

Bruce Papers Vol 1 Statistics file
STATISTICS OF LOSSES DUE TO FORCED EVACUATION

Personal Losses

FORM NO.	PERSONAL ESTATE	LOSS OF REVENUE	FEES PAID	PERSONAL LOSS
1		1500.00		90.00
2	275.00		100.00	180.00
3		10210.00		
4	401.55	2490.00		125.00
5		3000.00	50.00	
6		1440.00		
7				64.75
8		1650.00	160.00	
9		670.00		
10	62.00	1260.00	30.00	
11	400.00	1320.00		140.00
12		4190.00		
13		1510.00		
14	240.95	5000.00	70.00	
15	158.00	3755.00		
16	350.00	1190.00		
17		3650.00		
18	1200.00	3300.00	60.00	
19	82.00	1500.00		
20	2200.00			
21		800.00		
22		2610.00	150.00	
23		3020.00 700.00		
24				
25	675.00			
26	300.00	3220.00		
27	560.00	4080.00		
28	750.00	1400.00		
29	750.00	900.00		
30	150.00	3405.00		
31	560.00	4000.00	7.00	
32		5370.00		
33	262.00	2160.00		
34			1300.00	
35		4170.00		
36	154.40			

STATISTICS OF LOSSES DUE TO FORCED EVACUATION

PERSONAL LOSSES

FORM NO.	PERSONAL ESTATE	LOSS OF REVENUE	FEES PAID	PERSONAL LOSS
37	1200.00	4500.00	200.00	
38	420.00	15530.00		
39	400.00	2400.00		
40		2805.00		
41		4450.00		
42		4840.00		
43		1800.00		
44		4200.00		
45		1055.00		
46		1560.00	8.00	
47	1150.00	5960.00		
48	363.00	4865.00		
49		2088.12	862.05	
50		1800.00		
51	395.00	2018.00		
52	15.00	2500.00		4804.00
53		7604.00		
54		2025.00		
55	45.00	3263.38	82.93	
56			224.80	
57			50.00	
58	50.00		100.00	
59				600.00
74		1200.00		
91		1550.00	25.75	
168	600.00	3200.00	700.00	
192	255.00	4963.00		
196		4100.00		500.00

STATISTICS OF LOSSES DUE TO FORCED EVACUATION:

FORM NO.	ESTIMATED VALUE	<u>REAL ESTATES</u>		LOSS	PERSONAL PROPERTY & WAGE LOSS.
		PERSONAL OR CUSTODIAN SALE PRICE			
105	\$ 5000.00	\$ 3000.00		\$2000.00	\$ 3853.99
106	1500.00	30.00		1470.00	None
107	12000.00	7100.00		4900.00	13,409.43
108	2600.00	855.00		1745.00	2798.22
109	3400.00	2100.00		1300.00	875.00
110	3500.00	1800.00		1700.00	5410.00
111	4300.00	2500.00		1800.00	15,952.48
112	2500.00	900.00		1600.00	929.12
113	1000.00			1000.00	3730.00
114	Duplicate copy of #111				
115	2000.00	1150.00		850.00	2639.52
116	1500.00	800.00		700.00	None
117	1350.00	550.00		800.00	3914.50
118	3500.00	1500.00		2000.00	275.00
119	667.97	557.62		110.35	1550.00
120	3500.00	2250.00		1250.00	1931.54
121	3500.00	3000.00		500.00	38965.65
122	14000.00	2870.00		11130.00	17618.28
123	13000.00	4150.00		8850.00	48988.00
124	11000.00	5150.00		5850.00	2085.00
125	3400.00	1200.00		2200.00	4341.00
126	8000.00	2000.00		6000.00	28900.00
127	3500.00	1020.00		2480.00	6391.00
128	40000.00	17000.00		23000.00	54900.00
129	4000.00	1950.00		2050.00	30802.00
130	3500.00	3550.00		950.00	692.11
131	2000.00	1000.00		1000.00	2480.00
	<u>155,217.97</u>	<u>67,982.62</u>		<u>87,235.35</u>	<u>293,431.84</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION

REAL ESTATES

FORM NO.	ESTIMATED VALUE	PERSONAL OR CUSTODIAN SALE PRICE	LOSS	PERSONAL PROPERTY & WAGE LOSS.
132	800.00	400.00	400.00	16061.00
133	2000.00	910.00	1090.00	5590.00
134	3500.00	1600.00	1900.00	NONE
135	3500.00	2500.00	1000.00	11456.35
136	56500.00	27250.00	29350.00	10014.87
137	2500.00	865.00	1635.00	NONE
138	12500.00	9483.50	3016.00	5961.88
139	3500.00	2300.00	1200.00	11485.00
140	No losses shown on form			17387.00
141	2500.00	720.85	1779.15	8917.60
142	17000.00	9000.00	8000.00	25454.00
193	1600.00	1050.00	550.00	7250.00
197	5000.00	1700.00	3300.00	12580.00
198	2000.00	750.00	1250.00	1058.72
69	7500.00	4225.00	3275.00	
93	5000.00	2450.00	2550.00	
94	1050.00	400.00	650.00	
96	1500.00	Not sold.	1500.00	
98	1800.00	1150.00	650.00	
100	1375.00		1375.00	
172	800.00		800.00	
177	200.00	50.00	150.00	
179	300.00		300.00	
185	2200.00	183.15	2016.85	
187	800.00	100.00	700.00	
190	450.00	250.00	200.00	
	<u>135,875.00</u>	<u>67,337.50</u>	<u>68,637.00</u>	<u>133,216.42</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION:

