

NATIONAL JCCA DRAFT LETTER TO CLAIMANTS

Dear Claimant:

It has become apparent to the National JCCA that we are approaching a very delicate stage of proceedings on the matter of Claims with the Government. We believe the Claims Hearings in Vancouver before the Royal Commission are now coming to an end and it is expected that a report will be submitted to the Government by the Commission in the not too distant future.

During the past 9 months, legal counsel for claimants has been fully engaged in representing the best interests of some 1,300 Claimants and each claim has been carefully considered, and brought to the attention of the Commission for the fullest possible amount of restitution that legal counsel's and Claimant's supporting evidence will obtain.

In order to prevent any possible misunderstanding among some Claimants regarding the Commissioner's over-all percentage settlement proposal, the following interpretation of his average percentage settlement offer is made, e.g., on Fraser Valley property sold through Veterans Land Act Administration, the Commissioner's average percentage settlement offer is 80%. It should be noted that under this offer, some Claimants may receive perhaps as much as 200% and others perhaps 25% of the Custodian's sale price of their property, *depending upon their respective evaluations.*

The JCCA has realized that Claimants may have felt that they have not received as full information as could be desired on their claims, but it has been difficult for both the Co-operative Committee and the JCCA to report in detail the progress of each individual claim in terms of the actual amount of awards the Commissioner is granting as he has indicated to Claimants' Counsel, this information cannot be made public before his report is submitted to the Government. However, the JCCA is now in a better position to inform the Claimants of the many aspects of the present JCCA work on Claims which has not heretofore been clearly determined to enable a full report to be made to Claimants.

While it may be pointed out that with regard to the present enquiry, Claimants have legally retained the Co-operative Committee which is the organization composed of Canadians other than Japanese formed in 1943 to help Japanese Canadians fight the various problems with which they were faced - Legislative Discrimination, Deportation and Evacuation Losses Claims - the National Japanese Canadian Citizens Association has been acting in close consultation with the Co-operative Committee in order that the views of Japanese Canadian claimants may be known to this Committee and, also, that the machinery of the JCCA organization shall be available to assist the Co-operative Committee and legal counsel to ensure the best effort of all concerned



are directed together for the welfare of Claimants.

The second year's end audited, financial report on the expenditures of monies paid by Claimants will soon be published by the Co-operative Committee who have been legally retained by Claimants to act on their behalf. And for this reason it is desirable to state that the JCCA has no legal status with Claimants but has continually worked in close co-operation with the Co-operative Committee.

The JCCA desires at this time to report to you on the present plans of the JCCA regarding its work for Japanese Canadians who suffered losses as a result of the forced evacuation. The following detailed reports under various headings are therefore submitted for your consideration:

1. Background Information Relative to Present JCCA Plans on the Claims Question

You will recall that under date of April 16, 1949, you received a letter from the Co-operative Committee on Japanese Canadians advising you that an offer on a method of settlement was received in connection with your property losses claims and that for the reasons stated therein it was recommended that the proposals of settlement be accepted. The National JCCA, at that time, considered this matter from all angles and felt that there was, unfortunately, no alternative under the present enquiry but to recommend acceptance of Counsels' recommendation to Claimants. It was never intended, however, that any acceptance of the proposals should be considered as an end of our complaints respecting property losses claims. It was at that time reported to us that a great majority of Claimants who replied to the Co-operative Committee agreed, under strong protest, with their recommendation for acceptance.

The National JCCA has since fully realized that it would be necessary for the organization to continue to make every effort to gain for Japanese Canadian evacuees just restitution for the losses they suffered from the forced evacuation.

Since August of 1949, the National JCCA has given careful study to the question of future plans of the JCCA with regard to the matter and has consulted with legal Counsel. While the JCCA has appreciated the advice of legal Counsel that it would not be wise to make an early representation to the Government with respect to the Commissioner's proposal on a method of settlement and that it was not timely to bring to the attention of the Government the question of Evacuation Losses Claims which are excluded under the present enquiry, the National JCCA has fully planned to make vigorous representation to the Government on the over-all claims question at a future appropriate date subsequent to the Commission submitting its full report to the Government.



(Report on American Claims - In order that no stone is left unturned in the preparation of future plans on claims, the JCCA felt it wise to obtain as full information as possible on the Japanese American Claims. And arising from correspondence between the JCCA National Office and Mr. Mike Masaoka, National Legislative Director of the Anti-Discrimination Committee of the JACL in Washington, a meeting was arranged in Toronto on Oct. 23rd between Mr. E. J. Ennis, Counsel for the Japanese American Citizens League; Mr. Masaoka; and Mr. Andrew Brewin, Co-operative Committee Counsel for the Japanese Canadian Claimants; and Mr. George Tanaka, JCCA National Executive Secretary.

The Canadian members present at this meeting were informed by Mr. Ennis and Mr. Masaoka that very little information could be given to them on the work and proceedings of the American Evacuation Losses Claims as the investigation had not advanced beyond the stage of filing Claims and very little preparatory work had been carried out with regard to obtaining proof, evaluations and other important evidence to support the American claims.

