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October 17th, 1944.

The Hon. E.C. Manning,  
Prime Minister of Alberta,  
Parliament Bldgs.,  
Edmonton, Alta.

Dear Mr. Premier:

Re. Japanese Canadians.

At the recent Annual Meeting of this Department of the Church of England in Canada, held jointly with the Executive Council of General Synod, the following resolution was passed:-

"That this Council desires to commend the Federal Government's policy of re-settlement of Japanese-Canadian citizens in good standing throughout the Provinces of Canada, and the implementation of that policy under difficult circumstances by the British Columbia Security Commission.

"The Council believes that the Canadian people in all Provinces should regard the present and post-war absorption of the loyal members of this racial group as a Canadian responsibility not one for British Columbia alone, and calls upon all citizens to assist in creating a friendly attitude towards them wherever they may settle.

"The Council expresses the hope that, after proper discrimination and with due safeguards, loyal citizens of the Japanese race, now moved from their homes in British Columbia, be regarded as entitled, with all Canadians, to the ordinary rights of work, wages and assistance comparable to that given to other law-abiding citizens and, in particular, affirms that such people of proven loyalty to the Dominion should not be forcibly dispossessed of their property and chattels pending the decision of the Courts, nor eventually prohibited from holding residential or business premises."

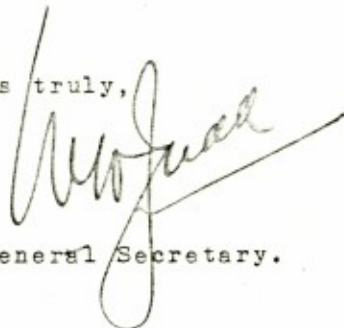
For the most part the resolution speaks for itself. We send it to you in order that if and when your Government needs to take any action to assist these people, you may be assured that the authorities of our Church will be behind you.

For the most part the resolution calls upon our Canadian people rather than Governments to bear their fair share in the rehabilitation of these Japanese Canadians and to extend to them the privilege and friendliness of good citizenship.

Otherwise the resolution speaks for itself.

I have the honour to be,

Yours truly,



General Secretary.

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DEPARTMENT OF JUSTICE  
OTTAWA



Report of Nisei delegation to Ottawa  
regarding disfranchisement Bill #135.

Last week, (Sunday, July 16, 1944), the Japanese Canadian Committee for Democracy in Toronto was notified by wire that the Senate amendment of clause 5, Bill #135, disfranchising Japanese Canadians was to be debated in the House of Commons on the following day, Monday, July 17. An emergency meeting of the Committee took place on Sunday, July 16. Two delegates, G. Tanaka and R. Obata, were asked to go to Ottawa from the Committee for the following reasons:

- (1) To go on record as having taken specific action on behalf of the Japanese Canadian Committee for Democracy, at a time when a vital question of Canadianism touched on the future welfare of the Nisei.
- (2) To show the members in the House of Commons by the presence of such Nisei delegates that the matter of the franchise was of grave concern to us, thereby defeating the arguments of Anti-Nisei politicians who claim that we are not interested in exercising the franchise and therefore do not understand the Canadianism that goes with the appreciation of the right to vote.
- (3) To provide the members of the House who debated on our behalf with all the available material pertaining to this question.
- (4) To establish connections with prominent members of the Government so that they might be more well-informed on the Canadians of Japanese origin in Canada.

The Committee is happy to report that all four objectives were attained to a degree greater than that for which it had hoped. Although the amended clause in its final form is still sadly inadequate, having once passed the House of Commons, no drastic change from the original could be made. The section, as now amended and interpreted by the Government, leaves intact the franchise only to those who were out of B. C. on December 7th, 1941.

However, the support given in upholding the rights of Japanese Canadians was tremendous, and it will favorably influence any future policy towards the Japanese Canadians that the Government may introduce. In the words of a high ranking government official, "You have gained much more than you have lost in this matter of the franchise legislation, just from the stand-point of the favourable publicity created." It is hardly necessary to add that the delegation did its utmost by various contacts to give as favorable a picture of the Niseis as possible so that the Government may act to the best interests of Niseis when they make the expected announcement on its policy toward the Japanese in Canada. This announcement is expected in the very near future.

The following persons were contacted during the day and a half that the delegates had in Ottawa.

- C.C.F. Members: Mr. C. Gillis, Mr. Burton, Mr. A. McDonald.
- Liberal Members: Mr. G. Fulford, Mr. R. S. Graham, Mr. A. Roobuck.
- Progressive Conservative: Mr. G. Graydon.
- Labor Progressive: Mrs. Dorise Nielson.
- Senators: Mr. Bench, Mr. Lambert.
- Dept. of External Affairs: Mr. N. Robertson, Prof. H. G. Angus, Dr. Bott.
- Dept. of Labor: Mr. H. Parnet.
- Sec'y's to Prime Minister: Mr. Turnbull, Mr. J. Gibson.



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Bill  
135

IN THE MATTER OF THE WAR SERVICES ELECTORS BILL (#135 OF 1944) SECTION 5 REGARDING CERTAIN AMENDMENTS TO SECTION 14 SS.2 OF THE DOMINION ELECTIONS ACT, 1938

and

IN THE MATTER OF THE PROPOSED DISENFRANCHISEMENT OF BRITISH SUBJECTS AND CANADIAN CITIZENS IN CANADA.

Brief

24/6/44

Submitted by

Japanese Canadian Committee for Democracy

in the interests of

Canadians of Japanese Origin in Canada.

BASES OF SUBMISSION

This submission has reference to Sec. 5 of The War Services Electors Bill (hereinafter referred to as Bill #135, 1944), the explanatory note to which printed Bill states with respect to Sec. 5 of said Bill that "This provides a disqualification from voting at a Dominion election of persons of the Japanese race." This submission has reference only to Sec. 5 of the said Bill.