BOATS & GEARS

FORM NO.	ESTIMATED VALUE	PERSONAL OR CUSTODIAN SALE PRICE	LOSS	PERSONAL PROPERTY & WAGE LOSS
165	\$ 5500.00	\$ 4180.00	\$ 1320.00	\$ 2500.00
166	1000.00	400.00	600.00	7920.00
167	1122.00	839.00	283.00	9927.00
168	Put in Personal Section			
169	9500.00	2000.00	7500.00	95.00
170	1000.00	None	1000.00	35,100.00
171	4700.00	2600.00	2100.00	20,500.00
172	1200.00	Paid \$600. part paymt. Rec'd. 50. back None		
172	Gear 350.00		550.00 350.00	5530.00
173	800.00	245.00	555.00	3644.00
174	1250.00	1060.00	190.00	770 3.50
175	400.00	250.00	150.00	2427.00
176	600.00	260.00	340.00	3328.00
177	1800.00	913.20	886.80	23,460.00
178	600.00	250.00	350.00	1106.71
179	3000.00	1960.00	1040.00	5150.00
180	2600.00	1700.00	900.00	7060.00
181	280.00	150.00	130.00	4900.00
182	1550.00	500.00	1050.00	8800.00
183	1900.00	750.00	1150.00	4560.00
184	1450.00	350.00	1100.00	2495.00
185	3500.00	2200.00	1300.00	3039.10
186	1700.00	475.00	1225.00	2200.00
187	2150.00	1300.00	850.00	9880.00
188	4000.00	2800.00	1200.00	2500.00
189	1900.00	600.00	1300.00	16,658.00
190	4100.00	2900.00	1200.00	4625.00
	<u>57,952.00</u>	<u>28,682.20</u>	<u>28,619.80</u>	<u>195,108.31</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION:BOATS & gears

FORM NO.	ESTIMATED VALUE	PERSONAL OR CUSTODIAN SALE PRICE	LOSS	PERSONAL PROPERTY & WAGE LOSS
191	\$ 2889.00	\$ 1665.00	\$1224.00	\$---
146	850.00	450.00	400.00	3095.00
132	1050.00	300.00	750.00	
133	650.00	170.00	480.00	
163	650.00	450.00	200.00	
117	500.00	200.00	300.00	
73	7000.00	5600.00	1400.00	
94	450.00	44.00	406.00	
96	500.00	150.00	350.00	
38	180.00	90.00	90.00	
	<u>14719.00</u>	<u>9119.00</u>	<u>5600.00</u>	<u>3095.00</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION

FARM PROPERTY

FORM NO.	ESTIMATED VALUE	PERSONAL OR CUSTODIAN SALE PRICE	LOSS	PERSONAL PROPERTY & WAGE LOSS.
143	11175.00	722.00	10453.00	
144	2900.00	522.00	2378.00	2415.00
145	1200.00	114.00	1086.00	
146	In Boas Section			
147	4100.00	460.03	3639.97	4655.00
148	8425.00	1228.00	7197.00	5600.00
149	1000.00	46.97	953.03	
150	5700.00	982.00	4718.00	548.36
151	3500.00	1150.00	2350.00	1000.00
152	6252.80	1109.00	5143.80	4000.00
153	9000.00	4500.00	4500.00	1550.00
154	962.50	424.00	538.50	5590.00
155	8100.00	1417.00	6683.00	
156	9136.30	760.58	8375.72	
157	5833.00	662.00	5171.00	4178.66
158	16000.40	2455.00	13555.40	31509.00
159	47678.75	10312.79	37365.96	
160	15400.00	1196.98	14203.02	1800.00
161	500.00	40.00	460.00	2500.00
162	2550.00	500.00	2050.00	6700.00
163	2500.00	800.00	1700.00	2800.00
164	7260.00	4075.00	3185.00	17447.75
195	11000.00	7083.00	3917.00	19250.00
76	2000.00	73.00	1927.00	
	<u>182,173.75</u>	<u>40633.35</u> <u>182,173.75</u>	<u>141,550.40</u>	<u>111,543.77</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION:

<u>BUSINESSES</u>					
FORM NO.	ESTIMATED VALUE	PERSONAL OR CUSTODIAN SALE PRICE	LOSS	PERSONAL PROPERTY & WAGE LOSS.	
60	\$ 3500.00	\$ 1000.00	\$ 2500.00	\$	546.20
61	1600.00	500.00	1100.00		8435.25
62	13500.00	9500.00	4000.00		2705.50
63	9550.00	2900.00	6650.00		2786.12
64	2400.00		2400.00		3425.00
65	2500.00		2500.00		19965.00
66	1000.00		1000.00		5525.00
67	500.00		500.00		4459.00
68	500.00	148.00	352.00		3750.00
69	156,549.60	No report from Custodian	\$156,549.60	\$	97,360.65
70	1500.00	175.00	1325.00		5302.50
71	15,000.00	5000.00	10000.00	32,	535.35
72	2800.00	445.00	2355.00		6811.84
73	12000.00	7500.00	4500.00		9770.00
75	2500.00	800.00	1700.00		7704.00
76	4200.00	300.00	3900.00		4197.50
77	186,200 .24	None	186,200.24		
78	700.00	50.00	550.00		2455.00
79	6000.00	2800.00	3200.00		6861.50
80	2000.00		2000.00		9096.00
81	2450.00	700.00	1750.00		5911.22
82	2000.00	500.00	1500.00		2020.00
83	9500.00	4800.00	4700.00		12710.00
84	16,000.00	Acc. pay. 1700.00	14300.00		951.75
85	6000.00	2500.00	3500.00		5600.00
86	2063.00		2063.00		7450.00
	<u>462,512.84</u>	<u>41,318.00</u>	<u>421,094.84</u>		<u>268,334.38</u>

