

ATIP REVIEW SLIP / AIPRP BORDEREAU DE RÉVISION

RG #: 27 Vol.: 659

Acc.: _____ Box/Boîte: _____

File/Dossier: 23-2-17-16

ATIP's Request #: TRIAGE

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Reviewed by / Révisé par: L Date: 31/1/17

FROM.....

TO.....

CROSS REFERENCES

SUBJECT

JAPANESE

SUB-SUBJECT.....SEGREGATION & REPATRIATION

SEGREGATION & REPATRIATION

FILE TITLE BILL # 15, EMERGENCY POWERS ACT,
RE. COMPULSORY DEPORTATION

THIS COVER MUST NOT BE FOLDED UNDER FILE WHEN IN USE.

[illegible]

Back of file
23-2-17-16.

Instructions with respect to deportation order

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3. It is proposed that the deportation order provide:

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- (2) Upon deportation any of such persons having Canadian citizenship rights shall be deprived of same.
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- (a) should the order include authority to Minister to refer to such board any case on compassionate grounds.
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FILE No. 23-2-17-16

CHARGED OUT

To

RETURNED

25-1-56

mailed

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

P.A.

B.F.

AIR MAIL.

OTTAWA, December 19, 1945.

Mrs. Agnes R. Maxwell,
Womens Missionary Society,
St. Paul's United Church,
Assiniboia, Sask. ✓

Dear Madam:

The Honourable Mr. Mitchell has referred to me for acknowledgement your letter of December 15, in which is incorporated a Resolution of your organization with respect to Clause (G) of Bill #15.

I would point out that, prior to passing of this Resolution, Bill #15 was already revised and passed, and that Clause (G) was omitted.

Yours very truly,

A. MacNamara.

HTP:FD

See 23-2-13-2
for corresp

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

P.A.

B.F.

~~Copy~~ sent to: Mr. G.E. Trueman (Dec. 18/45)

REFER TO OUR NO. R-104583.

DEPARTMENT OF JUSTICE

REMISSION SERVICE

OTTAWA

December 10, 1945.

Dear Sir:

Re: Kengi YAMADA.

Following your enquiry of Saturday, I called for our file, and find that this man's sentence apparently expired on the 23rd of November, and that his application of the 8th of October, for release by way of clemency, was investigated, according to practice, but was not granted.

[Handwritten signature/initials on the left margin]

This Department is not aware of any plans for Yamada's rehabilitation in Canada, and it was only in a letter of November 30th, from Mr. G. E. Trueman, of the Japanese Division of the Department of Labour, 24 Adelaide Street East, Toronto, that first mention was made to us that 'the Magistrate who sentenced Yamada to six months' imprisonment, for wielding a knife with intent to kill, recommended that he be deported at the end of his sentence.' I presume the question of deportation is one for the attention of the Immigration authorities.

H. T. Pammett, Esq.,
Department of Labour,
O t t a w a.

Yours very truly,

[Handwritten signature: M. F. Gallagher]
M. F. Gallagher,

Director of Remission Service.

[Handwritten note: re sentence of A/M J.P.]



BRITISH COLUMBIA SECURITY COMMISSION

T O R O N T O

Decemver 5, 1945.

Mr. A. MacNamara,
Deputy Minister of Labour,
Ottawa, Ont.

Attention Mr. H.T. Pammett

RE: Kenji YAMADA - J.R. #02285

The other day, on behalf of the above, I wrote directly to Mr. M.F. Gallagher, Director of Remission Service, Department of Justice, Ottawa, forgetting at the moment that all such communications should go through your department. It was such a long time since I had need to write to any other department, that for the time the regulation entirely slipped my mind.

Mr. Yamada has recently been released from Burwash Farm, to which place he had been sentenced some six months previously for drawing a knife on a fellow Japanese in Kapuskasing. He was released on November 23rd. A day or so ago he showed me a letter he had received from Mr. Gallagher written to the Chief of Police at Kapuskasing asking him to obtain a full report on the Yamada case, which might be of help to the Minister in disposing of his appeal for clemency.

Since the matter of Yamada's repatriation problem is up, I wanted to know from Mr. Gallagher what plans the Department had for him. I wonder if you would be good enough to follow this matter up by telephone so that we will be able to have the necessary information in our hands.

G. E. Trueman
G. E. Trueman
Placement Officer

GET*DO

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

P.A.

H.T. Pammett.

B.F.

AIR MAIL

Confidential

OTTAWA, December 8th, 1945.

Mr. T.B. Pickersgill,
Commissioner, Japanese Placement,
Japanese Division, Dept. of Labour,
360 Homer St., Vancouver, B. C.

Dear Mr. Pickersgill:-

I am enclosing herewith copy of correspondence which went forward to Washington under date of December 3rd, dealing with repatriation of Japanese, together with a copy of the revised draft letter from the Canadian Ambassador at Washington to the Secretary of State which went forward with the same letter.

I might say that we had received, through the Canadian Embassy at Washington, the advice of space being available for Japanese on ships sailing from Seattle at various dates during the month of December and, as you will note from the enclosures, we were obliged to advise the United States authorities that we will be unable to take advantage of these sailing dates. Since that time, we have been advised that space offered in December would not, in any event, be available.

National Defence have agreed to supply guard personnel for boats for transportation of repatriates on board boat from Seattle and they have also agreed to provide the services of a conducting officer for a temporary period of time. If you will let me know how soon you want to have the services of this officer made available to you, I will then take the matter up with National Defence.

✓ | The Deportation Order will be considered, I believe, by Cabinet early next week and I will let you have a copy of it as soon as available.

Yours very truly,

A.H. Brown

Dec 23-2-17-3 for camp

December 7,

45

- Mr. Geo. Greene:

Please have the Minister sign the attached submissions to Council which have been considered by the Subcommittee of Cabinet on Japanese this morning and thereafter arrange to have the same sent up to the Office of the Privy Council.

A. MacNamara

Ottawa, December 7, 1945.

Honourable Paul Martin, M.P.,
Secretary of State,
O t t a w a.

Dear Mr. Martin:

The attached submission to Council which was drafted by a Committee on which your Department was represented by Mr. W. J. P. O'Meara, K.C., was considered by the Sub-Committee of Cabinet on Japanese today together with a complementary order providing for deportation of Japanese and it was decided that the two submissions would be sent forward immediately for consideration of Cabinet.

Honourable the Minister is therefore signing the complementary order and he is sending it up to Cabinet today. It would be appreciated if you will be prepared to sign the attached submission and send it forward to Council today for early consideration thereof.

Both the attached submission and the complementary submission which is going forward are subject to concurrence by the Secretary of State for External Affairs but I am advised that it will not be necessary to obtain such concurrence prior to the consideration of the submission by Council.

Sincerely,

A. MacNamara

Ottawa, December 7, 1945.

MEMORANDUM TO MR. A. D. P. HENNEY:
CLERK OF THE PRIVY COUNCIL:
O T T A W A.

I enclose herewith a submission to Council to give authority for the deportation of certain classes of persons of the Japanese race to Japan.

This submission was considered by the Sub-Committee of Cabinet on Japanese at a meeting today and it was agreed that the recommendation should be sent forward for consideration of the Cabinet. Would you be good enough to have the matter placed before Cabinet as soon as possible.

There is also a complementary submission to Council which will be going forward from the Secretary of State dealing with the matter of citizenship rights of persons who are deported under the attached order as approved and which should be approved immediately following approval of the attached submission.

Ottawa, December 7, 1945.

MEMORANDUM TO MR. A. D. P. HENNEY:
CLERK OF THE PRIVY COUNCIL:
OTTAWA.

I enclose herewith a submission to Council to give authority for the deportation of certain classes of persons of the Japanese race to Japan.

This submission was considered by the Subcommittee of Cabinet on Japanese at a meeting today and it was agreed that the recommendation should be sent forward for consideration of the Cabinet. Would you be good enough to have the matter placed before Cabinet as soon as possible.

There is also a complementary submission to Council which will be going forward from the Secretary of State dealing with the matter of citizenship rights of persons who are deported under the attached order as approved and which should be approved immediately following approval of the attached submission.



CANADA

Privy Council Office

Cabinet Secretariat

TOP SECRET

December 7, 1945.

Department of Labour	
DEC 7 1945	
To: <i>Mr. MacNamara</i>	
<input type="checkbox"/>	DRAFT LETTER
<input type="checkbox"/>	YOU HANDLE
<input type="checkbox"/>	YOUR COMMENTS
<input type="checkbox"/>	SEE ME PLEASE
<input type="checkbox"/>	NOTE & RETURN
<input type="checkbox"/>	GET FILE

A. MacNamara, Esq.,
Deputy Minister of Labour,
Confederation Bldg.,
OTTAWA, Ontario.

Dear Mr. MacNamara:

I am enclosing minutes of a meeting of the Special Committee of the Cabinet appointed to consider the repatriation and re-location of persons of Japanese race in Canada, which was held in the office of the Minister of Veterans Affairs in the House of Commons on Friday, December 7th.

Yours sincerely,

B. F. Wood,
Secretary.

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

TOP SECRET

A meeting of the Special Committee of the Cabinet appointed to consider the repatriation and re-location of persons of Japanese race in Canada was held in the office of the Minister of Veterans Affairs, Room 273, House of Commons, on Friday, December 7th, 1945, at 10.00 a.m.

Present:

The Minister of Labour,
(Mr. Mitchell), - Chairman

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

The Minister of National Defence,
(Mr. Abbott).

The Secretary (Mr. B.F. Wood), Privy Council Office.