Section 5 of Bill #135 states as follows:

Subsection 2 of Section 14 of the said Act (Dominion Election Act, 1938) is amended by adding the following paragraph thereto: (Those who may not vote)

(n) Every person residing in Canada whose racial origin is that of a country at war with Canada if such person at the time of a Dominion election would be disqualified by reason of race in any one of the provinces of Canada while residing therein, from voting at any election of a member of the Legislative Assembly of that province and who did not serve in the naval, military or air forces of Canada in the war of 1914-1918 or in the war that began on the 10th day of September, 1939.

The relevant provincial legislation upon which the proposed amendment is based is Sec. 5a of the Provincial Elections Act of British Columbia, R.S.B.C., 1936, ch. 84, which section is as follows:

(The following persons shall be disqualified from voting at any election, and shall not make application to have their names inserted in any list of voters:)

(a) Every Chinaman, Japanese, Hindu, or Indian: Provided that the provisions of this paragraph shall not disqualify or render incompetent to vote any Japanese who served in the Naval, Military, or Air Forces of Canada in the Great War, and who produces a discharge from such Naval, Military or Air Force to the Registrar upon the making of the voters' list and to the Deputy Returning Officer at the time of polling...

By Section 2 (1) of the same Act, "Japanese" is defined to be "any native of the Japanese Empire or its dependencies not born of British parents, <sup>and</sup> shall include any person of the Japanese race, naturalized or not".

Section 14 subsection 2 cl. (1) of the Dominion Elections Act, 1938, already excludes persons of Chinese, Japanese and East Indian race from voting in a Dominion Election in British Columbia by providing as follows:



(Those who may not vote)

(1) Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides and who did not serve in the military, naval or air forces of Canada in the war of 1914-1918.

The net result of the proposed amendment to the Dominion Elections Act by Sec. 5 of Bill #135 is that it attempts to exclude persons of Japanese race anywhere in Canada from voting in a Dominion Election on the ground that by definition their racial origin is that of a country at war with Canada and that they are excluded from the franchise in the provincial elections of British Columbia.

It is submitted that Section 5 of Bill #135 should be deleted for the following reasons:

1. The proposed amendment was not given proper opportunity for discussion in the House of Commons.
2. The proposed amendment is an unwarranted abdication of Dominion Parliamentary powers and is unconstitutional.
3. The proposed amendment is a dangerous precedent not conducive to the welfare of Canada.
4. The proposed amendment is an unwarranted deprivation of the political rights of Canadian citizens.
5. The proposed amendment is contrary to the expressed Governmental policy with respect to the geographical dispersion of persons of Japanese race in Canada.
6. The proposed amendment is contrary to the wishes of a large part of public opinion in Canada.
7. The proposed amendment is contrary to British justice, and contrary to the expressed war aims of the United Nations.

**BRIEF PARTICULARS OF PERSONS OF JAPANESE RACE AFFECTED BY THE PROPOSED AMENDMENT AND THE HISTORY OF THEIR DISENFRANCHISEMENT IN BRITISH COLUMBIA TO PRESENT.**

**(A) Persons Affected by the Proposed Amendment.**

According to the official population figures of persons of Japanese race in Canada at the outbreak of the war against Japan, the total numbers of these persons were 23,149, of whom 11,064 were Canadian-born, 6,589 were naturalized Canadians, and 5,496 were Japanese nationals. These figures show that 17,653 or 75.2 per cent were Canadian citizens by birth or naturalization, and of these it may be taken that approximately 8,000 were of voting age.

The official figures also showed that approximately 97 per cent of



these persons were settled in the one province of British Columbia. The latest available figures on the distribution of persons of Japanese race in Canada are those of the Department of Labour for March, 1944, showing 15,982 or 67.3 per cent were in British Columbia and 7,654 or 32.7 per cent in the rest of Canada. This marked change in the geographical distribution of persons of Japanese race in Canada, is due to the emergency measures under P.C. 1486 of Feb. 27, 1942, whereby all persons of Japanese race were required to leave the 100 mile coastal area of British Columbia after the outbreak of war between Canada and Japan. The policy of the Dominion Government has been to redistribute these persons throughout Canada so as to prevent the undue concentration of persons of Japanese race in any one area, and to ensure that these persons may be engaged in useful employment and trades across Canada. At the outbreak of the present war between Canada and Japan and later, Government officials have emphasized that the policy of the Government with respect to the treatment of persons of Japanese race would be according to the principles of justice and fair-play.

The evacuation of persons of Japanese race from the coastal region of British Columbia was ordered as a result of public feeling in British Columbia with respect to the concentration of these persons in British Columbia and is not a blanket charge that all persons of Japanese race are disloyal to Canada. At the outbreak of war, less than 50 persons of the Japanese race were rounded up by the R.C.M.P. for detention and many of these have now been cleared and released. Those who were later interned were detained because they refused to leave the protected area of British Columbia on short notice and without their families, not because of any suspected disloyalty. At any rate, the overwhelming majority of these persons of Japanese race left their homes and property at the Coast and voluntarily evacuated according to Governmental orders. These persons numbered approximately 21,000.

Of these 21,000 evacuees some 14,000 are still in the temporary interior settlements of British Columbia, while some 7,000 have voluntarily moved eastward in accordance with the Government's dispersal policy. The persons directly affected by the proposed amendment, therefore, are these evacuees who are attempting to start life anew in the East and in the Prairies, as well as those persons who had previously established themselves outside of British Columbia, or had been born and raised in Canada outside of British Columbia.

(B) History of Disenfranchisement in Provincial and Dominion Elections in



British Columbia.