STATISTICS OF LOSSES DUE TO FORCED EVACUATION:

FORM NO.	ESTIMATED VALUE	BUSINESSES		LOSS	PERSONAL PROPERTY & WAGE LOSS.
		PERSONAL OR CUSTODIAN SALE PRICE			
87	\$ 1300.00			\$ 1300.00	\$ 5640.00
88	1825.00	\$ 800.00		1025.00	5841.45
89	35,344.30	14,019.89		21,324.41	37,637.90
90	2200.00	1000.00		1200.00	2523.00
91	Put in personal section				
92	61,012.12	23,000.00		21,324.41	37,637.90
93	22,000.00	2450.00		19,550.00	14,258.22
94	3500.00	525.00		2975.00	6296.72
95	13,500.00	9500.00		4000.00	9000.00
96	6073.98	1500.00		4573.98	6270.60
97	1800.00	1000.00		1800.00	240.00
98	17,500.00			17,500.00	14,995.00
99	5000.00	2500.00		2500.00	27,850.00
100	17,790.00	417.30		17,373.00	1364.00
101	4000.00	900.00		3100.00	17,180.00
102	2610.25	550.00		2060.25	10,584.00
103	11,500.00	3000.00		8500.00	3500.00
104	5490.00	2500.00		2990.00	6120.00
194	<u>2069.45</u>			<u>2069.45</u>	<u>5577.50</u>
					<u>212,516.29</u>
126	7000.00	3500.00		3500.00	
129	101000.00			101000.00	
136	8230.00	2000.00		6230.00	
139	15000.00	7000.00		8000.00	
140	1500.00			1500.00	
142	<u>4800.00</u>	<u>3150.00</u>		<u>1650.00</u>	
	<u>352,045.10</u>	<u>78,312.19</u>		<u>257,045.50</u>	

Brewin Papers MB32C26 Vol 1

June
July
1950

Corr June 1950:

McMaster to Brewin 19-6-50: Discuss pressuring the government on the matter of payment of interest on the sales from the date of sale. and the suspected plan of the government to bring the appropriations for the payments at the end of the session to avoid discussion of the matter

Brewin to P.M. St Laurent 28-6-50: requesting the payment of interest on the awards.

Corr July-Aug 1950:

K.W. Wright to Brewin 3-7-50 informing him on behalf of the Secretary of State that the payment of interest on the awards had been considered carefully and it had been decided not to allow it.

Brewin Corr June 1950

June 19, 1950 Brewin to Stuart Garson min of Justice
letter urging payment of interest on the awards and
citing legal arguments in support of that position

Brewin interviewed min of Justice June 16, 1950 Brewin to
Virtue, 17,6, 1950

Re McMasters fees McM to Brewin 17-6-50 ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ For the best part of two
years, except when put of town, he McM was rarely away from
the office more than one night per week. We might say that
this situation arose not so much out of Mr. McMastdr's zeal as
y reason of the dpressure of work required to keep the Inquiry
moving ahead and the inability of the Claimants to provide
immediate finances for additional assistance.

MaMaster to Brewin 19-6-50

I gathered from the newspaper reports that the
Minister intends to request Parliament to make the necessary
appropriations in order to implement the report. On the debate
on such appropriations would it not be the proper place ~~for~~
to have the question asked as to whether the Government
intends to follow the usual procedure in expropriation cases
and to pay interest on this case, and if so, what provision
is being made therefor. It seems to me that it would be highly
advisable to have this question asked from the dGovernment's
own benches and perhaps you could arrange for this to be done
through your partner. I strongly suspect that Garson's plan
is as you outline, to bring this on just before prorogation
of parliament so as to avoid discussion of the matter.
Would it force Garson's hand in the matter if to some extent i
if the Committee or the JCCA asked for an appointment with the
Cabinet to make representations before Parliament rises indic-
ating to Garson a propos of our conversation with him in
March that if the Government did not see fit to interest all
kinds of issues might be stirred up. I would hesitate
going too far with their approach if the Government called our
bluff on this.

Brewin to McM - on ~~xxxx~~ the horns of a dilemma re presentation
questions to parliament. Garson said he would present our views
to Cab in a favourable light. leary about taking the dcourse
of discussing the matter with members of the opposition.
partner can't ask the questions as is somewhat interested as a
partner in this firm and had a confidential discussion with
Garson on the matter

Secretary of state to handle payments Brewin to Virtue
23-6-50

Brewin Corr June 1950

Brewin to PM St Laurent 28-6-50 requesting the payment of interest

Brewin Corr July Aug 1950

Wirhgt K.W. Chief Counsel to Brewin July 3, 1950 (on office of the Custodian letterhead. I am directed by my Minister (sec of st te) to inform you that the matter of payment on interest on awards recommended by Mr. Justice Bird had been carefully considered and that it has been decided not to allow interest.

Minutes Coop Comm meeting 16-8-50 re letters to PM suggested that - claimants "not so concerned about securing the interest that they would wish the payment of awards granted held up at this time;" - representations have never been on the basis of a legal claim but a moral one and "we therefore cannot jeopardize further representations regarding claims outside the terms of reference by cooperating in the final routine for payment of awards already granted" - Jcca preparing brief and letter to pm should indicate will still press for interest on awards.