Also present:

Deputy Minister of Labour,
(Mr. MacNamara),

Mr. R. G. Robertson,
Department of External Affairs,

Mr. P. M. Anderson, K.C.,
Department of Justice,

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

I. LEGISLATION

1. The Committee considered two Orders in Council, copies of which had been circulated, which had been prepared by the sub-committee established for this purpose. The first Order, to be submitted by the Secretary of State, provides for the deprivation of citizenship rights of British subjects and Canadian nationals deported from Canada under the provisions of the second Order in Council. The second Order, to be submitted by the Minister of Labour, provides for the repatriation and deportation of residents of Canada of the Japanese race in accordance with the previous decision of the Cabinet.

2. The Committee after discussion agreed that both Orders should be submitted to Council at the earliest possible moment with a view to tabling them in the House prior to the close of the present session.

II. TRANSPORTATION

3. Mr. MacNamara enquired regarding the availability of the aircraft carrier, Puncher, to transport at least one group of Japanese.

4. Mr. Abbott stated that this was an American ship and was not considered very sea-worthy but agreed to discuss the matter with officials of the Naval Service.

5. The Committee agreed that the Puncher should be made available if possible but that in any event plans should proceed for the use of American shipping in accordance with arrangements recently completed in Washington.

III. ESTABLISHMENT OF LOYALTY COMMISSION

6. The Chairman stated that legislation should be drawn up providing for the establishment of a Loyalty Commission.

7. The Committee after discussion agreed that the sub-committee previously appointed to draft legislation should draft an Order in Council establishing a Loyalty Commission and also make recommendations relative to the scope of this Commission. This sub-committee is to report directly to the Minister of Labour who will bring any necessary recommendations before Cabinet without further reference to the Cabinet Committee.

The meeting adjourned at 11.00 a.m.

B. F. Wood,
Secretary.

Privy Council Office,
Ottawa, December 7, 1945.

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

P.A.

B.F.

Ottawa, December 7, 1945.

✓
Honourable Paul Martin, M.P.,
Secretary of State,
O t t a w a.

Dear Mr. Martin:

The attached submission to Council which was drafted by a Committee on which your Department was represented by Mr. W. J. P. O'Meara, K.C., was considered by the Sub-Committee of Cabinet on Japanese today together with a complementary order providing for deportation of Japanese and it was decided that the two submissions would be sent forward immediately for consideration of Cabinet.

Honourable the Minister is therefore signing the complementary order and he is sending it up to Cabinet today. It would be appreciated if you will be prepared to sign the attached submission and send it forward to Council today for early consideration thereof.

Both the attached submission and the complementary submission which is going forward are subject to concurrence by the Secretary of State for External Affairs but I am advised that it will not be necessary to obtain such concurrence prior to the consideration of the submission by Council.

Sincerely,

A. MacDonnara

*re - deportation
of Japanese to
Japan.*

11/10/12/45

Ottawa, December 7, 1945.

MEMORANDUM TO MR. A. D. P. REENEY:
CLERK OF THE PRIVY COUNCIL: ✓
O T T A W A.

I enclose herewith a submission to Council to give authority for the ¹⁰⁰deportation of certain classes of persons of the Japanese race to Japan.

This submission was considered by the Sub-Committee of Cabinet on Japanese at a meeting today and it was agreed that the recommendation should be sent forward for consideration of the Cabinet. Would you be good enough to have the matter placed before Cabinet as soon as possible.

There is also a complementary submission to Council which will be going forward from the Secretary of State dealing with the matter of citizenship rights of persons who are deported under the attached order as approved and which should be approved immediately following approval of the attached submission.

ND 70/12/45

REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

2. (1) Every person of sixteen years of age or over, other

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

than a Canadian national, who is a subject of Japan resident in Canada and who, WHEREAS during the course of the war with Japan certain Japanese nationals manifested their sympathy with or support of (a) has, since the date of declaration of war, Japan by making requests for repatriation to Japan and otherwise; December 8th, 1941, by the Government of Canada and

against Japan, made a request for repatriation WHEREAS other persons of the Japanese race have requested or may request that they be sent to Japan; and

(b) has been in Canada since the date of declaration of war, WHEREAS it is desirable that provision 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, the undersigned has the honour to recommend that Your Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, be pleased to make the following Order:

to the purport of this Order; Provided that such Order may not be revoked in writing such ORDER prior to midnight of

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

- (1) (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;
- (c) "Minister" means the Minister of Labour;
- (d) "recorded" means on record as having been received by a Department of the Government of Canada;
- (e) "request for repatriation" includes a written request or statement of desire, to be repatriated or sent to Japan.

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, December 8th, 1941, by the Government of Canada against Japan, made a request for repatriation to Japan; 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 and was so detained as at midnight of September 1st, 1945;

may be deported to Japan pursuant to the provisions of this Order.

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who applies in writing to be sent to Japan may be deported thereto pursuant to the provisions of this Order; Provided that such person has not revoked in writing such application 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 applies in writing to be sent to Japan may be deported thereto pursuant to the provisions of this Order; Provided that such person has not revoked in writing such application prior to the making by the Minister of an order for deportation.

(4) The wife and children under sixteen years of age of any persons for whom the Minister makes an order for deportation pursuant to the provisions of this Order, 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 or an application to be sent to Japan 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.

5. An order for deportation made by the Minister pursuant to the provisions of this Order shall be in force and effect from the date of the order.

6. (1) Any person for whom an order for deportation is made pursuant to the provisions of this Order shall be entitled, notwithstanding anything contained in any regulation under the Foreign Exchange Control Board

(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 nine 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 for such deposit and transfer such money, less transfer charges, to such person wherever reasonably possible following upon his deportation, and the Custodian of Enemy Property when authorized so to do by such person may purchase foreign exchange and transfer the same as hereinbefore provided for the transfer of money;

(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 deported pursuant to the provisions of this Order has not been sold or otherwise disposed of prior to deportation 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 deportation advance to or for a person being deported pursuant to the provisions of this Order 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. 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.

9. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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. (1) 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.

(2) Every document purporting to be or to contain or to be a copy of a request for repatriation and certified as such by the Commissioner of Japanese Placement, appointed pursuant to Order in Council P.C. 9469, of the 5th day of February, 1943, shall be prima facie evidence of such request for repatriation 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.

Respectfully submitted,

- 7 -
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.

Respectfully submitted,

Minister of Labour.

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

P.A.

B.F.

AIR MAIL

O t t a w a, December 6, 1945.

Mrs. V. Jamieson,
Secretary,
Home Street Young Adults Club,
43 Arlington Street,
Winnipeg, Man.

Dear Madam:

The Honourable Mr. Mitchell has referred to me for
reply your letter of recent date enclosing a Petition dated November
22 signed by a number of members of your organization, with respect
to Japanese Canadians and with particular reference to Bill #15.

You will no doubt have read in the newspapers that this
Bill has been drastically revised within the last week.

I have been asked to assure you that your representations
on this subject will receive careful consideration.

Yours very truly,

A. MacNamara.

HTP:MS

See 23-2-13-1

Ottawa, December 6, 1945.

TO

HIS EXCELLENCY, THE GOVERNOR GENERAL IN COUNCIL

The undersigned has the honour to report that by Order in Council P.C. of 1945, provision has been 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.

The undersigned has the honour to recommend, therefore, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

1. Any person who being a British subject or a Canadian national is deported from Canada under the provisions of Order in Council P.C. of 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.

Respectfully submitted,

Secretary of State

Concurred in:

Secretary of State for External Affairs

, December 6, 1945.

The undersigned has the honour to report that by Order in Council P.C. of 1945, provision has been 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.

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Concurred in:

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Secretary of State for External Affairs

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Concurred in:

Secretary of State

Secretary of State for External Affairs

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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.

Respectfully submitted,

Concurred in:

Secretary of State

Secretary of State for External Affairs



CANADA

Privy Council Office

Cabinet Secretariat

Ottawa, Canada

December 6, 1945.

CONFIDENTIAL

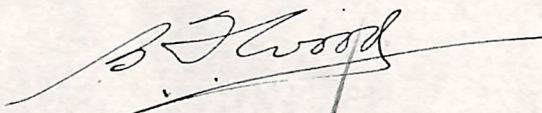
Mr. A. H. Brown,
Assistant to Deputy Minister,
Department of Labour,
OTTAWA, Ontario.

Dear Mr. Brown:

I am enclosing draft legislation relative to the
repatriation of residents of Canada of Japanese race, pre-
pared by the sub-committee appointed for this purpose.

This legislation and the report of Canadian
Government representatives who recently visited Washington
will be discussed by a meeting of the Cabinet Committee to
be held in the office of the Minister of Veterans Affairs,
Room 273, House of Commons, on Friday, December 7th, at
10.00 a.m.

Yours sincerely,


B. F. Wood,
Secretary.

*re appointment
of sub-
committee
re-
repatriation
of Japanese*

27/10/12/45

MOST SECRET

This document on loan from the
PRIVY COUNCIL OFFICE-CANADA

194

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

DEPARTMENT OF JUSTICE

Ottawa, December 4th, 1945

MEMORANDUM

B. F. Wood, Esq., Secretary of Special Committee of the Cabinet appointed to consider the repatriation and relocation of persons of the Japanese race in Canada.

The Sub-committee appointed pursuant to the decision of the Committee at its meeting on November 5th, 1945, has prepared two Reports to Council, copies of which I enclose in duplicate. One report provides for the repatriation of certain persons of the Japanese race, and the other provides that a British subject or Canadian national deported pursuant to the first-mentioned report shall cease to be either a British subject or a Canadian national when so deported.

With reference to the first-mentioned report, the sub-committee desires that the attention of the Committee be drawn particularly to section 9, which purports to take away the jurisdiction of any court with respect to proceedings under the proposed Order. It was considered that this provision might be necessary to prevent undue delay in carrying out the intention of the Order, but the sub-committee thought that the question as to whether or not this provision should remain in was one of policy for determination by the Committee.

