

STATEMENT RE SUPREME COURT DECISION

(Prepared by J. A. Brewin)

(CONFIDENTIAL DRAFT ONLY)

1. If Successful

STATEMENT OF THE CO-OPERATIVE COMMITTEE
ON JAPANESE CANADIANS

Canada's stature has risen through the decision of the Supreme Court of Canada. The Court has exercised its most important and historical function in the first case that has come before it in the new building, namely that of protecting and vindicating the liberty of the subject.

All Canadians should feel satisfied at this historic victory for civil liberty, although only a small minority are directly affected. What was really at issue was the freedom under the rule of law of all of us. Most important, racial discrimination which is so injurious a poison in our modern world, has been dealt a serious blow.

We call on the Government to abandon its whole scheme of deportation. We also ask it to announce forthwith ~~a statement~~ that the Japanese Canadians who have suffered so much, shall now be entitled to the full rights of citizens without discrimination, and shall be free to live and travel where they wish to throughout Canada.

They have been dispossessed of their property, and many of them confined for more than four years in camps a little different from internment camps. We urge the Dominion Government to make adequate provision for re-settlement of those who have been in these camps. We point out, however, that the responsibility is not solely that of the Dominion Government, but that the Provincial Government should co-operate, and that the people as a whole should aid in the re-establishment in normal life in Canadian communities ~~and~~ their fellow citizens of Japanese origin.

2. In the Event that we are Unsuccessful

The Supreme Court of Canada (or a majority of the judges in the Supreme Court of Canada) have advised the Governor-in-Council that in their opinion the Government has the power in war time to exile Canadian citizens for no other reason than their racial origin.

This decision, whatever we may think of it from the legal point of view, in no way absolves the Government from its responsibility for exercising so great and extraordinary a power. The Court ~~held~~ that it is for the Government alone to decide whether the emergency of war justifies such an extreme invasion of the civil liberties of Canadians. ~~We all know, however, that~~ whatever may be the legal situation, there is no justification whatsoever in actual fact for the suggestion that the plans for deportation are necessary by reason of the emergency of war.

It is not too late for the Government to give heed to the storm of protest which has risen in every part of Canada. It can withdraw the Orders-in-Council and so remove a blot on Canada's fair name which will endanger goodwill towards Canada throughout the whole Orient.

The very least the Government should do is to amend the Orders-in-Council to make it clear that in every case a judicial inquiry will be held to determine whether those ordered to be deported were in fact, guilty of any disloyalty, or wish to be sent to Japan.

The issue involved is one of such crucial importance to the liberties of Canadians generally, that the groups of citizens which have been formed in various parts of Canada including Toronto, Montreal, Vancouver, Edmonton, Lethbridge, Winnipeg, Saskatoon, London, Hamilton & Guelph, have consulted together as to the next step to be taken, and have unanimously determined that the case should be taken to the final Court of Appeal for Canada, namely, the Judicial Committee in London.

Instructions accordingly have been given to the Committee's Counsel, Mr. Andrew Brewin, to take the necessary proceedings to launch the Appeal to the Privy Council forthwith. In the meantime, we assume that the Government will halt proceedings for deportation until this matter of such great importance has been determined by the final Court of Appeal for the Commonwealth.

N.B.--Attention should be given to any dissenting Judgments or to any reference in the Reasons for Judgment that may be helpful.

3. In the Event of Partial Success

The Co-Operative Committee on Japanese Canadians, is naturally pleased at the decision of the Supreme Court of Canada in respect to the proposed deportation of Canadian born and naturalized Canadians of Japanese origin.

This represents a signal triumph for civil liberty and democracy, and a vindication by the Courts on the historic rights and liberties of the subject.

We regret however, that the decision of the Court, still leaves a large class of persons subject to deportation, namely Japanese Nationals, many of whom have been resident in Canada for many years. Many of ^{them} have Canadian sons and daughters, or wives and husbands, and ~~who~~ would themselves be Canadian citizens, were it not for restrictions on naturalization.

The deportation of this group will break up families and cause many human tragedies to those who have already suffered severely through no fault or disloyalty of their own. The deportation ⁱⁿ this group, will result indirectly in the deportation of Canadian citizens, because in many cases, Canadian children of Japanese parents will have to go to Japan to look after their parents.

We therefore urge the Government as its proposed scheme has been held to be illegal and ultra vires in important parts, to abandon the rest of the scheme in the interest of humanity and justice. At the very least, we urge the Government to amend what is left of the Orders-in-Council so as to give to the persons sought to be deported, the right of inquiry by a Judicial Commission for which any one of them can prove their innocence of any disloyalty during the war.

The Co-Operative Committee which has taken up the case of Japanese Canadians and has branches all across Canada, will give early and immediate consideration to the question, as to whether or not an Appeal to the Judicial Committee of the Privy Council should be taken in respect to that part of the Order which the Supreme Court have held to be valid. The Committee will consult their legal counsel and the other branches, and announce at an early date its decision in this respect.