Persons of Japanese race in British Columbia have been disqualified from voting in provincial elections by an amendment to the British Columbia Elections Act passed against original immigrants, but made applicable by definition to all persons of Japanese race (now R.S.B.C. 1936 ch. 84 Sec. 5 (a)). There is no other province in Canada which has similar legislation based on racial grounds. The validity of the British Columbia legislation was tested in the courts in *Cunningham vs. Tomey Homma*, 1903 Appeal Cases, p. 151, whereby it was held by the Privy Council that the Province of British Columbia had the constitutional powers to disenfranchise a naturalized Japanese.

In 1931, after almost a decade of concerted effort by Japanese-Canadians who served in the First Great War, these veterans were granted the provincial franchise in British Columbia (S.B.C. 1931 ch. 30).

With respect to Dominion disenfranchisement legislation there was no legal disqualification against persons of Japanese descent in British Columbia until 1919, when the Dominion Parliament enacted what is now Section 14 ss.2 cl. (1) of the Dominion Elections Act, 1938, providing that anyone disqualified on account of race in a provincial election may not vote in that province in a Dominion election.

In the summer of 1936, the Japanese Canadian Citizens' League, composed of members of second generation Japanese in Canada sent a delegation of four Canadian-born Japanese to Ottawa to plead their case for enfranchisement before the Special Committee on Elections and Franchise. This delegation was sent in reply to Prime Minister King's statement in that year in the House of Commons on a debate on the disenfranchisement of persons of Japanese race in British Columbia, in which he said that there was no evidence that the Japanese themselves wanted the franchise, (see Dominion Sessional Papers of 1937 - Special Committee on Elections and Franchise, Minutes & Proceedings, #10). The Special Committee however, took no action in the matter and this restriction still exists.

Other attempts were made by Japanese Canadians to remove the restrictions designed originally against Japanese immigrants, but before they succeeded, war intervened. There was also, during this period, a growing body of opinion in British Columbia itself which believed that restrictions based on race could not be continued indefinitely. The Trades and Labour Congress of Canada at its 47th Convention held in Vancouver in September, 1931, adopted the report of its



Resolutions Committee which recommended that the following resolution be passed:

Resolved that the Trades and Labour Congress of Canada in Convention assembled in the City of Vancouver, request the Government of the Province of British Columbia to amend the Provincial Elections Act at the next Session of the British Columbia Legislature to ensure that every native-born Canadian shall receive equality of treatment and full rights of citizenship under the Provincial Franchise Act.

The outbreak of war in the Pacific has of course put a temporary stop to all attempts to extend the franchise to persons of Japanese race in British Columbia. The proposed amendment is now an attempt to restrict them still further everywhere in Canada in Dominion Elections on the ground that British Columbia restricts them on grounds of race.

1. THE PROPOSED AMENDMENT WAS NOT GIVEN PROPER OPPORTUNITY FOR DISCUSSION IN THE HOUSE OF COMMONS.

The proposed amendment to the Dominion Elections Act, 1939, was never properly open for debate in the House of Commons as indicated by the following:

- a. Sec. 5 of Bill #135 is only a small section inserted in the War Services Electors' Bill, and not being related to the rest of the Bill was never commented upon during the course of the debates on the Bill.
  - b. Bill #135 was purported to be the recommendations of the Special Committee on the Dominion Elections Act, 1938 (Armed Forces), whose report (No. 50 Votes and Proceedings of the House of Commons of Canada, Ottawa, Friday, 28th April, 1944) nowhere mentions what later became Section 5 of the War Services Electors' Bill.
  - c. No comment is reported in the Debates of the House of Commons on the first, second, or third readings of the Bill (June 8, 9, 13th respectively).
  - d. Apparently no printed copies of the Bill were available for the members on the morning of the second reading of the Bill (See Hansard, June 9, 1944. On the orders of the day, p. 3767).
2. THE PROPOSED AMENDMENT IS AN UNWARRANTED ABDICATION OF DOMINION PARLIAMENTARY POWERS AND IS UNCONSTITUTIONAL.

The net effect of this proposed amendment is if any one province disenfranchises any race, and such "racial origin is that of a country at war with Canada", the whole race would be disenfranchised with respect to Dominion Elections in the rest of the provinces of Canada. Conversely, if in the case of persons of Japanese race, British Columbia were to remove the restrictions against persons of Japanese race, the whole effect of the proposed



amendment would be nullified. This, it is submitted, is an abdication of the sovereign powers of the Dominion Parliament, and is contrary to the provisions of the British North America Act.

3. THE PROPOSED AMENDMENT IS A DANGEROUS PRECEDENT NOT CONDUCTIVE TO THE WELFARE OF CANADA.

It is to be noticed that while under the present conditions this amendment applies only directly to persons of Japanese origin, the amendment will apply to any racial group even remotely connected with a country at war with Canada. This proposed amendment would apply not only to Canadians of Oriental race, but to persons of any other race. The result is that any one province may pass legislation disenfranchising any racial group, and if such racial group is such that its "racial origin is that of a country at war with Canada", that group will be disenfranchised throughout the rest of Canada, no matter how many generations removed they are from the country of origin.

It would be possible, for instance, under the proposed amendment for any one province in Canada to disenfranchise all persons throughout Canada whose racial origin is that of a country at war with Canada, merely by passing provincial legislation disenfranchising such racial group. It is submitted that this would create a most dangerous precedent for Canada.

4. THIS PROPOSED AMENDMENT IS AN UNWARRANTED DEPRIVATION OF THE POLITICAL RIGHTS OF CANADIAN CITIZENS.

The immediate effects of this proposed amendment, as stated in the printed bill, is that "This provides a disqualification from voting at a Dominion election of persons of Japanese race." It is to be noted that the proposed disqualification is based upon race only, not upon length of citizenship, length of residence, or upon the test of loyalty. Under this section, members of families of persons who are already in the Canadian Armed Forces, as well as descendants of those who served in the past or present world war are also apparently to be disenfranchised.