- machinery for claims - balance owed by each claimant to be deducted from total award provided all necessary to do so accompanies the release forms
- cheque for balance to each claimant
- total amt deducted to com.

* { All expenses (disbursements) pd by govt
legal expenses (plus) estimated at \$100,000. 55,881.44 already pd by claimants
+ balance of 48,536.02 to be recovered & equals 5.784% total award.

formula 1% of original + 5.784% of award granted + hardship where awards com. i.e. committee's total charge limited to 25% of the recovery in any case.

	Recovery on Claimed	Bird Proposal % of Sale price	Total Recovery
Real Estate		38%	49.5%
Total	35.8%	5%	554%
Motor Van	51.7%	10%	44%
Rural Advisory	38.4%		
VLA	26.9%	MISSION 125%	49%
		other 80%	
		25%	72.5%
Assets	54.6%	25%	
Total	62.8%	28.5	
Anchor	54.2%	23.5	
Tender		10% on 2 vessels	59.5%
		15% on 1 vessel	
		+ 13.5% on 1 vessel	
Vessels	49.9%	5% on 1 vessel	
		5% on 1 vessel	
		25% sold	Total 97.5%
		62.5% missing	
Motor	53.8%		
Total	29.9%		
Anchor	53.3%		
Tender			
Missing			
Chattels	36.6%	22%	Total 51%
Total	33.9%	10%	41.2%
Anchor	39.5%	3.5%	43.4%
Tender			
Missing			

THE CO-OPERATIVE COMMITTEE
ON
JAPANESE CANADIANS

GEORGE TANAKA
LANDSCAPE ARCHITECT
1486 Rometown Drive Port Credit, Ont.

Case No.

TORONTO, ONT.

94 Homewood Ave., Apt. 28,
Toronto 5, Ont.,
August 31st, 1950.

Dear

Re: Japanese Claims Commission

At the foot of this letter you will find a statement of the amount awarded to you by Mr. Justice Bird, the Commissioner appointed by the Government of Canada. You will also find a statement of the amount for which you are responsible to the Co-operative Committee on Japanese Canadians, which you retained to represent you, for services rendered (being 1% of your original claim, plus your proportionate share of additional expenses), together with a statement of what you have paid (if anything) and the balance to be deducted from your award in accordance with your agreement. The statement is based upon legal accounts which have been rendered to the Committee and have been approved as fair and reasonable by independent legal counsel, and upon the report of P. S. Ross & Sons Ltd., our accountants. The Government paid other necessary expenses incurred by the Committee in presenting your claim.

TO SECURE PROMPT PAYMENT YOU SHOULD:

1. Fill in your address on the Release which is enclosed, and sign the said Release in the presence of a witness who should then attend before a lawyer, Justice of the Peace, or Notary Public, to complete the Affidavit of Execution at the foot of the Release.

2. Sign the authority to deduct the balance of fees payable by you to the Co-operative Committee.

3. Return the completed Release and authority to the Co-operative Committee at 94 Homewood Ave., Apt. 28, Toronto, Ont., in the enclosed addressed envelope.

Payment of the balance due to you will then follow by cheque to you within a few weeks.

If you wish to make enquiries, you may get in touch with the legal counsel of the Committee listed for your convenience on the reverse side of this letter.

The Co-operative Committee thanks you for your co-operation, and wishes to assure you that it has done its utmost to present your case and to secure for you the best possible award in the circumstances.

Yours sincerely,

Margaret F. Ross
Secretary.

(over)

LEGAL COUNSEL OF THE CO-OPERATIVE COMMITTEE:

British Columbia: R. J. McMaster,
c/o Campbell, Brazier, Fisher, McMaster & Johnson,
675 West Hastings St., Vancouver, B.C.

Alberta: W. E. Huckvale, c/o Ritchie & Huckvale,
612 Third Ave., S., Lethbridge, Alta.
L. S. Turcotte, Barrister, Lethbridge, Alta.

Saskatchewan: Dr. M. C. Shumiatcher, K.C.,
Westman Chambers, Regina, Sask.

Manitoba: S. M. Cherniack, 460 Main St., Winnipeg, Man.

Ontario: F. A. Brewin, K.C.,
c/o Cameron, Weldon, Brewin & McCallum,
372 Bay St., Toronto, Ont.

Quebec: Roger Ouimet, K.C.,
152 Notre Dame East, Montreal, P.Q.

S T A T E M E N T

Award Recom- mended by Commission	Retainer Fee- 1%	Additional Assessment (<u>5.784%</u> * of Award)	Amount of Total Charge	Paid on Account	Balance owing by you	Amount Payable to you by Custodian

* Rate calculated by our auditors.

Campbell, Brazier, Fisher, McMaster & Johnson

Barristers and Solicitors

A. T. R. CAMPBELL C. W. BRAZIER
A. W. FISHER R. J. MCMASTER
A. J. F. JOHNSON

H. C. MURRAY

G. B. GARDOM

THE ROYAL BANK BUILDING

675 WEST HASTINGS STREET

VANCOUVER, B.C.

OUR FILE NO.

June 26th, 1950.

Andrew Brewin, Esq., K.C.,
Sterling Tower,
Toronto, Ontario.

Dear Andy:

I had a call from Mr. Shears this morning and attended him at his office with regard to the subject matter of distribution. He advises me that his instructions are now such that he can immediately proceed to make payment upon receipt of releases and showed me a copy of a proposed form of release.