As you are aware, the members of the sub-committee are, P. M. Anderson, K.C., Department of Justice, Chairman; J. E. Read, K.C., Department of External Affairs; R. G. Robertson, Department of External Affairs; A. H. Brown, Department of Labour; W. P. J. O'Meara, K.C., Department of the Secretary of State.

(Sgd) P. M. Anderson
Chairman

Encls.

Privy Council Office,
Ottawa, December 5, 1945.

REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report that by Order in Council P.C. of 1945, provision has been 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.

The undersigned has the honour to recommend, therefore, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

1. Any person who being a British subject or a Canadian national is deported from Canada under the provisions of Order in Council P.C. of 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.

Respectfully submitted,

Secretary of State

REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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 the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

ORDER

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. (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. (Cont'd)

(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.

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;

6. (Cont'd)

- (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.

8. (Cont'd)

(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. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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.

Respectfully submitted,

Minister of Labour

Amendments to draft Order on Deportation

The following to be inserted immediately following section 4:

"The Minister may authorize any person to exercise any power conferred by this order of the Minister including any power involving the exercise of discretion and any person so authorized may, under the control and direction of the Minister, exercise each and every power so delegated to him."

Section 8 - The present section to be renumbered as subsection one and the following to be inserted thereafter as subsections two and three:

"(2). The Department of National Defence shall furnish any military guard personnel required in connection with this Order."

"(3) The Commissioner of the Royal Canadian Mounted Police assist the Minister as required by the Minister in the administration of this Order."

Subsection two of section twelve to be struck out and the following to be inserted after section twelve:

"13. The Secretary of State for External Affairs is authorized to furnish to the United States authorities necessary assurances for reimbursement of such costs as may be incurred by the United States authorities ~~under arrangements made with the Canadian Government~~ in connection with the deportation of persons under this Order pursuant to arrangements made between the Canadian Government and the Government of United States."

Paragraph 13 to be revised to read as follows:

"13. (1) That an amount of \$1,000,000 shall be allotted from the War Appropriation to the Department of Labour for Japanese Administration to provide for expenditures authorized under this Order."

5 (e) authorize from time to time any person to
exercise ~~for him~~ ^{on his behalf} any power vested in him
under paragraph (b) of this section.

"13. The estimates of the amounts required from the War Appropriation by the Department of Labour for the fiscal year 1945-46 shall be increased by \$1,000,000 and an immediate allotment made of this amount for the Japanese Division of the Department of Labour for the purposes authorized by this Order."

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.

Respectfully submitted,

Minister of Labour.

REPORT TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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, the undersigned has the honour to recommend that Your Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, be pleased to make the following Order:

ORDER

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) "recorded" means on record as having been received by a Department of the Government of Canada;
- (e) "request for repatriation" *means* includes a written request or statement of desire, to be repatriated or sent to Japan.

3. Subject to the provisions of section 2 of this Order,

a request for repatriation to be made by the person to

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, ~~made an order for the deportation of any person~~ December 8th, 1941 by the Government of Canada against Japan, made a request for repatriation to Japan; 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 and was so detained as at midnight of September 1st, 1945;

may be deported to Japan ~~pursuant to the provisions of this Order.~~

(2) Every naturalized British subject of the Japanese race of sixteen years of age or over resident in Canada who ~~applies in writing to be sent to Japan~~ ^{has made a request for repatriation to Japan} may be deported ~~thereto~~ pursuant to the provisions of this Order; Provided that such person has not revoked in writing such ~~application~~ ^{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 ~~applies in writing to be sent to Japan~~ ^{has made a request for repatriation to Japan} may be deported ~~thereto~~ pursuant to the provisions of this Order; Provided that such person has not revoked in writing such ~~application~~ ^{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 persons for whom the Minister makes an order for deportation ^{to Japan} pursuant to the provisions of this Order, may be included in such order and deported with such person.

Handwritten notes:
P.C. 946
of Feb 5. 1943.
as amended
by order of
5637 of Aug 16. 1945

3. Subject to the provisions of section 2 of this Order, a request for repatriation ~~or an application to be sent to Japan~~ shall be deemed final and irrevocable for the purpose of this Order or any action taken thereunder.

4. The Minister may ~~his credit in Canada with the~~

(a) make orders for the deportation of any persons ~~is~~ subject to deportation; ~~receipt for such orders and~~

(b) take such measures as he deems advisable to ~~to~~ provide or arrange for the deportation of such ~~persons~~ persons, and for their transportation, detention, discipline, feeding, shelter, health or welfare ~~such~~ pending their deportation; ~~foreign exchange and~~

(c) make such orders, rules or regulations as he deems necessary for the purpose of carrying out the provisions of this Order; ~~deportation to take with his~~

(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.~~ ~~required to implement these orders~~

5. ^{(2) ~~by~~ ~~express~~ ~~authorisation~~} An order for deportation made by the Minister pursuant ~~to the provisions of this Order~~ shall be in force and effect from the date of the order. ~~that if this Order has not been sold~~

6. (1) Any person for whom an order for deportation is made ~~pursuant to the provisions of this Order~~ shall be entitled, notwithstanding anything contained in any regulation under the Foreign Exchange Control Board ~~it is reasonably practicable to~~

(a) at or immediately prior to the time of his ^{Subject} deportation from Canada, to purchase suitable ⁱⁿ foreign exchange to the extent of any money ~~in sale, after the~~ in his possession or standing to his credit in ~~placed to~~ Canada or advanced to him by the Minister pursuant ~~paragraph~~ to section ^{seven} ~~nine~~ 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} ~~for such deposit~~ and

such person with a receipt for such deposit and
 further ~~proceeds~~ ^{proceeds} & change thereon and transfer the same
transfer such money, less transfer charges, to

such person whenever reasonably possible follow-

ing upon his deportation; ~~and the custodian of~~

~~Enemy Property when authorized so to do by such~~

~~person may purchase foreign exchange and transfer~~

the same as hereinbefore provided for the transfer

of money; red dollars together with a further amount

(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: ~~three~~ dollars and

and the Foreign Exchange Control Board shall do such things and issue such permits as may be required to implement these provisions. *where a bank has a request for instructions*

(2) Where real or personal property of a person ^{information} deported ^{to Japan} pursuant to the ~~provisions of this Order~~ ² has not been sold or otherwise disposed of prior to ~~deportation~~ ^{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} ~~deportation~~ advance to or for a person ^{who} being deported ^{by} ~~pursuant to the provisions of this Order~~ 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. 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.

9. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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. ~~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.

~~(2) Every document purporting to be or to contain or to be a copy of a request for repatriation and certified as such by the Commissioner of Japanese Placement, appointed pursuant to Order in Council P.C. 9469, of the 5th day of February, 1943, shall be prima facie evidence of such request for repatriation 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.

Respectfully submitted,

, December 6, 1945.

THE UNDERSIGNED HAS THE HONOUR TO REPORT THAT:

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 desirable that provision 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 the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

ORDER

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. (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, 1943, and was so detained as at midnight of September 1st, 1945; health or welfare 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.

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

6. (cont'd.) on it is reasonably practicable to do so, and in the event (a) at or immediately prior to the time of his departure for the country of 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; (b) of repatriation pursuant to section seven and to take such foreign exchange out of Canada with him; or to the time of (b) to deposit any money in his possession or standing to his credit in Canada with the restriction, the Custodian of Enemy Property, who shall provide such person with a receipt therefor and purchase the foreign exchange therewith, and transfer the same, less transfer charges, to such person or whenever reasonably possible following upon his deportation; difference between the amount he (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

(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.

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.

B. (Cont'd.)

(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. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given by or pursuant to the provisions of this Order.

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.

Respectfully submitted,

Minister of Labour.

Concurred in:

Secretary of State for External Affairs.

Mr Brown

at

Amack

For consideration

B

D R A F T.

THE UNDERSIGNED HAS THE HONOUR TO REPORT:

That it is necessary to make provision for the repatriation and deportation of persons who, during the course of the war, have manifested their sympathy with or support of the enemy powers either by making declarations of desire for repatriation to an enemy country or otherwise and have by such actions shown themselves unfit for continued residence in Canada; and

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

NOW, THEREFORE, the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that Your Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, be pleased to make the following Order:

ORDER.

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

(a) "declaration for repatriation" includes a written request, or statement of desire, to be repatriated;

(b) "deportation" means the removal under the authority of this Order of any person from any place in Canada where such person is living or from any place in which such person is detained in Canada to a place outside Canada;

(c) "Minister" means the Minister of Labour and includes the Deputy Minister of Labour, the Commissioner of Japanese Placement appointed pursuant to Order-in-Council P.C. 9469, February 5, 1943, or any other person authorized by the Governor in Council to act for him under this Order;

(d) "recorded" means on record as having been received by a Department of the Government of Canada.

2. (1) Subject to the provisions of section three any person wholly of the Japanese race in Canada who,

(a) has, since the date of declaration of this war by the Government of Canada against Japan made a declaration for repatriation to Japan; or

.....

(b) has been in detention at any place in virtue of an order made under the Defence of Canada Regulations and was so detained as at midnight of September 1st, 1945; shall be liable for deportation to Japan.