It must always be borne in mind that we are not dealing in this proposed amendment with enemy aliens, but with naturalized and native-born Canadians. A large number of these persons are second and third generation Canadian citizens, whose daily lives and outlook are no different from that of other Canadians. There is no ground for the allegation sometimes formally made in British Columbia that persons of Japanese descent would vote in political blocs.



Experience in Eastern Canada and in the United States of America has disproved this allegation. In any case, with the present dispersal policy of the Government carried into effect such concentration would be an impossibility. It is to be regretted that the outbreak of war in the Pacific has singled out this racial minority for discriminatory treatment, but it is submitted that this does not warrant the forfeiture of what is generally believed to be the birthright of every citizen - the right to vote.

This proposed amendment does make provision for ensuring the franchise to those Canadians of Japanese race who have served in the last war, and who are serving in this war, but makes no provision for the families or descendants of these people. There is no provision made for those persons who are physically unfit for military service, or who have been rejected solely on account of race. This Bill makes no provision with respect to persons of Japanese race, who in civilian capacity are contributing much to the Canadian war effort either in essential or other industries or other capacity.

It is admitted that the numbers of Canadians of Japanese race in the Canadian military forces are not large, but the proposed amendment does not take into account many Canadians of Japanese descent who have attempted in vain to enlist in the Armed Forces of Canada.

It is respectfully submitted that the entire question of the treatment of persons of Japanese race in Canada ought always to be compared with that prevailing in the United States of America where the essential problems with respect to these people are similar to that prevailing in Canada. In the United States it is a well known fact that not only are Japanese Americans guaranteed their full rights of citizenship including the right to vote, but are serving with distinction in the American Armed Forces.

Much of the antagonism against Canadians of Japanese descent is the result of the dissemination of groundless accusations and misinformation concerning these victims of war, and of the failure to make any distinction between Canadians of Japanese descent and the country of origin of these people. The fact was that there is not one act of sabotage committed by these people in British Columbia or elsewhere in Canada. Nor has there been any sabotage by Japanese-Americans at Pearl Harbour as is often alleged. Mr. Stinson, the American Secretary of War, as well as Mr. John Edgar Hoover, Director of the Federal Bureau of Investigation have officially declared that no such sabotage occurred.



5. THIS PROPOSED AMENDMENT IS CONTRARY TO THE EXPRESSED GOVERNMENTAL POLICY WITH RESPECT TO THE GEOGRAPHICAL DISPERSION OF PERSONS OF JAPANESE RACE IN CANADA.

In resettling persons of Japanese race evacuated from the coastal regions of British Columbia, the Federal authorities recognize that geographical and occupational dispersion of these people across Canada serve the best interests of Canada and of the evacuees themselves. The Jackson Royal Commission in its report tabled in the House of Commons in March of this year, investigating into the conditions of the Japanese evacuees in the interior settlements stated in part as follows:

Your Commission approves the policy of the Department of Labour in considering the Interior Settlements as Clearing Stations and Training Centres. The policy of dispersing the Japanese across Canada in productive self-supporting employment singly, in small groups or family units where they have the opportunity of being assimilated into local community life, your Commission believes to be in the best interests of Canada and of the persons of the Japanese race themselves.

It is submitted that the proposed amendment to the Dominion Elections Act is detrimental to the policy of dispersing the Japanese across Canada in productive self-supporting employment.

From the point of view of the evacuees themselves it is not strange that many difficulties stand in the way of the war-time rehabilitation of these people, not the least of which is the fear that they may not be welcome in new localities. In the past a powerful incentive for many of these evacuees to venture eastward from the temporary settlements of the interior of British Columbia was to escape the numerous restrictions placed upon them in British Columbia to start anew in the comparative freedom East of the Rockies. It is submitted that this now unwarranted proposed restriction of the political rights of these people cannot but hinder the resettlement of these people.

6. THIS PROPOSED AMENDMENT IS CONTRARY TO THE WISHES OF A LARGE PART OF PUBLIC OPINION IN CANADA.

It is an admitted and regrettable fact that there is considerable war-time feeling against all Canadians of Japanese descent, especially when public animosity against enemy peoples is unfairly directed toward Canadians of Japanese race. However, there is an increasing realization on the part of fair-minded Canadians that Canadians of Japanese race should no more be persecuted for the actions of Japan, any more than Canadians of German or Italian origin for the actions of Germany or Italy.



With respect to public opinion on the proposed amendment, the lack of publicity and debate attending this ostensibly minor provision in the War Service Electors' Bill makes it difficult to gauge public opinion on this issue, but there is certainly difference of opinion to be respected. It is no exaggeration to state that this hurried attempt to quietly disenfranchise without debate these 18,000 innocent victims of war has aroused much indignation in many quarters.

In an editorial of June 21st, the Toronto Daily Star expressed itself as follows:

It seems highly disturbing that without debate and with agreement by all parties, the House of Commons adopted a clause in the new Bill dealing with elections which will disfranchise men and women of Canadian birth. This is Bill 135, providing certain amendments to the Dominion Elections Act of 1938 "made necessary by the advent of the war." This bill, which was recommended by a special committee of the House, passed the third reading and has gone forward to the Senate. It is hoped that clause 5 in this bill will yet receive attention.

This clause would disfranchise: "Every person residing in Canada whose racial origin is that of a country at war with Canada if such person at the time of a dominion election would be disqualified by reason of race in any one of the provinces of Canada while residing therein, from voting at an election of a member of the Legislative Assembly of that province, and who did not serve in the naval, military or air forces of Canada in the war of 1914-18, or in the war that began on the 10th day of September, 1939." "This," states the explanatory note to the section, "provides a disqualification from voting at a dominion election of persons of the Japanese race."