I pointed out to him that there were at least two matters which required to be clarified from the standpoint of the Government before distribution can be effected. He was already cognizant of the fact that we had made representations or were going to make representations to the Government with regard to the payment of interest. Actually I think he only became aware of this fact from the last issue of the New Canadian. In the circumstances he agreed that if there were any likelihood of the Government paying interest it would be desirable to hold up distribution until this question was determined.

In the second place I pointed out that it would be necessary for the Government to clearly state the exact amount of costs which they would pay before we could finally determine the amount payable by each claimant to the Committee. In this respect it is my own feeling that if the Government wishes to have the Treasury Branch go into our disbursements in detail we ought not to finalize the distribution of costs between the claimants until we see whether after examination, the Government will pay the full amount. There are some items with respect to which there obviously are not vouchers and some argument might arise with respect to these. With respect

Mr. Brewin:

June 26th, 1950.

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to monies expended in furtherance of the claimants' interest with regard to the proceedings, it is possible that all of the items would not pass the Treasury Board on examination.

In these circumstances I think that it is most important that we should press the Government for a clear decision on the interest question and for a clear commitment as to the exact amount of costs to be paid. If they wish to investigate our expenditures, we would urge that this be undertaken without delay.

I also pointed out to Mr. Shears that there were some cases included in the special recommendations made by Mr. Justice Bird, approximately sixteen in number, which affected our Committee and that I had not yet received advice as to whether the Committee wished to include these cases in dealing with the costs or whether these were going to be dealt with separately. In a recent letter to Miss Boos I think I suggested to the Committee that they should be dealt with separately and some fee charged or negotiated aside from the general picture having regard to the fact that they related to matters outside the terms of reference. It is my understanding from Mr. Shears and he seemed to think you would be aware of this, that the proposal with regard to those claims outside the terms of reference was that there should be negotiations between Mr. Wright and yourself or Mr. Wright and myself when he comes out here in several months' time with a view to determining the amount which the Government will pay in these cases. If such were the case, it would be some time until we could know the exact figure on which we were proceeding in relating cost to total recovery.

We are enclosing herewith a copy of the release proposed by the Crown. It is very much in line with what I expected. However, I pointed out to Shears two features which theoretically at least would not appear to me to be proper. It is my feeling that the release ought to be limited to matters which came within the terms of reference. Whether there is any hope of getting the Government to agree to this or not I don't know. I think probably the point is theoretical because I doubt if there are any legal claims outside the terms of reference which could be pursued. However, I can see the pos-

Mr. Brewin:

June 26th, 1950.

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sibility that some of the claimants if they understand the release might balk at signing a general release in this form. I would like to have your views in this respect. The other point arising with regard to the release is that in some instances the Custodian still has in his possession monies received on the sale of the property or from the income therefrom which the claimant has to date refused to accept. While Shears assures me that it is his intention to add these monies to any cheque which is paid on receipt of the release, the wording of the release would appear to exclude the payment of these monies. Furthermore I did not discuss with him but it has crossed my mind that the Custodian is still possessed of some personal property and possibly some real property belonging to claimants and the release ought not to extend to these. However, there are relatively few claimants involved in these circumstances. I would appreciate receiving at your early convenience your instructions with regard to the form of release.

I understand that the instructions which Mr. Shears has received concerning the method of distribution is that the cheques should be made payable to the claimants in the full amount but that such cheques might be forwarded to counsel upon their undertaking to obtain releases. While these are his instructions, he suggested to me this morning that he would endeavour to obtain concurrence of Ottawa to a proposal which he made, that is, that the releases be forwarded to counsel and that we draw a form acceptable to his office whereby the claimant would authorize the deduction of our charges from the total amount. Upon presentation of the release duly executed together with the authorization for payment of our costs, he would issue one cheque to the claimant and another cheque to counsel or to the Co-operative Committee. I mentioned to him that I would discuss this matter with you.

I mentioned to him what appeared to me to be another alternative, that is, having the cheque issued jointly either to the claimant and counsel or the claimant and the Co-operative Committee. He appeared to be doubtful as to whether his Department would be agreeable to this procedure although it seems to me that this was Garson's own suggestion when we talked with him in March. Shears proposal seems reasonably sound to me provided that the claimants are prepared to sign releases without seeing the cheque in the hands of their solicitors. Shears points out one advantage to his department in this procedure would be that it would mean they would not have cheques outstanding for a long period of time as the like-

Mr. Brewin:

June 26th, 1950.

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likelihood is that once the claimant had signed the release and cheque issued he would cash it very soon thereafter. I would be pleased to have your views in this matter before I take the matter up with Mr. Virtue.

I also discussed with Mr. Shears the situation with regard to deceased persons and while he did not commit himself with finality in this matter, I think probably an arrangement can be made of this nature that where the person died prior to distribution of the proceeds after sale by the Custodian distribution should now be made to the same persons as the Custodian distributed the initial monies received; where the claimant died subsequent to distribution by the Custodian but prior to the Commission hearings, payment might be made to the person who made the claim to the Commission and there might be added to the release in this event an undertaking by such person to distribute the monies to the persons entitled thereto at law. Where the claimant died subsequent to the setting up of the Commission it would be necessary to have letters of administration or probate with this possibility that in the event of small amounts particularly Mr. Shears might be prepared to accept affidavit evidence as to the heirs at law and there being no debts without putting the claimants to the expense of administration or probate. However, I imagine that he will have to clear these matters with Ken Wright.