SUGGESTIONS TO COMMITTEES....

MATERIAL WHICH MAY BE OF USE IN PRESS OR RADIO RELEASES WHEN THE SUPREME COURT DECISION IS HANDED DOWN IN OTTAWA (REPORTED TO BE EXPECTED FEB. 11th.)

In the case of a favourable decision.....

- (1)...The Co-operative Committee on Japanese Canadians is pleased with the decision of the Supreme Court stating that"....." and wish to thank all those who have co-operated---newspapers, the radio, groups in all parts of the country, and individuals in many places.
- (2)...In reporting the decision, the statement by the Supreme Court that "... .." is a tribute to the effective functioning of democracy in Canada and the part the Canadian people as a whole have played and shall continue to play in determining policies.
- (3)...Following this decision, it is expected now that the government will abandon its whole scheme of deportation .
- (4)...As a prerequisite to a satisfactory resettlement, full rights of citizenship should now be granted.
- (5)...Dispossessed as these people now are, and depressed under 4 years of confinement in relocation camps, it is the duty of the government to provide adequate resettlement allowances and credit.
- (6)...The Rehabilitation of these people ~~is~~ is not only a responsibility of the government, but also of the people of Canada. Just as the people as a whole have responded so fully to the call to struggle for the citizenship rights of these people so can they be expected to aid in their re-establishment in normal life in Canadian communities.

In the case of an unfavourable decision...

(1) The Co-operative Committee on Japanese Canadians regrets the decision as handed down by the Supreme Court that,".....". This however, it must be ~~recognized~~ recognized, is based on a legal interpretation of the government's power and by no means should be interpreted as releasing the government from the moral responsibility of proper treatment for these people.

(2) The joint opposition of an alert public and Parliament compelled the government to delete the infamous Clause "g" of Bill 15 giving them power to deport these people. Despite this, the Government, flouting the public and Parliament, resorted to Orders-in-Council to carry out its previous plan.

- (3)...For the Government to proceed with the deportation of these people will be recognized by the people of Canada as contravening the spirit and principles of the United Nations Charter. The serious consequences of this contravention by Canada will not be overlooked by the nations of the world. *as there is a final right of appeal, important matter warrant further action*
- (4)...Believing that British law and justice would not uphold the decision of Canada's Supreme Court, the Co-operative Committee on Japanese Canadians therefore will make an appeal to the Privy Council.

If certain concessions are made, it must be made clear in any press or other releases that:

..... *we will accept nothing less than that full civil rights ~~for~~ persons of Japanese origin be granted.*

.....every person whose name appears on the deportation forms who has asked for cancellation of his application for deportation be given opportunity to be heard, with counsel, before the Loyalty Commission.

In the case of appeal to the Privy Council, the financial and moral support of Canadian groups and individuals in all parts of the country will be needed.

Other points to be remembered...hearing before Loyalty Commission of internees also.

...wives and children of deportees.Children to retain Canadian citizenship.

...TO COMMITTEE...
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 decision of the Supreme Court stating that "...and wish to
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 is a tribute to the effective functioning of democracy in Canada
 and the part the Canadian people as a whole have played and shall continue
 to play in determining policies."
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 abandon its whole scheme of deportation.
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for C.P.
 for...
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(1) The Co-operative Committee on Japanese Canadians regrets the decision
 as handed down by the Supreme Court that "...This however, if
 must be...reconsidered, is based on a legal interpretation
 of the government's power and it is hoped that the government will
 reconsider the matter...for their
 people.

(2) The joint opposition of an alert public and Parliament compelled the
 government to delete the infamous clause "e" of Bill 10 giving them
 power to deport these people. Despite this, the government, flouting the
 public and Parliament, resorted to Orders-in-Council to carry out its
 previous plan.

(3) For the government to proceed with the deportation of these people
 will be tantamount to the people of Canada as contravening the spirit
 and principle of the United Nations Charter. The serious consequences of
 this course of action will not be overlooked by the nations of the
 world. The government's action is a betrayal of the trust placed in it
 by the Canadian people. The Co-operative Committee on Japanese Canadians
 will continue to appeal to the Privy Council.

...it must be made clear in any case of
 ...that full rights of persons
 ...on the deportation forms who has asked
 ...for consideration of his application for deportation be given
 ...before the Privy Council, with financial and moral support
 ...in all parts of the country will be needed.

Statement \$3 200 in Treasury

1 500 paid out
 500 salary obligation

\$2 700 left

over budget -

Civil Liberties
 contribution to
 pay legal fees

\$1 200 collected
 1 000 gift
 2 000 loans

\$3 000 legal fees
 paid \$350
 paid \$1300 more