It does more than that. It disqualifies persons of other racial origin born in Canada whose parents or grandparents were born in a country now at war with this Dominion, in any province where the legislature has disqualified them. Since it was not discussed in parliament, little information has apparently reached the public concerning the significance of this amendment. No one could disagree that voting privileges in wartime might be removed from persons who became citizens by comparatively recent naturalization. But the disqualification has been applied also to the children and grandchildren who were born and raised in Canada. Many of these are young people now reaching their majority and some have expressed horror that their native rights were so quickly and unquestioningly removed by parliament. No other democratic country has such legislation. The bill should be amended to restore the franchise rights to these native Canadians.

7. THIS PROPOSED AMENDMENT IS CONTRARY TO BRITISH JUSTICE AND CONTRARY TO THE EXPRESSED WAR AIMS OF THE UNITED NATIONS.

At the outset of the war with Japan, it was declared by Government officials that the treatment of persons of Japanese race by Canada would be according to British justice. Although the term "British justice" is difficult to define, the bundle of hard-won rights and liberties of man which it suggests, is certainly contrary to any attempt to censure and impeach a whole people on account of racial origin, and this without discussion or debate.

It has almost become a commonplace to speak of broad general principles of justice and fair play which must win the peace after this war. It is



injustice at home.

This submission has shown that Section 5 of Bill #135 is ill-advised, ill-considered, unwise, unconstitutional, and contrary to the welfare of Canada, to say nothing of Canadian citizens of Japanese descent. It has shown that the proposed amendment is a dangerous precedent in the field of racial persecution and is contrary to British justice and avowed war aims of the United Nations. It has not been discussed in the House of Commons. It is contrary to the wishes of a large number of thinking Canadians.

It is respectfully submitted therefore that Section 5 of Bill #135 be deleted, and be adequately considered by the House of Commons and be omitted from Bill #135.

This submission is made in the interests of Canadian citizens of Japanese race. There appeared in the June 17th issue of *The Now Canadian*, published weekly as a medium of expression among the people of Japanese origin in Canada, and the only Japanese Canadian newspaper published in Canada, the following editorial, which is quoted in part:

What reason lies behind this proposed action of the Government is difficult to understand. Some little publicity was given to the fact that in Ontario provincial elections last year, qualified citizens of Japanese racial origin voted for the first time in their lives. That news proved an important stimulus to the morale of many individuals who up to the time of their dispersal eastward had been barred from the exercise of a fundamental democratic right by British Columbia color prejudice. It did not, so far as was ever revealed, provoke a protest of any importance in the eastern provinces -- a fact which was taken as encouraging evidence of the quality of Canadian democracy east of the Rockies. And this confirmation, it was felt, had established a principle of great importance, -- that evacuees seeking to pick up the broken threads of their lives into a new and more attractive pattern would actually be granted the rights and responsibilities of citizens in their new homes.

The proposal of the Government thus to negate all the notable progress we thought had been achieved is one that disturbs us more strongly than these words can convey. Is it a sign that the virus of color prejudice so rampant on the Pacific Coast has reached its ugly infection into the hearts and minds of those who frame our country's policies? On the face of it, is there any other explanation? No justification -- not even political expediency -- seems to exist for this new, total disregard of democratic principle.

Dated at Toronto, Ontario, this 24th day of June, 1944.

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY.

Roger Obata, Chairman.

George Tanaka, Secretary.



Toronto, Ontario.

Submitted by  
Japanese Canadian Committee for Democracy  
in the interests of  
Canadians of Japanese Origin in Canada.

B R I E F

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REGARDING CERTAIN AMENDMENT TO  
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THE DOMINION ELECTIONS ACT, 1938  
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*Library*



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BRITISH SUBJECTS AND CANADIAN CITIZENS IN CANADA.

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(A) Persons affected by the Proposed Amendment.

BRIEF PARTICULARS OF PERSONS OF JAPANESE RACE AFFECTED BY THE PROPOSED AMENDMENT AND THE HISTORY OF THEIR DISFRANCHISEMENT IN BRITISH COLUMBIA TO PRESENT.

expressed war aims of the United Nations.

7. The proposed amendment is contrary to British justice, and contrary to the

opinion in Canada.

6. The proposed amendment is contrary to the wishes of a large part of public

respect to the geographical dispersion of persons of Japanese race in Canada.

5. The proposed amendment is contrary to the expressed Governmental policy with

of Canadian citizens.

4. The proposed amendment is an unwarranted deprivation of the political rights

of Canada.

3. The proposed amendment is a dangerous precedent not conducive to the wel-

fare of Canada.

2. The proposed amendment is an unwarranted abdication of Dominion Parliamen-

the House of Commons.

1. The proposed amendment was not given proper opportunity for discussion in

Following reasons:

It is submitted that Section 5 of Bill #135 should be deleted for the

British Columbia.

that they are excluded from the franchise in the provincial elections of Bri-

by definition their racial origin is that of a country at war with Canada and

race anywhere in Canada from voting in a Dominion election on the ground that

Act by Sec. 5 of Bill #135 is that it attempts to exclude persons of Japanese

The net result of the proposed amendment to the Dominion Elections

1914-1918.

of the province in which he or she resides and who did not serve

voting at an election of a member of the Legislative Assembly

(1) Every person who is disqualified by reason of race from

(Those who may not vote)



been born and raised in Canada outside of British Columbia. who had previously established themselves outside of British Columbia, or had ing to start life anew in the East and in the Prairies, as well as those persons fected by the proposed amendment, therefore, are those evacuees who are attempt- in accordance with the Government's dispersal policy. The persons directly af- settlements of British Columbia, while some 7,000 have voluntarily moved eastward Of these 21,000 evacuees some 14,000 are still in the temporary interior persons numbered approximately 21,000.