I would be pleased to hear what progress is being made with regard to working out the charges to the claimants. I will send you under separate cover today a copy of the schedule of recommendations for payment of awards which accompanied the Commissioner's report. I did not send this earlier as there was some doubt as to whether we were entitled to retain this copy. I think it will be easier for you to work from this than from the green sheets. On the last page of the typewritten sheets you will find additional recommendations on certain claims re Hakoda Bay property. You will observe throughout the sheets that there is typewritten in a reference to those opposite the respective cases. The claimants in these cases will be entitled to the amount appearing on the right hand margin opposite their name number plus the amount being at the end of the last sheet. This schedule includes all of the cases heard by the Commissioner. I have marked by a circle around the case number those cases which according to our records were not represented through the Committee. I think that the balance of the cases should be checked with our retainer forms or at least our list of claimants

*Signed by
M/S Master*

PUBLIC ARCHIVES OF CANADA

This copy is provided for research purposes only.

Brewin Papers: Vol 1. *MA 32 C26*
Corr Apr-May 1950:

March 1950
Macmaster and Brewin meet with the Minister of Justice on March 15, 1950. Minister takes notes and cuts a dictaphone cylinder of the meeting. Discussed the rumour that the government wouldn't act on the Report until 1951, interest on the payments from the date of sale on which the Minister was non-committal, suggestions were given for making the payments and the appropriation of the payments was discussed.

Cameron, Weldon, Brewin and McCallum to Coop Comm:
Submission of itemized fees (apart from disbursements) for Brewin for the period september 30 1946 to March 1, 1950 totaled \$12,258.50.

Cameron to Brewin, May 18, 1950.
Beginning May 1, 1950 A.J.P. Cameron M.P. for Toronto-High Park has been pressureing the government for a quick settlement of the claims. Cameron is Liberal.
Virtue to Minister of Justice, Garson, 20-5-50 enclosing a clipping of the funeral of a client and urging prompt settlemeent for the sake of the elderly evacuees.

McMaster's disbursements (out of pocket expenses for appraisals, clerical work, travel etc as separate from fees) to May 1950 total \$57,978.99. Statement from his firm.

55.0X10³
12.2
5.8
2.4
1.2
2.4
6.5
1.5
47.0
cut out by Mac
Fees submitted to auditor May 31, 1950, P.S. Ross and Sons
McMaster \$55,000 (knocked down from \$63,000 on his initiative)
Brewin \$12,258.50
Cherniak \$5,775.50 (*win*)
Oiumet (Montreal) \$738.
RBA. Best (Toronto) \$1,620.
L.S. Tyrcotte (Lethbridge) \$1,202.63.
Richie and Huckvale (Lethbridge) \$1,865.00
Shumiatcher (Regina) \$533.75
MacLennan and Robinson (Vancouver-corporate claims) \$6,500.
Norris and MacLennan (Vancouver) \$1,565.06.
87,000 in fees
9500 hours of legal work

Virtue (Lethbridge) separate from the Committee

Brewin Papers Corr Jan-Mar 1950
McMaster to Brewin 14-2-50

Re proposed JCCA letter and Virtue's concern see cards

Virtue to McM 22-2-50

After reviewing the matter carefully the Southern Alta Central Committee unanimously came to the conclusion that the proposal to launch this publicity campaign had not received sufficient consideration. They felt that in many respects such a campaign would not have the desired effect, and might be adverse to their interests. In particular they ~~were~~ consider that in view of the part taken by all concerned in arriving at a settlement, they cannot now fairly engage in any campaign which might be regarded as a repudiation of the settlement. They felt that such a campaign would be disastrous to the results which have already been attained, and in addition might boomerang against the Japanese Canadians as a whole.

Accordingly they have arranged a meeting with the representative of the local JCCA and intend to ask the local JCCA to intimate that the proposed campaign should receive further consideration.

McMaster to Brewin, 27-2-50

I spoke to ~~Mr. Justice Bird~~ Mr. Justice Bird concerning this matter [implementation of the report] in Victoria last week and he has taken that if possible he will have his report filed by the time I am in the East or alternatively he will write to the Minister of Justice setting out the specific date on which the report will be filed. He has also agreed to speak to Shears concerning this matter and to urge him to assist in bringing pressure to bear through his department to have the report dealt with at the present sitting of the House.

McMaster to M. Boos; 27-2-50

We estimate that on the bases of figures produced by the Crown at the time of the so-called settlement ~~that~~ our clients would have recovered about \$600,000.00 (the total estimated recovery on personal claims including Virtue and other claimants not going through the Committee was around \$736,000.00). We therefore point out by virtue of our efforts in the last eight months or so by careful examination of each claim and the application of the formula of settlement thereto and by virtue of taking a large number of claims to the Commissioner as special ~~claim~~ cases and in obtaining in many instances special awards we have succeeded in increasing the recovery of our clients by approximately \$150,000.

Minutes of Meeting of Coop Comm 13-3-50 Date Justice Bird expected to file his report is April 15, 1950/

Brewin Corr Apr-May 1950

McMaster and Brewin meet with Min of Justice on March 15, 1950. Min takes notes and cuts a dictaphone cylinders. considered rumour that govt wouldn't act on report till 1951

- interest on payments from date of sale - min mon committal
- suggestions for making of payments given
- appropriation of payments.

Brewin's fees (separate from disbursements as in all previous accounts) Sept 30 1946 to March 1, 1950 \$12,258.50)

Cameron, Weldon, Brewin and McCallum, to Coop Comm

Beginning May 1, 1950 govt is pressured to settle claims A.J.P. Cameron M.P. for Toronto-High Park approached Min of Justice May 18, 1950 in letter to Brewin from Cameron Virtue write Garson (Justice min) 20 May 1950 enclosing clipping of a funeral of one of his elderly clients urging prompt settlement for the sake of these elderly evacuees.

