a matter of dollars and cents only. There are bound to be some disappointments. What can be, and we believe, will be the outcome of the Commission will be a sense that, though it has cost time, money and effort - in a democracy, justice, however imperfect, is a reality and that Canadians of Japanese origin can depend upon receiving the same consideration from the Canadian people and government as any other group of Canadians.

# VANCOUVER CONSULTATIVE COUNCIL

## EXECUTIVE COMMITTEE:

NORMAN F. BLACK, M.A., D. PAED., *President*  
W. H. H. NORMAN, B.A., S.T.M., *Vice-President*  
A. J. MACLACHLAN, B.A., B.D., *Secretary*  
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ALEX. GRANT, M.A.  
GRACE MCINNES, B.A.  
HUGH M. RAE, M.A., B.D.

1605 West Twelfth Avenue  
VANCOUVER, B.C.

March 25th/47.

Hon. Louis Stephen St. Laurent, M.P.  
Ottawa, Canada

Dear Sir:

### Re Discriminatory Legislation

Vancouver Consultative Council requests your patient consideration of a communication which in the circumstances must inevitably be of somewhat unwieldy length.

Some years ago, at a conference of representatives of some twenty five educational, philanthropic, religious and cultural organizations, Vancouver Consultative Council was set up for the study of problems of citizenship, particularly those arising from or influenced by war-time conditions. The Council devotes itself to the study and publicising of factual data relevant to problems of citizenship and, in general, to the protection of the elementary civil and human rights of under-privileged residents of this Dominion.

Accordingly, Vancouver Consultative Council is committed to opposition to all public policies and social tendencies based upon racial antipathies. The immediate purpose of this communication is to bespeak your support in connection with matters dealt with in the letter reproduced below and written under date of February 7th, 1947:

The Right Honourable W.L. Mackenzie King,  
Prime Minister,  
Ottawa, Canada.

Sir:

### Re Canadian Policies relevant to Orientals

I am instructed to express the gratitude of Vancouver Consultative Council for your pronouncement of January 24 relative to aspects of the Canadian Japanese problem regarding which we have made representations to you and your Government from time to time, ever since the evacuation of the Japanese from this area. We felt that grave injustices had been perpetrated in the name of Canada but always were convinced that your own decisive influence would be cast in favour of policies consonant with Christian ethics. Consequently it was with great pleasure that

*Circular letter.  
no reply needed.  
MSK*

*Any Mr. Menzies & see  
v file  
Sent to the Dept by  
Don St. Laurent*

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we read that "to ensure the fair treatment promised in 1944, the Government is prepared, in cases where it can be shown that a sale (of Japanese property) was made at less than a fair market value, to remedy the injustice."

We have reason to believe -- and indeed to know -- that such cases were numerous and we are unhappy over the prolonged delay in the announcement of machinery and procedure through which the facts may be established and hardships remedied. The case is complicated by the fact that property owners of Japanese extraction are scattered far from their former homes and that many of them are people whose helplessness is increased by ignorance of legal procedures. Very few of these people have any desire or intention to return to their former places of residence; but they are sorely in need of funds satisfactorily to establish themselves in those parts of Canada where they are now seeking to secure permanent homes and means of livelihood. Accordingly, with deep respect but great earnestness, we urge upon you an early and official clarification of a situation which we feel reflects upon the honour of Canada.

This Council, after careful consideration of the problems involved vigorously approves the repeal of the Chinese Immigration Act of 1923, a law which it looks upon as morally indefensible and injurious to Canadian interests and to healthy international relationships. We strongly disapprove of any law, order-in-council or official regulation that discriminates, or authorises discrimination, against Canadian citizens of Chinese ancestry or against Chinese nationals legally resident in Canada. Present legislation unfavourable to the establishment or maintenance of normal family life on the part of Chinese residents we look upon as contrary to the basic principles of morality.

In this and other connections we look to the Government of Canada for such action as will implement our obligations under the Charter of the United Nations to avoid racial discrimination in any form.

I have the honour to be,

Sir,

Your obedient servant,

NORMAN F. BLACK, President,

Vancouver Consultative Council.

This letter was acknowledged under date of March 5, when we were advised that our letter was being brought to the attention of Colonel Gibson, Secretary of State, with request that further information be sent us when decisions have been reached. We were also duly informed that our views regarding the removal of discrimination from legislation concerning immigration had been noted.

For very obvious reasons, the attitude taken and the opinions expressed during the next few days, by members of the House of Commons and Senate and other good citizens, relative to policies and legislation reflecting racial discrimination and animosities, will be of crucial importance.

At the moment we are pressing especially for the remedy of notorious economic injustices incidental to the evacuation, for military reasons, of persons not guilty of any misconduct; however, it is to be remembered that the Consultative

Council and those many other organizations and individuals sharing its views are equally concerned regarding regulations restricting the movements and means of livelihood of law-abiding citizens and residents of Canada, whatever their racial stock, and regarding such limitation of the franchise as reflects racial discrimination.

Accordingly, it is our hope that members of the House of Commons and of the Senate will unite, irrespective of party affiliations, for the remedy of the manifold injustices against which we protest.

We are indignant that an impression has been spread that the citizen body of British Columbia is with substantial unanimity favourable to the perpetuation of such discriminatory measures. His Grace Archbishop Duke of this city selected a Catholic clergyman to act on the Executive Committee of this Council and to serve as a member of a delegation which waited upon the Premier of British Columbia to protest against racial discrimination. Innumerable private members and the responsible courts of the Anglican, Baptist, United Church, Presbyterian, Unitarian, Salvation Army and other communions have taken a stand essentially identical with that to which this Council adheres. All members of one of the three major political parties are pledged to combat discriminatory legislation at any political cost; and it is grossly unfair and in conflict with obvious facts to assume that thoughtful and well informed members of other political groups are not likewise disturbed by conditions and policies that contravene basic traditional principles of equity and equality before the law. The mere fact that hundreds of citizens of British Columbia, without regard to their various religious and political affiliations, have together made financially possible the work of this Consultative Council is itself evidence that the section of British Columbians sharing the views reflected in this letter is far from negligible.