the Coast and voluntarily evacuated according to Governmental orders. These ing majority of these persons of Japanese race left their homes and property at families, not because of any suspected disloyalty. At any rate, the overwhelm- leave the protected area of British Columbia on short notice and without their leased. Those who were later interned were detained because they refused to up by the R.C.M.P. for detention and many of these have now been cleared and re- At the outbreak of war, less than 50 persons of the Japanese race were rounded not a blanket charge that all persons of Japanese race are disloyal to Canada. with respect to the concentration of these persons in British Columbia and is British Columbia was ordered as a result of public feeling in British Columbia The evacuation of persons of Japanese race from the coastal region of

fair-play.

persons of Japanese race would be according to the principles of justice and emphasized that the policy of the Government with respect to the treatment of of the present war between Canada and Japan and later, Government officials have may be engaged in useful employment and trades across Canada. At the outbreak of persons of Japanese race in any one area, and to ensure that these persons bute these persons throughout Canada so as to prevent the undue concentration Canada and Japan. The policy of the Dominion Government has been to redistrib- 100 mile coastal area of British Columbia after the outbreak of war between Feb. 27, 1942, whereby all persons of Japanese race were required to leave the Japanese race in Canada, is due to the emergency measures under P.C. 1486 of of Canada. This marked change in the geographical distribution of persons of 67.3 per cent were in British Columbia and 7,654 or 32.7 per cent in the rest made are those of the Department of Labour for March, 1944, showing 15,982 or test available figures on the distribution of persons of Japanese race in Ca- these persons were settled in the one province of British Columbia.



Persons of Japanese race in British Columbia have been disqualified from voting in provincial elections by an amendment to the British Columbia Elections Act passed against original immigrants, but made applicable by definition to all persons of Japanese race (now R.S.B.C. 1936 ch. 84 Sec. 5 (a)). There is no other province in Canada which has similar legislation based on racial grounds. The validity of the British Columbia legislation was tested in the courts in *Cunningham vs. Tomoy Homma*, 1903 Appeal Cases, p. 151, whereby it was held by the Privy Council that the Province of British Columbia had the constitutional powers to disenfranchise a naturalized Japanese. In 1931, after almost a decade of concerted effort by Japanese-Canadians who served in the First Great War, these veterans were granted the provincial franchise in British Columbia (S.B.C. 1931 ch. 30). With respect to Dominion disenfranchisement legislation there was no legal disqualification against persons of Japanese descent in British Columbia until 1919, when the Dominion Parliament enacted what is now Section 14 ss. 2 cl. (1) of the Dominion Elections Act, 1938, providing that anyone disqualified on account of race in a provincial election may not vote in that province in a Dominion election.

In the summer of 1936, the Japanese Canadian Citizens' League, composed of members of second generation Japanese in Canada sent a delegation of four Canadian-born Japanese to Ottawa to plead their case for enfranchisement before the Special Committee on Elections and Franchise. This delegation was sent in reply to Prime Minister King's statement in that year in the House of Commons on a debate on the disenfranchisement of persons of Japanese race in British Columbia, in which he said that there was no evidence that the Japanese themselves wanted the franchise, (see Dominion Sessional Papers of 1937 - Special Committee on Elections and Franchise, Minutes & Proceedings, #10). The Special Committee however, took no action in the matter and this restriction still exists. Other attempts were made by Japanese Canadians to remove the restrictions designed originally against Japanese immigrants, but before they succeeded, war intervened. There was also, during this period, a growing body of opinion in British Columbia itself which believed that restrictions based on race could not be continued indefinitely. The Trades and Labour Congress of Canada at its 47th Convention held in Vancouver in September, 1931, adopted the report of its



Resolutions Committee which recommended that the following resolution be

passed:

Resolved that the Trades and Labour Congress of Canada in Convention assembled in the City of Vancouver, request the Government of the Province of British Columbia to amend the Provincial Elections Act at the next Session of the British Columbia Legislature to ensure that every native-born Canadian shall receive equality of treatment and full rights of citizenship under the Provincial Franchise Act.

The outbreak of war in the Pacific has of course put a temporary stop to all attempts to extend the franchise to persons of Japanese race in British Columbia. The proposed amendment is now an attempt to restrict them still further everywhere in Canada in Dominion Elections on the ground that British Columbia restricts them on grounds of race.

1. THE PROPOSED AMENDMENT WAS NOT GIVEN PROPER OPPORTUNITY FOR DISCUSSION IN THE HOUSE OF COMMONS.

The proposed amendment to the Dominion Elections Act, 1939, was never properly open for debate in the House of Commons as indicated by the following:

a. Sec. 5 of Bill #135 is only a small section inserted in the War Services Electors' Bill, and not being related to the rest of the Bill was never commented upon during the course of the debates on the Bill.

b. Bill #135 was purported to be the recommendations of the Special Committee on the Dominion Elections Act, 1938 (Armed Forces), whose report (No. 50 Votes and Proceedings of the House of Commons of Canada, Ottawa, Friday, 28th April, 1944) nowhere mentions what later became Section 5 of the War Services Electors' Bill.

c. No comment is reported in the Debates of the House of Commons on the first, second, or third readings of the Bill (June 8, 9, 13th respectively).

d. Apparently no printed copies of the Bill were available for the members on the morning of the second reading of the Bill (See Hansard, June 9, 1944.

On the orders of the day, p. 3767).