- (2) The wife or minor children of any person liable for deportation under this Order shall be liable for deportation with such person except in the case of a wife born in Canada who is not herself liable for deportation under subsection one or in the case of minor children born in Canada over sixteen years of age who have ceased to be dependent on such person for support.
3. A declaration for repatriation made by any person referred to in section two shall be deemed final and irrevocable for the purposes of this Order, except where a written revocation of such declaration has been made prior to midnight of September 1, 1945, by any such person being a Canadian national by birth or naturalization and has been recorded prior to midnight September 6, 1945.
4. The Minister of Labour shall be responsible to make necessary arrangements for repatriation or deportation to Japan, as the case may be, of persons described in section two as liable for deportation.
5. The Minister may
 - (1) make orders for deportation of any one or more persons or classes of persons liable for deportation under this Order and take necessary measures for deportation of such persons;
 - (2) take such measures as he deems advisable to provide or arrange for the transportation, detention, feeding, shelter, or welfare of persons liable for deportation under this Order pending their deportation;
 - (3) make such orders, rules or regulations respecting the detention, movement, activities or discipline of persons liable for deportation under this Order as he deems necessary for the purpose of carrying out the provisions of this Order;
 - (4) 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 and may use the services of staff of the Department of Labour for this purpose.

(5) exercise such other powers and authorities as are necessary in the discharge of his responsibilities under this Order.

6. An order for deportation made by the Minister under this Order shall be in force from the time so made and, subject to the provisions of section eleven, the Minister's decision shall be final.

7. No person deported pursuant to this Order shall be subsequently permitted to land in Canada except with the consent of the Minister of Immigration.

8. (1) All persons repatriated or deported under the provisions of this Order shall have secured to them the funds standing to their credit in Canada at the time of repatriation or deportation and such funds may be transferred by them out of Canada upon repatriation or deportation and may take with them other personal property belonging to them to a reasonable amount as authorized by the Minister.

(2) Where persons repatriated or deported under this Order have been unable to transfer funds out of Canada as aforesaid upon repatriation or deportation, such persons may deposit such funds with the Custodian of Enemy Property and the Custodian of Enemy Property is authorized to provide such persons with receipts showing the amount thereof at their credit and is authorized to transfer to such persons, wherever reasonably possible to do so, following upon their repatriation or deportation the amount thereof to their credit less transfer charges.

(3) Where real or personal property of persons repatriated or deported under this Order has not been realized upon, prior to repatriation or deportation, such real and personal property shall, upon repatriation or deportation, be vested in the Custodian of Enemy Property who shall realize upon the same as soon as - in his opinion - it is reasonably practicable to do so and in the meantime may take such measures as he deems proper for the care, maintenance and safeguarding of such property; and the net proceeds so realized after the deduction of reasonable charges of handling and realization shall be held to the credit of such persons and dealt with as provided in subsection two of this section.

(4) The Custodian of Enemy Property shall be under no liability in respect of the handling, realization, or transfer of real or personal property under this Order, except to account for the moneys actually received from the handling or realization of such real or personal property.

9. (1) The Minister upon their deportation or repatriation may advance to persons repatriated or deported under this Order amounts in Canadian funds or their equivalent in foreign exchange not exceeding Two Hundred Dollars per person and Fifty Dollars for each dependent child under 16 years of age which shall be recoverable (together with amounts advanced hereunder to the wife or minor children of any such person) to the extent that funds are available therefor from funds standing to the credit of such person or the wife or husband of such person upon repatriation or deportation or subsequently credited to their accounts by the Custodian of Enemy Property.

(2) The Minister is authorized to provide free transportation to all persons repatriated or deported under this Order and of their dependents who accompany them and for such personal property as they may be permitted to take with them.

10. All departments and agencies of the Government of Canada shall assist the Minister by lending to the Minister such personnel and furnishing the use of services and other facilities as are available and may be required by the Minister and, in particular but without restricting the generality of the foregoing, there shall be furnished to the Minister

(a) assistance by the Royal Canadian Mounted Police in segregation, concentration, movement and transfer of persons affected by this Order and the maintenance of public security;

(b) assistance by the Department of Transport in the transportation of persons repatriated or deported under this Order;

(c) assistance by the Department of the Secretary of State in the handling of funds and other property of persons affected by this Order.

11. Where any question arises as to whether

(a) any person is liable to deportation under this Order; or

(b) the wife or minor children of a particular person liable for deportation under this Order should, in the circumstances of the particular case, be included in the order for deportation of such person;

the Minister may refer such question for the consideration and decision of any commission, board, or other tribunal established by the Governor in Council for such purpose and its decision thereon shall be final and conclusive notwithstanding other provisions of this Order.

ENFORCEMENT.

12. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given under the provisions of this Order.

13. (1) Any person who refuses or neglects to leave Canada or remains in Canada contrary to the provisions of this Order or who refuses or neglects to obey any order made or given under this Order shall be guilty of an offence against this Order and may be detained without a warrant by any peace officer for deportation or may be detained without warrant by such peace officer and prosecuted for such offence.

14. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties under this Order shall be guilty of an offence against this Order.

15. Any peace officer may arrest or detain without warrant any person whom he finds committing or whom he has reasonable grounds for believing has committed any offence under this Order.

16. 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.

EVIDENCE.

17. In any prosecution for an offence under section 13 of this Order it shall be presumed that the accused is a person wholly of the Japanese race and is of age until the contrary is proved and the burden of such proof shall be upon the accused.

18. (1) 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, the Commissioner of Japanese Placement, or other person authorized to act for the Minister under this Order and purporting to be signed by the Minister, the Commissioner of Japanese Placement, or other person authorized to act for the Minister under this Order, shall be evidence of such order, certificate or authority.

(2) Every document purporting to be or to contain or to be a copy of a declaration for repatriation and certified as such by the Commissioner of Japanese Placement shall be prima facie evidence of such declaration for repatriation.

GENERAL

19. 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.

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

B.F.

P.A.

Ottawa, December 3, 1945.

Miss U. Milner-White,
Secretary,
Sociological Society,
Royal Victoria College,
McGill University,
Montreal, P. Q.

Dear Madam:

The Honourable Mr. Mitchell has asked me to acknowledge your letter of November 30 with respect to the Japanese Canadians and particularly referring to Bill #15, Sub Section (G).

I would assure you that the views of your organization on this question will receive careful consideration.

Yours very truly,

A. MacNamara.

HTP:MS

See 23-2-13-1 for corresp

Foreign Exchange Control Board

Ottawa, December 1, 1945.

WHEN REPLYING
PLEASE GIVE THIS REFERENCE

.....RHT.....

A. H. Brown, Esq.,
Department of Labour,
O T T A W A.

Dear Sir,

Japanese Repatriation

We have received your letter of December 1st and as advised on the telephone, the proposed Sections 6 and 7 of the Order in Council providing for repatriation of certain persons of the Japanese race are satisfactory to the Board with the exception that we think it would be preferable to omit the words "notwithstanding anything contained in any regulation under the Foreign Exchange Control Board" at the beginning of Section 6, subsection (1).

The Board is prepared to make available the necessary foreign exchange in accordance with Section 6(1)(a) of the proposed Order in Council in the form of United States currency to the extent of \$10 per person in American Express travellers' cheques or money orders payable without restriction in United States dollars. We understand that application for these funds is to be made by your office in Vancouver to the Bank of Montreal there and we have written to our Vancouver office requesting them to give the necessary authorization to the Bank of Montreal. We have also requested our Vancouver office to make any necessary arrangements with Customs to enable the Japanese who are being repatriated to take with them the funds they are entitled to export from Canada without the necessity of producing foreign exchange control export permits.

Yours very truly,

Robert H. Tarr

Secretary

11/10/2/45

Ottawa, December 1, 1945.

Mr. R. H. Tarr,
Secretary,
Foreign Exchange Control Board,
O t t a w a.

Re: Japanese Repatriation

In confirmation of the discussion which Mr. Pickersgill and the writer had with you a few days ago, I quote herewith the provision which it is proposed to include in the Order in Council providing for repatriation of certain persons of the Japanese race now resident in this country to Japan:

"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 order, shall be entitled, notwithstanding anything contained in any regulation under the Foreign Exchange Control Board

(a) at or immediately prior to the time of his departure 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 7 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 to such person whenever reasonably possible following upon his departure;

(c) at the time of his departure 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 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 order has not been sold or otherwise disposed of prior to departure, such real and personal property shall, as of the date of departure 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 deduction of reasonable charges for handling, shall be placed to the credit of such person to be 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 such order an amount in suitable foreign exchange equivalent to the following:

(a) Where such person is 16 years of age and over and does not possess at least \$200, the difference between the amount he possesses and \$200 which shall be paid to such person;

(b) Where such person has one or more dependents under 16 years of age and does not possess at least \$200 together with a further amount computed on the ^{basis of the} amount of \$50 for each such dependent, the difference between the amount he possesses and the total of \$200 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."

I would appreciate it if you would advise whether the foregoing is satisfactory as to wording from the point of view of your Board and for your advice that necessary foreign

exchange in the form of American currency to the extent of \$10 per person and American express money orders payable without restriction as to place may be purchased at Vancouver to the extent of the funds which Japanese being repatriated may have in their possession. The maximum number of persons involved is approximately 6,000 persons 16 years of age or over plus children under 16 years of age approximating 3,000.

If you could let me have verbal confirmation on this this morning, by telephone, in anticipation of your written confirmation, it would be appreciated in order that the submission which is now before Justice Department may be cleared by the beginning of the week. My telephone number is Government Local 7063.

A. H. Brown.

ALL CORRESPONDENCE TO BE
ADDRESSED:—

THE COMMISSIONER.

R. C. M. POLICE.

OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS

IN REPLY PLEASE QUOTE

OTTAWA, November 30, 1945.

FILE NO. C.315-36-3.

CANADA

BY HAND

Attention: Mr. A. H. Brown.

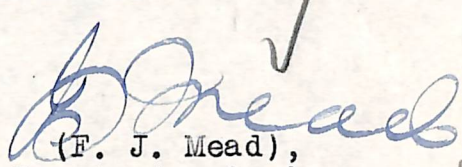
Receipt is acknowledged of your letter of the 28th instant enclosing a draft order bearing on the deportation of persons of the Japanese race to Japan.