McMasters disbursements to May 1950 are ~~\$2,825~~ \$57,978.99 (disbursements are out of pocket charges for appraisals clerical workers traveling etc)

Fees submitted to auditor May 31, 1950

- 1 McMaster \$55,000 (knocked down from 63,000 by McM)
- 2 Brewin \$12,258.50
3. Cherniak \$5775.50
4. Oiumet \$788. (Mont)
5. R.A. Best 1620 (tor)
- L.S. Turcotte (leth) 1202.63
- 7 ~~Ritchie~~ Ritchie and Huckvale 1865.00 (leth)
8. Shumiatcher ~~1865.00~~ 533.75 (Regina)
9. MacLennan and Robinson \$6500 (corporate claims)
- 10 Morris and MacLennan 1565.06

separate from disbursements.

DRAFT LETTER ONLY

Dear Claimant:

Under date of April 16, you received a letter from the Co-operative Committee on Japanese Canadians advising you that an offer of over-all 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 Japanese Canadian Citizens Association, having considered this matter from all angles, felt that there was, unfortunately, no alternative under the present inquiry but to recommend acceptance to claimants. It was never intended, however, that any acceptance of the proposals should be considered as an end of our complaints respecting losses arising out of evacuation. It has been 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.

It might be pointed out that a large number of claimants, especially in the Toronto area, took strong objection to the proposals of settlement. A Toronto meeting of claimants requested the Co-operative Committee, through its general counsel, to advise the Dominion Government and the Commission that the proposal was not acceptable and that pressure should be brought to bear for a revision of the proposals. The points raised in favour of rejection were as follows:

1. The claimants could interpret this as a first offer. It is their opinion that it is open for further negotiations under the over-all settlement proposal.
2. In view of the fact that the Government has requested such secrecy on this matter some would interpret that as being a step by the Government to settle the question of evacuation claims without individual hearings at a minimum possible compensation.
3. In view of the fact that a claimant has made a truthful claim, acceptance of the Government's totally inadequate proposal would be an outright admission that his claims were not truthful.
4. Some claimants felt that the way the Co-operative Committee letter was written brought pressure upon them to sign for acceptance.
5. The offer was to try to stay in line with "the terms of reference" but inducements outside the terms were included in this present offer and we were told (by Counsel) we would risk losing this.
6. Under the terms of reference, the claimants are entitled to receive the fair market value but percentage increases are nowhere near the fair market value."

The present position, however, is that, insofar as the Royal Commission is concerned, the Commissioner is aware that the majority of claimants who replied to the Co-operative Committee have accepted his offer of settlement under protest, and it is not likely that much more can be achieved by the claimants by pursuing the matter with the Royal Commission. In addition to this, we have been advised by the Commissioner himself that, as it was indicated to us before, it had been his intention to proceed on the basis of his offer whether the claimants accepted his proposals for over-all settlement or not.

In the light of the above, the J.C.C.A. is proceeding along the following lines:

1. Efforts are being continued to have the Commission and the Government raise the percentages for all classes.
2. The Dominion Government are being advised that while a number of claimants have accepted the proposals of the Commissioner, they did so under strong protest and only because it was intimated to them that this was merely an indication by the Commissioner of what his final recommendations will be and that insofar as the present Royal Commission was concerned acceptance or rejection would make no difference to the findings. The Dominion Government will therefore be requested to enlarge the terms of reference of the Royal Commission to cover all losses suffered by the claimants as the claimants feel that the suggested figures are entirely unsatisfactory. At the time the Government will be advised that the JCCA as an organization will back the claimants to the full in their claims for restitution and will press for full compensation. In other words, we will notify the Government that any finding by the Commission such as that proposed will not be considered the end of this matter and that they may be well advised to make proper restitution at this time if they wish to avoid continued dissatisfaction.

As the JCCA is ready and willing to assist you in any way possible to obtain justice for the evacuation losses suffered by Japanese Canadians, we would appreciate your comments on any of the questions raised above. If it is your wish to make a further direct representation to the Co-operative Committee on the question of settlement, this should be done immediately. This letter is being forwarded to you through the Prov. Chapt. of the JCCA and as this whole matter of settlement is still under discussion, without prejudice, it should not be made public.

MEMORANDUM TO CLAIMANTS:

Re: Offer of Settlement, Japanese
Claims Commission.

You will have received from the Toronto Co-operative Committee a memorandum of the proposed settlement in this matter. After careful consideration and in consultation with Counsel, the Committee are recommending acceptance of the settlement upon the basis outlined in the Co-operative Committee letter. It is the understanding that Counsel and the Committee will do their utmost to have the offer improved insofar as it relates to property in the City of Vancouver.

Before dealing with the individual items of the proposed settlement and to understand the willingness of the Committee to consider the same and to recommend it at this stage, it is wise to consider the present status of the proceedings. The Commissioner has heard the evidence of practically all of the claimants. This evidence while necessary to outline the limits of the claims and to identify the property in respect of which claims are made is at law of very little weight and value in determining the fair market value of the property claimed. It would require, from a legal point of view, to establish the fair market value of the claims the necessity of calling experts who from their experience and knowledge could express an opinion as to the value of each item of property. If this were a proceeding relating to the property of one individual such a task while difficult, having regard to the lapse of six or seven years since evacuation, would be reasonably possible. Where, however, there are some 1400 claimants with a large variety of property, some of it widely scattered along the Coast, the task is an extremely difficult one, if not impossible. We have endeavoured with the resources and personnel available to obtain the maximum amount of expert evidence on this question of fair market value. Due to the immensity of the task and the limitations referred to, it has been necessary in the main to approach the obtaining of such evidence from a broad point of view which would be helpful to all claimants and we have only been able to a very limited extent to approach it from an individual claimant's point of view except with respect to real property situated on the lower main land most of which we have had appraised.