2. THE PROPOSED AMENDMENT IS AN UNWARRANTED ABDICATION OF DOMINION PARLIAMENTARY POWERS AND IS UNCONSTITUTIONAL.

The net effect of this proposed amendment is if any one province disenfranchises any race, and such "racial origin" is that of a country at war with Canada, the whole race would be disenfranchised with respect to Dominion Elections in the rest of the provinces of Canada. Conversely, if in the case of persons of Japanese race, British Columbia were to remove the fran-



British Columbia that persons of Japanese descent would vote in political blocs.

There is no ground for the allegation sometimes formally made in Canada that persons of Japanese descent would vote in political blocs. There is no ground for the allegation sometimes formally made in Canada that persons of Japanese descent would vote in political blocs. There is no ground for the allegation sometimes formally made in Canada that persons of Japanese descent would vote in political blocs.

It must always be borne in mind that we are not dealing in this proposed amendment with enemy aliens, but with naturalized and native-born Canadians. A large number of these persons are second and third generation Canadian citizens, whose daily lives and outlook are no different from that of other Canadians. There is no ground for the allegation sometimes formally made in Canada that persons of Japanese descent would vote in political blocs.

HRIGHTS OF CANADIAN CITIZENS.

4. THIS PROPOSED AMENDMENT IS AN UNWARRANTED DEPRIVATION OF THE POLITICAL

rights of Canadian citizens. It is submitted that this would create a most dangerous precedent for Canada. It is submitted that this would create a most dangerous precedent for Canada. It is submitted that this would create a most dangerous precedent for Canada.

It would be possible, for instance, under the proposed amendment for any one province in Canada to disenfranchise all persons throughout Canada whose racial origin is that of a country at war with Canada, merely by passing provincial legislation disenfranchising such racial group. It is submitted that this would create a most dangerous precedent for Canada. It is submitted that this would create a most dangerous precedent for Canada.

WELFARE OF CANADA.

3. THE PROPOSED AMENDMENT IS A DANGEROUS PRECEDENT NOT CONDUCTIVE TO THE

Welfare of Canada. This proposed amendment would apply not only to Canadians of the British North America Act. This proposed amendment would apply not only to Canadians of the British North America Act. This proposed amendment would apply not only to Canadians of the British North America Act.



Federal Bureau of Investigation have officially declared that no such sabotage occurred. American Secretary of War, as well as Mr. John Edgar Hoover, Director of the Japanese-Americans at Pearl Harbour as is often alleged. Mr. Stimson, the British Columbia or elsewhere in Canada. Nor has there been any sabotage by The fact was that there is not one act of sabotage committed by these people in between Canadians of Japanese descent and the country of origin of these people. concerning these victims of war, and of the failure to make any distinction between result of the dissemination of groundless accusations and misinformation concerning Much of the antagonism against Canadians of Japanese descent is the are serving with distinction in the American Armed Forces.

Guaranteed their full rights of citizenship including the right to vote, but United States it is a well known fact that not only are Japanese Americans with respect to those people are similar to that prevailing in Canada. In the that prevailing in the United States of America where the essential problems most of persons of Japanese race in Canada ought always to be compared with It is respectfully submitted that the entire question of the treatment to enlist in the Armed Forces of Canada.

take into account many Canadians of Japanese descent who have attempted in vain Canadian military forces are not large, but the proposed amendment does not It is admitted that the numbers of Canadians of Japanese race in the effort either in essential or other industries or other capacity. anese race, who in civilian capacity are contributing much to the Canadian war account of race. This Bill makes no provision with respect to persons of Japanese race, who in civilian capacity are contributing much to the Canadian war physically unfit for military service, or who have been rejected solely on ants of these people. There is no provision made for those persons who are who are serving in this war, but makes no provision for the families or descendants to those Canadians of Japanese race who have served in the last war, and This proposed amendment does make provision for ensuring the freedom

the birthright of every citizen - the right to vote. that this does not warrant the forfeiture of what is generally believed to be out of this racial minority for discriminatory treatment, but it is submitted. It is to be regretted that the outbreak of war in the Pacific has single the Government carried into effect such concentration would be an impossible proved this allegation. In any case, with the present dispersal policy of Experience in Eastern Canada and in the United States of America has dis-



It is an admitted and regrettable fact that there is considerable war-time feeling against all Canadians of Japanese descent, especially upon public animosity against enemy peoples is unfairly directed toward Canadians of Japanese race. However, there is an increasing realization on the part of fair-minded Canadians that Canadians of Japanese race should no more be persecuted for the actions of Japan, any more than Canadians of German or Italian

OPINION IN CANADA.

6. THIS PROPOSED AMENDMENT IS CONTRARY TO THE WISHES OF A LARGE PART OF PUBLIC

rights of these people cannot but hinder the resettlement of these people. submitted that this now unwarranted proposed restriction of the political umber to start now in the comparative freedom East of the Rockies. It is umber was to escape the numerous restrictions placed upon them in British Col- venture eastward from the temporary settlements of the interior of British Col- localities. In the past a powerful incentive for many of these evacuees to people, not the least of which is the fear that they may not be welcome in new that many difficulties stand in the way of the war-time rehabilitation of these From the point of view of the evacuees themselves it is not strange

Canada in productive self-supporting employment.

tions Act is detrimental to the policy of dispersing the Japanese across

It is submitted that the proposed amendment to the Dominion Bloc-

interests of Canada and of the persons of the Japanese race themselves. local community life, your Commission believes to be in the best ly units where they have the opportunity of being assimilated into productive self-supporting employment singly, in small groups or fam- ing centres. The policy of dispersing the Japanese across Canada in considering the Interior Settlements as Clearing Stations and Train- Your Commission approves the policy of the Department of Labour in

settlements stated in part as follows:

investigating into the conditions of the Japanese evacuees in the interior

tion in its report tabled in the House of Commons in March of this year,

interests of Canada and of the evacuees themselves. The Jackson Royal Commis-

cal and occupational dispersion of these people across Canada serve the best

regions of British Columbia, the Federal authorities recognize that geographi-

In resettling persons of Japanese race evacuated from the coastal

CANADA.