Mr. Ennis, Legal Counsel for the JACL, was impressed with the method which has been adopted by Canadian legal counsel and the Co-operative Committee in obtaining general evidence to support the Japanese Canadian claims, where the co-operative efforts of legal counsel representing all Japanese Canadian Claimants has enabled the hiring of expert real estate evaluators, statisticians, etc., who have been able to obtain important evidence to support Japanese Canadian claims.

One outstanding difference was noted by Mr. Ennis and Mr. Masaoka with regard to the attitude of the respective Governments toward the question of Evacuation Losses Claims. In contrast to the unresponsive attitude of the Canadian Government to the case of Japanese Canadian Evacuation Losses claims, Mr. Ennis pointed out that the attitude of the Department of Justice in America, which is directly responsible for handling the Japanese American Evacuation Losses claims, has been entirely sympathetic. However, it was noted that the Department of Justice in America is able to place the responsibility of Evacuation directly upon the shoulders of the United States Army, a condition of placing Evacuation responsibility not possible in Canada.

Contrary to the belief held by some Canadian Claimants, the present American Claims Bill does not provide for a general indemnification claim based on general evacuation hardship.)



The National JCCA, through its National Executive Committee, presented to the Third National Conference held in Lethbridge, November 4th to 7th, 1949, its recommendations and plans as to what future course of action the National JCCA should take with regard to this important question of evacuation losses claims. The National Conference studied the matter carefully and approved the preparation of the JCCA Brief on Evacuation Losses Claims already undertaken by the Committee with the assistance of legal counsel and which it was proposed be presented to the Federal Government at a future date. The Conference also approved the general over-all plan suggested of conducting a nation-wide public campaign by the JCCA on the matter of Evacuation Losses Claims which would attempt to enlist the support of the press, organizations and individuals.

The National JCCA Conference was of the opinion that this would be the opportunity for the JCCA and the Japanese Canadians to carry out a public campaign to the Canadian people on the injustices of the forced evacuation and the losses suffered.

2. Tentative Plan under Consideration by the National JCCA on the Proposed JCCA Public Campaign on Evacuation Losses Claims.

It is believed the Royal Commission will soon be concluding its hearings and will be submitting its full report to the Canadian Government. The National JCCA is, therefore, formulating its present plans with this consideration in mind and is at present finalizing its over-all plans and is completing preparation of its Claims Brief. It is also expected that after the Commissioner's Report is tendered to the Government, the Government may take several weeks to study the recommendations.

The JCCA Brief on Evacuation Losses Claims will deal with the question of and also on Evacuation Losses Claims which are excluded under the present enquiry claims under the present enquiry. Claims of fishing vessels sold by the Fishing Vessels Disposal Committee and Owner's Forced Sale of Property are examples of these excluded claims. At the appropriate time in the near future, the National JCCA intends to make representations to the Government with this Brief. Copies of the Brief will be distributed to local JCCA Chapters. It is also proposed to distribute copies of this Brief to the press, organizations and others, in order to acquaint them with the basic points dealing with our representation to the Government on this Claims matter.

In the Preamble, the JCCA Evacuation Losses Claims Brief gives specific attention to the fact of the immensity of the task of evacuation and the extreme



haste under which it was carried out, and that little room was left for the protection of individual rights and humanitarian considerations. It is pointed out that 22,000 people were forcefully removed from their homes within the short space of a few months or weeks, and that the attendant liquidation of their property resulted in great losses suffered. And it is stressed that if compensation is limited to the results of the enquiry, the people of Canada will fall far short of providing "reasonable and just compensation".

The JCCA Claims Brief deals with the following specific points:

- (a) The difficulty caused by limited scope of **terms of reference**.
- (b) The difficulty of strict legal proof of value.
- (c) Determination of fair market value at the date of sale under the terms of reference. (With regard to this point, Claimants' Counsel argued before the Commissioner during the hearings on general evidence that in considering the appropriate market for determining a fair sale price, an imaginary market should be thought of from which all the effects of the scheme of evacuation itself were excluded. It would mean, in this case, that the fair market price would be considered on the assumption that there had been no evacuation and that the Japanese Canadians had been willing sellers of their property at the particular date at which the actual sale was made. Unfortunately, the Commissioner ruled that the fair market price should be determined as at the physical date of sale.)
- (d) Proposals by the JCCA to cover more just restitution on Evacuation Losses. (One important proposal which is included in the brief concerns a request for general indemnity to compensate for general evacuation losses.)

And appended to the Brief will be two further sections dealing with:

- (a) Examples of the extreme pressure (short notice) under which Evacuation took place.
- (b) Examples of inadequate restitution to Claimants under the present enquiry.

It is hoped, in conducting a parallel course of action with a nation-wide public campaign, to enlist the support of the press, numerous organizations; such as, the labour unions, church groups, civil liberties associations, Canadian racial minority organizations; and Members of Parliament and influential individuals.

Local JCCA Chapters will be called upon to take an important and active part in the proposed JCCA nation-wide campaign on Evacuation Losses Claims by enlisting the <sup>support</sup> ~~members~~ of the local press, local organizations, influential individuals and



Members of Parliament.

