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VANCOUVER, B.C.

January 9, 1946.

Mr. Jack Wakabayashi,
Tashme,
B. C.

Dear Mr. Wakabayashi:

I have your letter of the 4th January. I have not answered it before because I have been trying to see someone who might have a special knowledge of these things. I have not been able so far to do so. My own view is that habeas corpus proceedings cannot be effective if the Dominion Government decides to repatriate any Japanese. There is no doubt that the Dominion Government has undisputed power over "naturalization and aliens" and however long anyone may have been in Canada there is no doubt that he remains an alien until he has become naturalized. In any event I believe habeas corpus proceedings have been started in the East and if my view turned out to be wrong I do not believe that the Dominion Government would

Mr. Jack Wakabayashi

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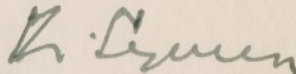
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proceed to deport anyone in the face of a judicial decision that they had no authority to do so.

I do not think there is anything more that you can do in regard to cancelling your earlier declaration of intention to return to Japan. I understand from your letter that you have already sent in a request that it be cancelled. I think this is the most you can do.

I hope that you will be successful in avoiding deportation and that you and your family will be allowed to remain.

Yours truly,



R.S.-F

P.S. Since I wrote this letter I have been told that no orders will be signed in cases where children have been born in Canada until after the conclusion of the present legal proceedings which I believe come up before the Supreme Court at the end of the month.