2. I have perused the order and cannot suggest any improvement or alteration other than possibly with respect to paragraph 2(1)(b). This sub-paragraph would appear to affect only the 157 Japanese nationals who, as of midnight September 1st, 1945, were held at Angler Camp pursuant to the provisions of Regulation 25(8) of the Defence of Canada Regulations.

3. There are at least 11 other Japanese nationals interned who do not seem to be covered by this paragraph because they were not held, at the time in question, viz. September 1st, under the Defence of Canada Regulations but rather under Section 3A of Order in Council P.C. 946. These 11 were originally detained under Regulation 21 of the Defence of Canada Regulations and were so held up to and including the 15th of August, 1945, when the said Regulation was revoked and authority to detain was transferred to Order in Council P.C. 946. There may be others who had been originally detained under Regulation 21 as naturalized Canadians who since that time have had their citizenship cancelled. A check at the Secretary of State Department may produce the necessary information on this score.

4. In the circumstances you may possibly wish to consider amending paragraph 2(1)(b) by inserting "or Order in Council P.C. 946" immediately after the word "Regulations". If this is done the paragraph referred to would appear to cover all the Japanese nationals presently interned.

The Deputy Minister,
Department of Labour,
O T T A W A.


(F. J. Mead),
Deputy Commissioner.

Y. H. 12/1/45

Amendments to draft Order on
Deportation

The following to be inserted immediately following
section 4:

"5. The Minister may authorize, from time to time, any person or persons to exercise any power vested in him under this Order including any power involving the exercise of discretion and such person shall, under the control and direction of the Minister, have full power to exercise the power or discretion so delegated to him."

Section 8 - The present section to be renumbered as subsection one and the following to be inserted thereafter as subsections two and three:

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

8 | "(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."

Subsection two of section twelve to be struck out and the
following to be inserted after section twelve:

~~"13. The Secretary of State for External Affairs is authorized
to furnish to the United States Government authorities
necessary assurances for reimbursement by the Government
of Canada of such costs as may, by arrangement between the
two Governments, be incurred by the United States
authorities in connection with the carrying out of the
provisions of this Order. "~~

The present paragraph 13 to be revised to read as follows:

Amendments to draft Order on
Deportation

The following to be inserted immediately following

section 4:

"5. The Minister may authorize, from time to time, any person or persons to exercise any power vested in him under this Order including any power involving the exercise of discretion and such person shall, under the control and direction of the Minister, have full power to exercise the power or discretion so delegated to him."

Section 8 - The present section to be renumbered as subsection one and the following to be inserted thereafter as subsections two and three:

"(2) The Department of National Defence shall furnish 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 required of him by the Minister in the carrying out of the provisions of this Order."

Subsection two of section twelve to be struck out and the following to be inserted after section twelve:

"13. The Secretary of State for External Affairs is authorized to furnish to the United States Government authorities necessary assurances for reimbursement by the Government of Canada of such costs as may, by arrangement between the two Governments, be incurred by the United States authorities in connection with the carrying out of the provisions of this Order."

The present paragraph 13 to be revised to read as follows:

"13. The estimates of the amounts required from the War Appropriation by the Department of Labour for the fiscal year 1945-46 shall be increased by \$1,000,000 and an immediate allotment made of this amount for the Japanese Division of the Department of Labour for the purposes authorized by this Order."

Section 23 of the Immigration Act, Chapter 93, R.S.C. 1927, reads as follows:

"23. No court and no judge or officer thereof shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision, or order of the Minister or of any board of inquiry or officer in charge, had made or given under the authorities and in accordance with the provisions of the Act relating to the intention for deportation of any rejected immigrant, passenger, or other person, upon any ground whatsoever unless such person is a Canadian citizen or has a Canadian domicile."

Mobilization Regulations, section 9, sub-section (5) read as follows:

"(5) No proceeding authorized or pending before a Board and no decision of a Board shall, by means of an injunction, prohibition, mandamus, certiorari, habeas corpus or other process, issuing out of court, be enjoined, restrained, stayed, removed or subjected to review or consideration on any ground whether arising out of alleged absence of jurisdiction in a Board, nullity, defect or irregularity of the proceedings or any other cause whatsoever, nor shall any such proceedings or decision be questioned, reviewed or reconsidered in any court."

✓ 23-2-17-16

Civil Liberties Association of Winnipeg

182 Mayfair Avenue,

V.P.O. BOX 282

WINNIPEG, CANADA

Executive:

DR. A. R. M. LOWER, *President*

W. J. WAINES, *Vice-President*

MITCHELL SHARPE, *Treasurer*

DAVID OWENS, *Secretary*

30 Nov 45

Advisory Council:

E. COURT

H. McD. CLOKIE

G. V. FERGUSON

CANON G. R. CALVERT

S. FREEDMAN

REV. DR. E. M. HOWSE

W. L. MORTON

DR. D. C. MASTERS

MRS. W. F. OSBORNE

MARY BISHOP

G. J. REEVES

C. RHODES SMITH, K.C.

G. A. BROWN (C.B. of R.E.)

ALISTAIR STEWART

REV. L. C. STINSON

WASYL SWYSTUN

Sir:

For your perusal and consideration I enclose copy
of a brief from the above Association, and hope that you
will take this representation into account when
making your decision upon this question.

Yours respectfully,

D. Owens ✓
Secretary.



*Hon. H. Mitchell, P.C., M.P.,
Minister of Labor.*

9/12/45

hm

Hon Mr. Mitchell P.C., M.P.
Minister of Labor



To the Senators and Members from Manitoba
in the Parliament of Canada.

Dear Sirs,

The Civil Liberties Association of Winnipeg beg to call your attention to clause 3, section 1, sub-section (g) of Bill No. 15, known as the National Emergency Powers Act, now before the House of Commons, which reads, "The Governor in Council shall have . . . power over entry into Canada, exclusion and deportation from Canada, and revocation of nationality".

The purpose of this sub-section is to give authority to the Minister of Labour or his officials to annul the nationality of Canadians in order that nationals whose authority has been so annulled may be deported from Canada.

Upon this proposition the Civil Liberties Association begs to submit the following comments:

(1) It is in the first place somewhat ironical that while the above mentioned Bill is before the House, there should also be a Bill pending of which the purpose is to clarify and establish Canadian nationality. This curious conjunction cannot fail to raise some doubt as to the worth of the nationality so clarified and established.

(2) The real concern of the Civil Liberties Association is with the implications of sub-section (g). The wording of this clause places no restriction upon the discretion of the Minister in applying the powers it confers; any Canadian national will be in law subject to its operation, however unlikely it may be that the authority will in fact be widely used. It is not of the nature of civil liberty that it should exist at the discretion of any Minister or his officials. Right should depend on law and not on the goodwill of executive officers of the Crown.

(3) It is, of course, generally known that it is not the intent of sub-section (g) to affect the nationality of any and all Canadians, but only those, some fourteen thousand in number, who are of Japanese descent. This raises two questions: (a) ought any emergency, short of actual war, justify measures which, though limited in aim to a few, in their implications touch all? (b) is it compatible with the spirit and principles of British law that the racial descent be made the ground of punitive action, which is not accompanied by any overt criminal act, proven in court, or in time of war alleged by administrative decree under the War Measures Act? The Civil Liberties Association submits that the answer to each question is in the negative.

(4) Thus the question of the wisdom of sub-section (g) is involved in the question of the status of Canadian nationals of Japanese descent. The two questions, it is the submission of this brief, ought to be considered separately. The Civil Liberties Association is concerned primarily with the former; at the same time it recognizes that the Japanese in Canada do constitute a grave social problem, and has no criticism to put forward of the concern of the people of British Columbia or the federal government with this problem. It does, however, strongly

urge that attempted solutions of this problem should not be sought in terms which imperil the civil liberties of all Canadians, of whatever race, religion or colour.

(5) How civil liberties and the Japanese problem came to be involved is of immediate interest.

(a) When it was decided after December 7th, 1941, to remove the Japanese from the Pacific Coast, the task was entrusted to an authority constituted for the purpose, the British Columbia Security Commission.

(b) The Commission in discharging its functions took two measures which in their working out affect civil liberties in general. It entered into, or offered to enter into, written agreements with Provinces other than British Columbia, that at the end of the war it would remove, at the wish of the Province, Japanese placed in that Province. Thus it committed itself and the federal government to internal deportation, and by implication gave Provinces authority over residence within their jurisdiction. It obtained, by measures it would be re-assuring to have made public, the signatures of some ten thousand Japanese, of whom about a thousand were British subjects, to the following document:

COPY

No. CBW

GOVERNMENT OF CANADA
DECLARATION

I, I, _____ (_____) born _____ day, month, year, --
M. or F.
registered as Canadian-born British subject, (J.R. _____)
under Order-in-Council P.C.No. 9760, dated Dec. 16, 1941,
hereby **declare** my desire to relinquish my British nationality
and to assume the status of a national of Japan.

II. Further, I request the Government of Canada, under the conditions set out in the Statement of the Minister of Labour, dated February 13, 1945, to arrange for and effect my repatriation to Japan.

III I declare that I fully understand the contents of this document and I voluntarily affix my signature hereto:

Date.....1945

Signature

Pace.....(sic)

.....
Interpreter

Application recommended:

Application approved

Date1945 RCMP

Date1945 Commissioner
of Japanese Placement.

* * * * *

Thus the Commission and the federal government were committed to external deportation of about a thousand British subjects.