3. Record of the Past Work of the JCCA Achieved for Claimants

It is felt that many Claimants would desire to know what the National JCCA, the Provincial JCCA's and the local JCCA's have accomplished during the past two years in working for the welfare of Japanese Canadians on Evacuation Losses Claims.

It has been acknowledged on many occasions by the Co-operative Committee and legal counsel for Claimants that without the valuable and very considerable contribution made by the JCCA organization toward assisting the Co-operative Committee and legal counsel, it would have been difficult to accomplish the submission of Japanese Canadian Claims to the Royal Commission to the extent achieved.

The National JCCA during the past two years has not overlooked the case of Claimants excluded under the present enquiry. In 1948, the JCCA assisted in the preparation of a brief on excluded claims which was presented to the Minister of Justice by the Co-operative Committee and the JCCA.

The National JCCA

Since September, 1947, the National JCCA has expended over \$6,000.00 to pay for the services of necessary National JCCA office staff to enable the JCCA organization to function during many important periods in the past two years to work for and assist Claimants.

During the 5 months period from September, 1947, to January, 1948, the National JCCA Headquarters office assisted in the printing and distribution of Claims Forms and considerable informational and instructional material on filing claims printed both in English and Japanese. The National Office thus provided complete information and gave assistance in the filing of Claims to Claimants through JCCA channels and other media, and attended to a great volume of correspondence on Claims matters with Claimants.

From February, 1948, to December, 1948, the National JCCA attended to the printing and distribution of pre-Hearing Claims Forms, printed in English and Japanese, and provided expert assistance in completing the necessary special tabulation of over 1,300 claims. The National JCCA also directed the JCCA organization machinery which has made possible the providing of interpreters for Claimants in all the various local centres in each Province and also made possible the functioning of this machinery to provide assistance in the work of presenting evidence from Claimants to the Commission.



During April and May, 1949, the full time of the National Executive Secretary was taken up in making a special trip across Canada to inform the JCCA Provincial and local Chapter executives on the various important points concerning the Commissioner's proposal of an over-all method of settlement, so as to provide Claimants with clear and complete information as possible on the proposal and the Co-operative Committee's recommendation.

The Provincial JCCA's

From October, 1947, to May, 1949, the various Provincial Chapters across Canada have contributed through their Executive and Committee members a very great deal of voluntary time, personal and Chapter financial resources to assist Claimants in the presentation of their claims to the Commission. Provincial and local Chapters have paid for numerous expenses out of their treasuries to cover costs incurred in the renting of meeting halls, typewriters, etc., while giving assistance to Claimants.

Each Provincial JCCA Chapter during this period attended to the complete distribution of Claims Forms and related material to Claimants and has organized the necessary Provincial JCCA machinery which has made possible, through the co-operation of local Chapters, providing assistance to Claimants in the filing of Claims and the preparation of important evidence for presentation to the Commission during the Claimant's hearings.

Thus, the Provincial JCCA Executive and Committee members gave many hours and days of their time to assist Claimants.

The Local JCCA's

Similar to the contributions of time, effort, and personal financial resources which have been given by Provincial JCCA Chapter Executives, each local JCCA Chapter's executive and committee members have contributed their voluntary time to assist Claimants during the past two years. Through their efforts, it has been possible for Claimants to submit their Claims to the Commissioner and to provide important evidence for legal counsel with the minimum of confusion despite the language difficulty.

The Co-operative Committee on Japanese Canadians

It is appropriate at this time to acknowledge in appreciation the work of the Co-operative Committee whose membership mainly is comprised of Canadians other than Japanese who formed the Committee in 1943 for the express purpose of helping Japanese Canadians through their many difficulties since the evacuation.



The Co-operative Committee has held a great many meetings during the past 6 years, and in the course of working, each member of the Committee has acted faithfully and well in a desire to help Japanese Canadians and to correct the injustices which have been put upon them.

Notable are the achievements of this Committee in combatting the many legislative discriminations: the outstanding examples are - the successful work against the Federal deportation law and gaining recognition from the Government on the question of Evacuation losses with the appointment of a Royal Commission.

The Co-operative Committee raised over \$10,000.00 in their appeal for financial support made to hundreds of Caucasian Canadians across Canada and thus financed the greater part of the cost of its work in opposing the Federal deportation law against Japanese Canadians.

The JCCA also desires to acknowledge with appreciation the work, past and in progress, of legal counsel in all the Provinces, who consented to act on behalf of Claimants through appeal of the Co-operative Committee due to a desire to assist in correcting the injustices of the forced Evacuation.

#### Conclusion

The National JCCA in concluding this report on the work which has been accomplished for the welfare of Japanese Canadian Claimants, desires to extend at this time an opportunity to Claimants to submit their views and suggestions to the National JCCA on the Claims work. It is the desire of the JCCA organization to fully present the views of Japanese Canadian Claimants when making representation to the Government and to the public on their behalf. The organization therefore would appreciate receiving Claimant's individual comments, either directly by mail to the National JCCA Office or through their local JCCA Chapter organization.

Yours sincerely,

GEORGE TANAKA,  
National Executive Secretary.

February 8, 1950.

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