Some reference is necessary to legislation restricting the freedom and the social and economic welfare of the aboriginal peoples of Canada. In a brief addressed to the Prime Minister the Consultative Council spoke in part as follows, when discussing the Indian situation, October 18th, 1945:

We think that you will agree with us that the status of our aboriginal tribes and Canadian policy with reference to these "original Canadians" constitute an intolerable sociological anachronism. For their own protection, and in the interests of this Dominion, some of our Indians and Eskimos must, for the time, continue to be wards of the Government; but, as rapidly as their welfare permits, they should be assuming the full rights and responsibilities of citizenship. To that end they must be provided with educational and other social services incomparably better than hitherto have been made available.

In addition to its other requests Vancouver Consultative Council appeals to you for cooperation in securing the admission, on a fair basis, of Indian children to schools available for children of other ancestral stocks, and in the promotion of policies that will respect the Indian's just demands for the exercise of the franchise without necessarily involving him in the forfeiture of existing Indian rights and of whatever social or economic advantage he at present derives from his tribal relationships.

Sincerely yours,

*Norman*

*F. Black*

MEMORANDUM  
Office of the Prime Minister

Ottawa, 11/2/46

Y COMMITTEE

REV. W. W. JUDD, D.C.L.

REV. FR. A. E. MCQUILLEN

REV. C. H. SCHUTT, D.D.

EXTERNAL AFFAIRS RECORDS

DIANS

301

File No. 773-B-1-46

Chron. to Filed

January 31, 1946.

## Japanese Canadians

Recent pronouncements made by high Government officials at Ottawa indicate that unless the tolerant, liberal thinking people of the country lodge vigorous protests, several hundred Japanese Canadians, many of them Canadian citizens, will be deported to Japan against their will. This would establish a vicious precedent, bringing dishonour to Canada and causing unnecessary suffering to a number of innocent people, in that, families would be broken up and the returnees landed in Japan where adequate food is lacking and housing practically non-existent. In the hope of arousing more individual and group protests against this wholly uncalled for and un-Christian action we send you this letter.

The present Government policy concerning those of Japanese origin now in Canada is as follows:

- (a) All Canadian Born of proved loyalty, including those who have asked to go to Japan but have requested cancellation of their signatures before orders for their deportation are given, may stay in Canada.
- (b) Nationals and Naturalized Canadians who have requested repatriation but who asked for cancellation of such requests after September 2nd, 1945, are to be deported—along with all minors in their families.
- (c) Nationals and Naturalized citizens of proved loyalty who did not sign for repatriation or those who did but requested cancellation before September 2nd, 1945, will be allowed to stay in Canada.

A crescendo of disapproval is being expressed all over Canada regarding Section B above. Many questions are being asked. Why should the Japanese be treated differently from the Italians or Germans? If what Prime Minister King stated in the House on August 4, 1944, is true, namely, that none of them have been guilty of sabotage or other offence against the Government, on what basis other than that of pure racial discrimination are they to be so treated? If they are to be deported on that basis in what respect is such action different from what the Nazis in Europe did to the Jews? It has now come to the place where, not the Japanese, but Canada and Canada's honour are being put on trial.

It is the opinion of the members of our Committee that the only Christian way to handle the question is to give every person of Japanese origin in Canada against whom no evidence of disloyalty has been found, a chance to have his case considered by a properly constituted tribunal. To do less, in our view, would be to violate the United Nations Charter which expressly states its purpose as "The realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

If on reading the above you feel at all as we do, you can have a part in working for Christian justice in Canada, by sending a letter or telegram of protest to the Prime Minister either as an individual or as a member of your own church group or of any other group with which you have contacts. *Public opinion must be mobilized if a grave injustice is to be avoided.* Whatever is done should be done speedily before the Government policy hardens into action. Any communication should be addressed to The Right Honourable W. L. Mackenzie King, Ottawa.

If more information is required, please do not hesitate to write. Our services are at your disposal.

Sincerely yours,

Rev. George Dorey, D.D., 299 Queen St., W.

Rev. E. H. Johnson, 100 Adelaide St., W.

Rev. W. W. Judd, D.D., 604 Jarvis St.

Rev. Fr. A. E. McQuillen, 200 Church St.

Rev. C. H. Schutt, D.D., 223 Church St.

REV. GEO. DOREY, D.D.  
Chairman

REV. E. H. JOHNSON,  
Secretary

THE NATIONAL INTERCHURCH ADVISORY COMMITTEE

on

RESETTLEMENT OF JAPANESE CANADIANS

100 Adelaide St. West, Room 801  
Toronto 1, Ontario

REV. W. W. JUDD, D.C.L.

REV. FR. A. E. MCQUILLEN

REV. C. H. SCHUTT, D.D.

January 31, 1946.

*On Behalf of Justice and Fair Play to all Japanese Canadians*

Dear Fellow Worker:

Recent pronouncements made by high Government officials at Ottawa indicate that unless the tolerant, liberal thinking people of the country lodge vigorous protests, several hundred Japanese Canadians, many of them Canadian citizens, will be deported to Japan against their will. This would establish a vicious precedent, bringing dishonour to Canada and causing unnecessary suffering to a number of innocent people, in that, families would be broken up and the returnees landed in Japan where adequate food is lacking and housing practically non-existent. In the hope of arousing more individual and group protests against this wholly uncalled for and un-Christian action we send you this letter.

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