With the end of hostilities it became possible to carry out these relinquishments of nationality; at the same time some of the signers expressed a wish to withdraw their consent to deportation and remain in Canada. The joint circumstances brought to the fore the question of the legal validity of such relinquishment of nationality. There is legal opinion for the following propositions: (1) It is illegal for a subject to renounce allegiance in time of war, if such renouncement makes him an enemy alien, (2) the Crown may sever the bond of allegiance even in time of war, but only by formal and statutory process. There would seem to be no such statutory authority, or even authority by Order-in-Council under the War Measures Act, to cover the obtaining the aforesaid relinquishments of nationality. Thus the propriety, not to say the legality, of such action comes into question. It is to settle such doubts that sub-section (g) has been inserted in the National Emergency Powers Bill.

7. Two sets of circumstances are thus involved: (a) the present, in which the relinquishments of nationality exist, but are of doubtful validity; (b) that which would be created by the enactment of sub-section (g). In the former, those affected, on deportation proceedings being begun, may be able to obtain redress by suing for the traditional and statutory right of the subject, the writ of habeas corpus, if not prevented by sudden, arbitrary and secret action by executive officers of the Crown, as in *Wade v. Egan et al* (1935, 2, *Western Weekly Reports*, 244 at p. 265), or by seeking judgment on the validity of the relinquishment of nationality by suit in a superior court before deportation proceedings are taken. These measures are possible in the present circumstances. If, however, sub-section (g) were enacted, all legal doubts would be set at rest, and the subject would be deprived of any remedy for action within the terms of the sub-section.

It is for this reason that the Civil Liberties Association, seeing in sub-section (g) a grave menace to Canadian freedom and citizenship, not the less obnoxious because it is indirect, requests you to use your influence and to cast your vote against the passage of the said sub-section (g). It would be regrettable in the extreme if this country should allow gradations to creep into its citizenship. One of our chief boasts heretofore has been the equality of all citizens before the law. If the institutions hammered out over the centuries by our forefathers have achieved anything of distinction in the world, and if they have contributed something unique to human welfare, it is the conception of the reign of law. From the Prime Minister down to the humblest, we have all hitherto been equal before the law. When Canada, many years ago, first began to make distinctions in citizenship by refusing the vote to certain individuals whom she was willing to naturalize into British subjects, she began to depart from this principle; she began to make first class and second class citizens. She began to play false to the heritage she had received. The position is one of which we, as Canadian citizens and British subjects, are ashamed. We wish to keep our heritage unsullied. We have a right to call on our representatives to act so to keep it. It is their duty not to balance political considerations against each other, but to see that they are now in this matter just as much on trial as the young men whom we were all urging to enlist on our behalf a few months ago. They were sent to fight in order that the world might be freed from an intolerable curse - the curse of racialism, of distinctions in kind between man and man, distinctions that would no doubt have been applied to us if our young men had not responded to the call and won.

The simple question is, Are our legislators to betray the principles for which the men of Canada have fought and died. We earnestly beseech your personal co-operation in seeing that no such guilt descends upon them and through them, upon the Canadian people.

All of which is respectfully submitted.

ADDENDUM:

It appears from the press, date November 24, that the Minister of Justice has promised that those who have asked to withdraw their relinquishment of nationality will be allowed to do so, and that the cases of the others signing the relinquishments will be renewed. This is good as far as it goes; it remedies, in part at least, specific wrongs done certain Canadians of Japanese descent. It does not touch the basic question of what is the nature of citizenship, of when is a man a Canadian and when is he not, and upon what grounds does citizenship stand. The action of the Minister of Justice in no wise touches the injustice and inexpediency of sub-section (g), and we submit that our representation is unaffected by that action, welcome as it is in itself.

AIR MAIL

Ottawa, November 24, 1945.

Mrs. C. S. Pidcock,
91 Kingsway,
Winnipeg, Man.

Dear Madam:

The Honourable Mr. Mitchell has referred to me for acknowledgment your letter of November 15, concerning Bill 15 as it may affect Japanese Canadians, and I would assure you that this will receive full discussion in the House of Commons.

Yours very truly,

HTP/LMS

A. MacNamara.

*See 23-2-13-1
for corresp.*

Ottawa, November 8, 1945.

BY HAND

SECRET

Mr. E. H. Coleman, K.C.,
Under Secretary of State,
West Block,
O t t a w a.

*External
affairs.*

A few days ago we sent forward for consideration draft of a submission with respect to deportation and repatriation of persons of the Japanese race.

We are enclosing herewith a further draft of this submission for consideration which has been redrafted following some discussions with Justice Department and following the discussions at a recent meeting of the Sub-Committee of the Cabinet on Japanese.

Enc.

Deputy Minister.

7/10/45

Ottawa, November 8, 1945.

BY HAND

SECRET

Under-Secretary of State for
External Affairs,
External Affairs Department,
New Post Office Building,
O t t a w a.

Attention Mr. J. E. Read

A few days ago we sent forward for consideration draft of a submission with respect to deportation and repatriation of persons of the Japanese race.

We are enclosing herewith a further draft of this submission for consideration which has been redrafted following some discussions with Justice Department and following the discussions at a recent meeting of the Sub-Committee of the Cabinet on Japanese.

Enc.

Deputy Minister.



Department of Labour

1945

To:

☐ DEPARTMENT
☐ YOUR OFFICE
☐ YOUR OFFICE
☐ YOUR OFFICE
☐ GOT FILED

Ottawa, 29th October, 1945.

A. H. Brown, Esq.,
Assistant to Deputy Minister of Labour,
Ottawa.

Dear Mr. Brown:

With reference to our recent correspondence and conversations concerning government policy with regard to persons of Japanese origin in Canada, I think that you, and no doubt your Minister, will be interested in the enclosed three letters which have been received with regard to a new aspect of the policy. As you will note, all three of them attack the broad provisions of Section 3 (1) (g) of the Emergency Powers Bill.

I am forwarding copies of these letters to the Minister of Justice and to the Department of External Affairs.

Yours sincerely,

(R.G. Robertson)
Secretary.

470/12/45

31 George Street
Kingston, Ontario.

NO 1 1945

Ottawa, 29th October, 1945.

My dear Mr. Robertson,

Dr. H. M. Estall kindly showed
me a letter which you had just written you on
section 3 (1)(g) of the present
Bill on National Defence.
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/JMC

Copy

31 George Street
Kingston, Ontario.

23 x 1945

Ottawa, 23rd October, 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

(G. S. Robertson)
Secretary.

5227

Canadian Association for Adult Education

Director

198 College Street, Toronto 2B.

Toronto, October 22nd, 1945.

Ottawa, 29th October, 1945.

Mr. Gordon Robertson
Dept. of External Affairs
Ottawa

Dear Dr. H. M. Estall,

Canadian Association for Adult Education,
198 College Street,
Toronto 2B, Ontario.

you were good enough to discuss with me one or two of the points raised with Canadian citizens of Japanese ancestry. At that time neither of us had, I think, heard of a bill to which I should like now to direct your attention.

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 think you will agree, generally understood that the primary intention of this proposed legislation is of certain emergency conversion and I am bringing them to the immediate attention of the Ministers of Justice and Labour. I have noted your comments on this matter, and I am bringing them to the immediate attention of the Ministers of Justice and Labour. I am of course in entire accord. However, section 3 (1) of the Bill empowers the Governor-in-Council 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."

(R.G. Robertson)
Secretary.

You will no doubt recall that, but for the intervention of the Canadian Senate, a clause of the Soldier's Election 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 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.

Copy

Canadian Association for Adult Education

Director

E. A. Corbett, M.A., LL.D.
198 College Street, Toronto 2B.

Toronto, October 22nd, 1945.

Mr. Gordon Robertson
Dept. of External Affairs
Ottawa

Yours faithfully,

(Sgd.) H. M. Estall

H. M. Estall.

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.

Secretary,

The Japan Mission Committee in Canada
of the United Church of Canada,
425-427 Wesley Buildings,
Toronto 23, Ontario.

Dear Sirs:

In the absence of the Prime Minister,
I wish to acknowledge your letter of October 26th
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
Provisions 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. J. Robertson)
Secretary.

RJR/SJS

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/JMC

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.

Ottawa, October 27, 1945.

SECRET

Mr. E. H. Coleman, K.C.,
Under Secretary of State,
Secretary of State Department,
West Block,
O t t a w a.

Dear Mr. Coleman:

With further reference to the decisions approved by Council with respect to deportation and repatriation of persons of the Japanese race in Canada, I am enclosing draft copy of submission to Council drafted with a view to the implementation of the decision of Council on this matter, for your consideration and comment.

This submission would be complementary to the submission prepared by your Department with respect to revocation of citizenship rights of persons who are deported and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

Enc.

A. MacNamara.

SECRET

✓ Ottawa, October 27, 1945.

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

Dear Mr. Varcoe:

With further reference to the decisions approved by Council with respect to the deportation and repatriation of persons of the Japanese race in Canada, I am enclosing draft copy of submission to Council drafted with a view to the implementation of the decision of Council on this matter, for your initial consideration and comment.

The Department of the Secretary of State has already submitted to you a copy of draft order relating to revocation of citizenship rights of persons who are deported which would be complementary to this Order and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

Enc.

A. MacNamara.

MP 12/12/45

Ottawa, October 27, 1945.

SECRET

Mr. N. A. Robertson,
Under Secretary of State for External Affairs,
East Block,
O t t a w a.

Dear Mr. Robertson:

With further reference to the decisions approved by Council with respect to the deportation and repatriation of persons of the Japanese race in Canada, I am enclosing draft copy of submission to Council drafted with a view to the implementation of the decision of Council on this matter, for your initial consideration and comment.

The Department of the Secretary of State has already submitted to you a copy of draft order relating to revocation of citizenship rights of persons who are deported which would be complementary to this Order and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

Enc.

A. MacNamara.

D R A F T .