WITH RESPECT TO THE GEOGRAPHICAL DISPERSION OF PERSONS OF JAPANESE RACE IN

5. THIS PROPOSED AMENDMENT IS CONTRARY TO THE EXPRESSED GOVERNMENTAL POLICY



submitted that in fighting oppression abroad we must also guard against  
of justice and fair play which must win the peace after this war. It is  
It has almost become a commonplace to speak of broad general principles

debate.  
a whole people on account of racial origin, and this without discussion or  
it suggests, is certainly contrary to any attempt to censure and impeach  
cult to define, the bundle of hard-won rights and liberties of man which  
according to British justice. Although the term "British justice" is diffi-  
officials that the treatment of persons of Japanese race by Canada would be  
At the outset of the war with Japan, it was declared by Government

THE EXPRESSED WAR AIMS OF THE UNITED NATIONS.

7. THIS PROPOSED AMENDMENT IS CONTRARY TO BRITISH JUSTICE AND CONTRARY TO

to restore the franchise rights to these native Canadians.  
democratic country has such legislation. The bill should be amended  
were so quickly and unqualifiedly removed by parliament. No other  
their majority and some have expressed horror that their native rights  
and raised in Canada. Many of these are young people now reaching  
has been applied also to the children and grandchildren who were born  
zens by comparatively recent naturalization. But the disqualification  
privileges in wartime might be removed from persons who became citi-  
significance of this amendment. No one could disagree that voting  
little information has apparently reached the public concerning the  
has disqualified them. Since it was not discussed in parliament,  
now at war with this Dominion, in any province where the legislature  
gin born in Canada whose parents or grandparents were born in a country  
It does more than that. It disqualifies persons of other racial ori-

voting at a dominion election of persons of the Japanese race."  
explanatory note to the section, "provides a disqualification from  
that began on the 10th day of September, 1939." "This," states the  
tary or air forces of Canada in the war of 1914-18, or in the war  
Assembly of that province, and who did not serve in the naval, mili-  
therein, from voting at an election of a member of the Legislative  
reason of race in any one of the provinces of Canada while residing  
person at the time of a dominion election would be disqualified by  
whose racial origin is that of a country at war with Canada if such  
This clause would disfranchise: "Every person residing in Canada

It is hoped that clause 5 in this bill will yet receive attention.  
House, passed the third reading and has gone forward to the Senate.  
war." This bill, which was recommended by a special committee of the  
Dominion Elections Act of 1938 "made necessary by the advent of the  
dian birth. This is Bill 135, providing certain amendments to the  
dealing with elections which will disfranchise men and women of Cana-  
all parties, the House of Commons adopted a clause in the new Bill  
It seems highly disturbing that without debate and with agreement by

as follows:

In an editorial of June 21st, the Toronto Daily Star expressed itself

aroused much indignation in many quarters.  
enfranchise without debate these 18,000 innocent victims of war has  
It is no exaggeration to state that this hurried attempt to quietly dis-  
this issue, but there is certainly difference of opinion to be respected.  
War Service Electors' Bill makes it difficult to gauge public opinion on



George Tanaka, Secretary.

Roger Obata, Chairman.

JAPANESE CANADIAN COMMITTEE FOR DEMOCRACY.

Dated at Toronto, Ontario, this 24th day of June, 1944.

The proposal of the Government thus to negate all the notable progress we thought had been achieved is one that disturbs us more strongly than these words can convey. Is it a sign that the virus of color prejudice so rampant on the Pacific Coast has reached its ugly infection into the hearts and minds of those who frame our country's policies? On the face of it, is there any other explanation? No justification -- not even political expediency -- seems to exist for this new, total disregard of democratic principle.

The proposal of the Government thus to negate all the notable progress we thought had been achieved is one that disturbs us more strongly than these words can convey. Is it a sign that the virus of color prejudice so rampant on the Pacific Coast has reached its ugly infection into the hearts and minds of those who frame our country's policies? On the face of it, is there any other explanation? No justification -- not even political expediency -- seems to exist for this new, total disregard of democratic principle.

What reason lies behind this proposed action of the Government is difficult to understand. Some little publicity was given to the fact that in Ontario provincial elections last year, qualified citizens of Japanese racial origin voted for the first time in their lives. That news proved an important stimulus to the minds of many individuals who up to the time of their dispersal eastward had been barred from the exercise of a fundamental democratic right by British Columbia color prejudice. It did not, so far as was ever revealed, provoke a protest or any importance in the eastern provinces -- a fact which was taken as encouraging evidence of the quality of Canadian democracy east of the Rockies. And this confirmation, it was felt, had established a principle of great importance, -- that awareness seeking to pick up the broken threads of their lives into a new and more attractive pattern would actually be granted the rights and responsibilities of citizens in their new homes.

Following editorial, which is quoted in part:

in Canada, and the only Japanese Canadian newspaper published in Canada, the published weekly as a medium of expression among the people of Japanese origin Japanese race. There appeared in the June 17th issue of The New Canadian, This submission is made in the interests of Canadian citizens of

ted from Bill #135.

be deleted, and be adequately considered by the House of Commons and be omitted from Bill #135. It is respectfully submitted therefore that Section 5 of Bill #135 contrary to the wishes of a large number of thinking Canadians. United Nations. It has not been discussed in the House of Commons. It is prosecution and is contrary to British justice and avowed war aims of the that the proposed amendment is a dangerous precedent in the field of racial nads, to say nothing of Canadian citizens of Japanese descent. It has shown ill-considered, unwise, unconstitutional, and contrary to the welfare of Canada, This submission has shown that Section 5 of Bill #135 is ill-advised,

Injustice at home.