THE UNDERSIGNED HAS THE HONOUR TO REPORT:

That it is necessary to make provision for the repatriation and deportation of persons who, during the course of the war, have manifested their sympathy with or support of the enemy powers either by making declarations of desire for repatriation to an enemy country or otherwise and have by such actions shown themselves unfit for continued residence in Canada; and

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

NOW, THEREFORE, the undersigned has the honour to recommend, with the concurrence of the Secretary of State for External Affairs, that Your Excellency in Council, under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, be pleased to make the following Order:

ORDER.

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

(a) "declaration for repatriation" includes a written request, or statement of desire, to be repatriated;

(b) "deportation" means the removal under the authority of this Order of any person from any place in Canada where such person is living or from any place in which such person is detained in Canada to a place outside Canada;

(c) "Minister" means the Minister of Labour and includes the Deputy Minister of Labour, the Commissioner of Japanese Placement appointed pursuant to Order-in-Council P.C. 9469, February 5, 1943, or any other person authorized by the Governor in Council to act for him under this Order;

(d) "recorded" means on record as having been received by a Department of the Government of Canada.

2. (1) Subject to the provisions of section three any person wholly of the Japanese race in Canada who,

(a) has, since the date of declaration of this war by the Government of Canada against Japan made a declaration for repatriation to Japan; or

.....

- (b) has been in detention at any place in virtue of an order made under the Defence of Canada Regulations and was so detained as at midnight of September 1st, 1945;

shall be liable for deportation to Japan.

(2) The wife or minor children of any person liable for deportation under this Order shall be liable for deportation with such person except in the case of a wife born in Canada who is not herself liable for deportation under subsection one or in the case of minor children born in Canada over sixteen years of age who have ceased to be dependent on such person for support.

3. A declaration for repatriation made by any person referred to in section two shall be deemed final and irrevocable for the purposes of this Order, except where a written revocation of such declaration has been made prior to midnight of September 1, 1945, by any such person being a Canadian national by birth or naturalization and has been recorded prior to midnight September 6, 1945.

4. The Minister of Labour shall be responsible to make necessary arrangements for repatriation or deportation to Japan, as the case may be, of persons described in section two as liable for deportation.

5. The Minister may

- (1) make orders for deportation of any one or more persons or classes of persons liable for deportation under this Order and take necessary measures for deportation of such persons;
- (2) take such measures as he deems advisable to provide or arrange for the transportation, detention, feeding, shelter, or welfare of persons liable for deportation under this Order pending their deportation;
- (3) make such orders, rules or regulations respecting the detention, movement, activities or discipline of persons liable for deportation under this Order as he deems necessary for the purpose of carrying out the provisions of this Order;
- (4) 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 and may use the services of staff of the Department of Labour for this purpose.

(4) (5) exercise such other powers and authorities as are necessary in the discharge of his responsibilities under this Order.

6. An order for deportation made by the Minister under this Order shall be in force from the time so made and, subject to the provisions of section eleven, the Minister's decision shall be final.

7. No person deported pursuant to this Order shall be subsequently permitted to land in Canada except with the consent of the Minister of Immigration.

8. (1) All persons repatriated or deported under the provisions of this Order shall have secured to them the funds standing to their credit in Canada at the time of repatriation or deportation and such funds may be transferred by them out of Canada upon repatriation or deportation and may take with them other personal property belonging to them to a reasonable amount as authorized by the Minister.

(2) Where persons repatriated or deported under this Order have been unable to transfer funds out of Canada as aforesaid upon repatriation or deportation, such persons may deposit such funds with the Custodian of Enemy Property and the Custodian of Enemy Property is authorized to provide such persons with receipts showing the amount thereof at their credit and is authorized to transfer to such persons, wherever reasonably possible to do so, following upon their repatriation or deportation the amount thereof to their credit less transfer charges.

(3) Where real or personal property of persons repatriated or deported under this Order has not been realized upon, prior to repatriation or deportation, such real and personal property shall, upon repatriation or deportation, be vested in the Custodian of Enemy Property who shall realize upon the same as soon as - in his opinion - it is reasonably practicable to do so and in the meantime may take such measures as he deems proper for the care, maintenance and safeguarding of such property; and the net proceeds so realized after the deduction of reasonable charges of handling and realization shall be held to the credit of such persons and dealt with as provided in subsection two of this section.

- (4) The Custodian of Enemy Property shall be under no liability in respect of the handling, realization, or transfer of real or personal property under this Order, except to account for the moneys actually received from the handling or realization of such real or personal property.
9. (1) The Minister upon their deportation or repatriation may advance to persons repatriated or deported under this Order amounts in Canadian funds or their equivalent in foreign exchange not exceeding Two Hundred Dollars per person and Fifty Dollars for each dependent child under 16 years of age which shall be recoverable (together with amounts advanced hereunder to the wife or minor children of any such person) to the extent that funds are available therefor from funds standing to the credit of such person or the wife or husband of such person upon repatriation or deportation or subsequently credited to their accounts by the Custodian of Enemy Property.
- (2) The Minister is authorized to provide free transportation to all persons repatriated or deported under this Order and of their dependents who accompany them and for such personal property as they may be permitted to take with them.
10. All departments and agencies of the Government of Canada shall assist the Minister by lending to the Minister such personnel and furnishing the use of services and other facilities as are available and may be required by the Minister and, in particular but without restricting the generality of the foregoing, there shall be furnished to the Minister
- (a) assistance by the Royal Canadian Mounted Police in segregation, concentration, movement and transfer of persons affected by this Order and the maintenance of public security;
 - (b) assistance by the Department of Transport in the transportation of persons repatriated or deported under this Order;
 - (c) assistance by the Department of the Secretary of State in the handling of funds and other property of persons affected by this Order.

.....

11. Where any question arises as to whether

(a) any person is liable to deportation under this Order; or

17. (b) the wife or minor children of a particular person liable shall be presumed that for deportation under this Order should, in the circumstances of the particular case, be included in the order for deportation of such person;

the Minister may refer such question for the consideration and decision of any commission, board, or other tribunal established by the Governor in Council for such purpose and its decision thereon shall be final and conclusive notwithstanding other provisions of this Order.

ENFORCEMENT.

12. No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given under the provisions of this Order.

13. (1) Any person who refuses or neglects to leave Canada or remains in Canada contrary to the provisions of this Order or who refuses or neglects to obey any order made or given under this Order shall be guilty of an offence against this Order and may be detained without a warrant by any peace officer for deportation or may be detained without warrant by such peace officer and prosecuted for such offence.

14. Any person who resists or obstructs or attempts to resist or obstruct any peace officer or other person from carrying out his duties under this Order shall be guilty of an offence against this Order.

15. Any peace officer may arrest or detain without warrant any person whom he finds committing or whom he has reasonable grounds for believing has committed any offence under this Order.

16. 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.

EVIDENCE.

17. In any prosecution for an offence under section 13 of this Order it shall be presumed that the accused is a person wholly of the Japanese race and is of age until the contrary is proved and the burden of such proof shall be upon the accused.

18. (1) 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, the Commissioner of Japanese Placement, or other person authorized to act for the Minister under this Order and purporting to be signed by the Minister, the Commissioner of Japanese Placement, or other person authorized to act for the Minister under this Order, shall be evidence of such order, certificate or authority.

(2) Every document purporting to be or to contain or to be a copy of a declaration for repatriation and certified as such by the Commissioner of Japanese Placement shall be prima facie evidence of such declaration for repatriation.

GENERAL

19. 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.

Ottawa, October 27, 1945.

SECRET

Mr. N. A. Robertson,
Under Secretary of State for External Affairs,
East Block,
O t t a w a.

Dear Mr. Robertson:

With further reference to the decisions approved by Council with respect to the deportation and repatriation of persons of the Japanese race in Canada, I am enclosing draft copy of submission to Council drafted with a view to the implementation of the decision of Council on this matter, for your initial consideration and comment.

The Department of the Secretary of State has already submitted to you a copy of draft order relating to revocation of citizenship rights of persons who are deported which would be complementary to this Order and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

Enc.

A. MacNamara.

*Mr. MacNamara's
copies*

Ottawa, October 27, 1945.

SECRET

Mr. E. H. Coleman, K.C.,
Under Secretary of State,
Secretary of State Department,
West Block,
O t t a w a.

Dear Mr. Coleman:

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This submission would be complementary to the submission prepared by your Department with respect to revocation of citizenship rights of persons who are deported and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

A. MacNamara.

Enc.

A. MacNamara.

SECRET

Ottawa, October 27, 1945.

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

Dear Mr. Varcoe:

With further reference to the decisions approved by Council with respect to the deportation and repatriation of persons of the Japanese race in Canada, I am enclosing draft copy of submission to Council drafted with a view to the implementation of the decision of Council on this matter, for your initial consideration and comment.

The Department of the Secretary of State has already submitted to you a copy of draft order relating to revocation of citizenship rights of persons who are deported which would be complementary to this Order and to the provisions of P.C. 10773 of November 26, 1942.

Yours very truly,

Enc.

A. MacNamara.

TO: CENTRAL REGISTRY,
Room 7, Conf. Bldg.

Please place attached on file

23-2-17-16

H.T. Pammett.

P.A.

B.F.

15.

First Session, Twentieth Parliament, 9 George VI, 1945.

THE HOUSE OF COMMONS OF CANADA.

✓
BILL 15.

An Act to confer certain powers upon the Governor in Council during the National Emergency following the War.

First reading, October 5, 1945.

THE MINISTER OF JUSTICE.

OTTAWA
EDMOND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1945

48005

29/11/45

"Emergency"

THE HOUSE OF COMMONS OF CANADA.

BILL 15.

An Act to confer certain powers upon the Governor in Council during the National Emergency following the War.

Preamble.

R.S., c. 206.

R.S., c. 206.

WHEREAS the *War Measures Act* provides that 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 deem necessary or advisable for the security, defence, peace, order and welfare of Canada; And whereas the said Act is in force only during war and the powers conferred are exercisable only by reason of the existence of war; And whereas it is necessary for the peace, order and good government of Canada that during the period of transition to normal from the exceptional conditions existing during the war, with the attendant dangers and responsibilities for the nation as a whole, acts and things done and authorized and regulations and orders made under the *War Measures Act* be continued in force and that the Governor in Council be authorized to do and authorize during the said period such further acts and things and make such further orders and regulations as he may by reason of the national emergency resulting from the war deem necessary or advisable for the security, defence, peace, order and welfare of Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as *The National Emergency Powers Act, 1945*.

PROCLAMATION.

Continuation of national emergency.

2. The national emergency resulting from the present war against Germany and Japan shall be presumed to

continue until, by the issue of a proclamation under the authority of the Governor in Council, it is declared that the emergency no longer exists.

POWERS OF GOVERNOR IN COUNCIL.

Powers of
G. in C.

3. (1) 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 the national emergency resulting from the present war against Germany and Japan 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 extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:—

(a) production, manufacture, trading, exportation and importation; 15

(b) foreign exchange;

(c) transportation by air, road, rail or water;

(d) supply and distribution of goods and services, including the fixing of prices; 20

(e) employment, including salaries and wages;

(f) appropriation, control, forfeiture and disposition of property and of the use thereof, including the control of rentals and occupation;

✓ (g) entry into Canada, exclusion and deportation, and revocation of nationality; 25

(h) imposition and recovery, in connection with any scheme of control contained in or authorized by orders and regulations, of charges payable to the Receiver General of Canada or into such fund or account as may be ordered. 30

Orders and
regulations.

(2) All orders and regulations made under this Act or pursuant to authority created under this Act have the force of law and shall, for the purposes of the *Interpretation Act*, be deemed to be regulations. 35

R.S., c. 1.

Territorial
operation.

(3) Unless the contrary intention appears therein, no order or regulation made under this Act or pursuant to authority created under this Act has extra-territorial operation, but the limitation herein contained does not operate in the case of the orders and regulations under the *War Measures Act* referred to in section five of this Act. 40

Orders to
be laid before
Parliament.

(4) Every order in council made under this Act shall be laid before Parliament as soon as may be after it is made.

Penalties.

4. The Governor in Council may prescribe penalties by way of fine or by way of imprisonment for a term not exceeding five years, or by way of both fine and such

imprisonment, that may be imposed for violation of orders or regulations made under this Act and may also prescribe whether, and the circumstances in which, the said penalties shall be imposed upon summary conviction or upon indictment or upon either summary conviction or indictment. 5

Orders and
regulations
re-enacted.

5. The orders and regulations made under the *War Measures Act* or pursuant to authority created under the said Act in force immediately before the day this section comes into force shall, except for the purposes of subsection four of section three of this Act, be deemed to be re-enacted on that day under this Act or pursuant to authority created under this Act. 10

PROCEDURE.

Expropriation.

6. Whenever any property or the use thereof has been appropriated by His Majesty under the provisions of this Act or any order or regulation made thereunder and compensation is to be made therefor and has not been agreed upon, the claim shall be referred by the Minister of Justice to the Exchequer Court, or to any superior or county court of the province within which the claim arises, or to a judge of any such court. 15 20

Seizure and
detention
of property.

7. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada, or in any superior court. 25

Court
procedure.

8. Every court mentioned in the two sections last preceding may make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections. 30

COMMENCEMENT AND DURATION.

Coming
into force.

9. This Act shall come into force on a day fixed by proclamation of the Governor in Council and on and after that day the present war, shall for the purposes of the *War Measures Act*, be deemed no longer to exist.

Continuation.

10. This Act shall continue in force for a period of one year after it comes into force and shall then expire unless at any time while this Act is in force, addresses are presented to the Governor General by the Senate and House 35

of Commons respectively, praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire and the Governor in Council so orders, in which event, this Act shall continue in force for that further period.

5

Expiration.

11. Notwithstanding anything in the last preceding section, if by proclamation the Governor in Council declares that the emergency that was the occasion of the passing of this Act no longer exists, this Act shall expire at the end of the day on which the proclamation is issued.

10

MR. PAMMETT

Deliver to:

Room:

A. MACNAMARA

From:

Room:

Remarks: . YOU MIGHT SEE WHAT YOU

CAN DO WITH THE ATTACHED.

YOU MIGHT CONFER WITH MR.

BROWN IN THE MATTER.



THE SECRETARY OF STATE OF CANADA



Ottawa, October 1, 1945.

My dear Colleague,- re Repatriation of Japanese

I have received your letter of the 25th September. I am enclosing a draft of a submission to Council dealing with the subject and I shall be very pleased if you will favour me with an expression of your opinion.

I am sending a copy of the draft also to the Honourable Louis S. St. Laurent, K.C., LL.D., Acting Secretary of State for External Affairs.

Yours sincerely,

Paul Martin

Mr. O'Connell
mm

The Honourable Humphrey Mitchell,
Minister of Labour,
O t t a w a .

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL :

The undersigned has the honour to report that
by Order of Your Excellency in Council dated 26th November,
1942, (P.C. 10773) provision was made under the authority
of the War Measures Act, Chapter 206 of the Revised Statutes
of Canada, 1927, for depriving any person, who had applied

for repatriation to any country which at the time of the
application was at war with Canada, of the status of a
British subject and the status of a Canadian national under
Canadian laws;

1942, Your Excellency in Council may be pleased to make an
Order as follows:

that, with the termination of active hostilities in Europe

and in the Pacific, it is expedient to make provision for
the deportation of persons who, during the course of the war,
have 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;

The undersigned has the honour to report further
that these persons comprise the following three classes:

- (a) nationals of the enemy states;
- (b) former nationals of an enemy state who have been naturalized in Canada;
- (c) persons who, by reason of birth in Canada, have, under Canadian statutes, the status of natural born British subjects and also the status of Canadian nationals, including many who, under the laws of one of the enemy countries are deemed, by that enemy country, to be nationals of that country.

The undersigned has the honour to recommend, therefore, with the concurrence of the Acting Secretary of State for External Affairs, that, under the authority of the War Measures Act, Chapter 206 of the Revised Statutes of Canada, 1927, Your Excellency in Council may be pleased to make an Order as follows:

- I. (a) Any person in Canada who is a British subject by reason of marriage or by reason of birth or naturalization of his father in Canada, concerning whom an Order is made for deportation to any country with which Canada is at war or with which Canada has been at war at any time since the 10th September, 1939, shall, as and from the date of the order for deportation having been made, cease to be a British subject

and, if such person is a Canadian national, shall, as from the date of the making of the order for deportation, cease to be a Canadian national;

(b) The wife and minor children of any person who ceases to be a British subject by virtue of paragraph (a) of this clause shall, if they are included in the order for deportation, cease to be British subjects as and from the date of the making of the order for deportation;

(c) Notwithstanding the provisions of Section 15 of the Naturalization Act, Chapter 138 of the Revised Statutes of Canada 1927, a minor child of a person who ceases to be a British subject and a Canadian national by virtue of paragraph (a) of this clause shall not cease to be a British subject and a Canadian national by reason only that his parent has ceased to be a British subject and Canadian national unless he is included in the order of deportation of the parent.

II.

The Secretary of State shall publish in the Canada Gazette the names of all persons who have lost

their status as British subjects or as Canadian
nationals by virtue of this Order in Council.

All of which is respectfully submitted.

Secretary of State.

Ottawa, , 1945.



SUPERFINE

Ottawa, September 25, 1945.

SECRET

Honourable Paul Martin,
Secretary of State,
West Block,
O t t a w a.

My dear Colleague:- Re: Repatriation of Japanese

As you know, Cabinet recently decided that action for repatriation to Japan should be undertaken as soon as practicable with respect to all persons of the Japanese race who had requested repatriation with the exception of Canadian citizens who had made application for revocation of their request prior to midnight September 1, 1945, and with respect to all persons of the Japanese race who were interned under the Defence of Canada Regulations.

It was further decided that immediate action should be taken to revoke the status as Canadian citizens of all such persons as would be repatriated under this procedure.

I would appreciate it if you would advise me as soon as conveniently possible what procedure you propose be adopted to implement the revocation of citizenship rights. I would suggest that action might be initiated in the first instance with respect to the internee group.

Yours sincerely,

(SIGNED) HUMPHREY MITCHELL

amack
Copy for Group Captain B.F. Wood.

OTTAWA, August 27th, 1945.

Urgent and Confidential

My dear Colleague:-

I enclose herewith, for your consideration, copy of a memorandum on a proposed programme for repatriation and relocation of persons of the Japanese race in Canada which I am suggesting to Mr. A.D.P. Heeney shall be brought up for consideration of Cabinet at an early date.

Yours sincerely,

(SIGNED) HUMPHREY MITCHELL

Amell

Honourable Paul Martin,
Secretary of State,
O t t a w a .

OTTAWA, August 27th, 1945.

Urgent - Confidential

My dear Colleague:-

Re: Programme for repatriation and relocation
of persons of Japanese race in Canada.

I enclose herewith copy of a memorandum which I propose to submit to Cabinet for consideration and decision just as soon as possible.

The proposals contemplate the use of the services of the Royal Canadian Mounted Police in the programme and also contemplate the taking of authority under the War Measures Act for deportation and revocation of Canadian citizenship rights in certain circumstances. I would appreciate it if you would have the memorandum studied by your officers to determine whether the proposals are in general feasible from a legal point of view. I would also appreciate the benefit of your consideration and comments as to policy before placing the memorandum before Cabinet.

Yours sincerely,

(SIGNED) HUMPHREY MITCHELL

Amable

Honourable L.S. St. Laurent,
Minister of Justice,

O t t a w a .