In addition to the evidence of the claimants already referred to, we have placed before the Commissioner to date the evidence of certain experts dealing with the problem of fair market value in general terms. With respect to property sold to the DVLA which was the area in which we could hope to make the largest recovery and with respect to which the greatest injustice occurred, we have presented to the Commissioner quite strong evidence dealing with the general problem and it is our belief that had it not been for that evidence, the proposed settlement of DVLA on the basis outlined in the memorandum forwarded by the Committee would have been considerably less, if not half as much. In this connection, we conducted studies in five of the major municipalities in the Fraser Valley as to the relationship between prices obtained by Occidentals who sold their property in 1943 and the prices paid to the Japanese by the Veterans Land Act in that year using as the common factor the assessment with respect to both groups of property. We employed the services of Dr. Drummond of the University, a very capable statistician, to analyze this material and had him present evidence with respect to it. In addition, we carried out a study of the 1941 Agricultural Census which shows the value of farm land in the various municipalities of the Fraser Valley in 1941 and related these to prices paid by the VLA. We also engaged the services of Clement Consulting Service with which the Dean of Agriculture of the University is closely associated to make a study from a purely agricultural point of view and Dean Clement presented evidence showing the great discrepancy between the agricultural value of the lands sold to DVLA and the prices paid therefore by DVLA. In this connection, we were also able to use evidence presented by the Crown which showed that when property was withdrawn for one reason or another from the DVLA transaction and sold by the Custodian by public offer, the prices obtained by him substantially exceeded the prices offered by DVLA with respect to these lands.

We engaged the services of two farm appraisers in connection with DVLA lands. While it was difficult for them by reason of the fact that in a number of instances VLA has re-subdivided parcels of lands formerly owned by Japanese and in some instances torn down or renovated

buildings situated on the lands, their appraisals indicate that if we make the recovery indicated in the proposed settlement that a substantial measure of justice will be done. If the proposed settlement is agreed upon it will be necessary to use the information which they have collected as a basis of distribution.

In the case of boats, aside from general information as to the increased cost of construction, it was very difficult to obtain expert information. Very few fishing craft of the type owned by the Japanese were prior to evacuation sold through boat brokers. That source of expert opinion, therefore, was not available to us. The boats which came into the Custodian's hands and were sold by him included many of the older boats. It was difficult to obtain evidence as to the extent of abuse and depreciation suffered by the boats in the hands of the Navy before the Custodian received them. Furthermore, a fairly large number of the types of persons who might have been able to give evidence from personal knowledge, e.g., fishermen and fishing companies, were involved directly or indirectly in the transactions with the Japanese Fishing Vessel Disposal Committee and the Custodian and were reluctant or unwilling to give evidence which would be helpful to the claimants. Again, we were successful in cross-examination of Crown witnesses in obtaining certain information with respect to the treatment of the boats and their sale which was useful. Were the proceedings to be carried on to their ultimate conclusion, however, it appears unlikely that we would be able to obtain any further specific expert evidence that would be of use. We were able to persuade the Commissioner to make his recommendation at the proposed figure although the Crown originally offered only a 15% increase.

Concerning nets, the Custodian employed an appraiser who worked out a formula based on the type of net, cost price, age and depreciation. We engaged the services of both an Occidental fisherman who is friendly to the Japanese and of a Japanese fisherman to examine this formula and it was their opinion that the formula was reasonably fair. We also applied the formula to a reasonable sample of cases and found that it worked out reasonable fairly in the opinion of our experts. We also sought the opinion of some of the other Japanese fishermen concerning its use and had the opinion of our experts confirmed. One major difficulty with regard to nets, however, was the fact that while a large number of them were appraised by the Custodian's appraiser using the aforesaid formula before the sale of the nets so appraised the identification tags attached to the nets had either been torn off or switched so that it is almost impossible to say in many instances whether the net sold by the Custodian was the property of the person whose name appeared on the tag at the date of sale or of some other person. In these circumstances you will appreciate that it is impossible, aside from the difficulty that an appraiser at this time would not have an opportunity to examine the net, to deal with nets on an individual basis except in very rare cases. The recommendation of the Commissioner is to large measure based upon a study which we did of a fairly large sample of claims on nets applying the formula referred to above.

With respect to the subject matter of cars and trucks, we persuaded the Crown to undertake jointly with us a study of actual sales of automobiles which were made by reputable automobile sales firms in Vancouver in the summer of 1942, at which date most of the automobiles owned by the Japanese were sold by the Custodian. The study so made indicated that the prices obtained on sales through these Companies were some 40% above the prices obtained by the Custodian. However, evidence was introduced by the Crown and we were unable to refute it that when the automobiles sold privately through these Companies they carried with them a guarantee as to the state of repair varying from 90 days to one year. The evidence was that this guarantee materially affected the sale price. In the large majority of cases of automobiles owned by the claimants, some repairs would have required to have been done before the automobiles could have been sold with a mechanical guarantee such as applied to the private sales. Furthermore, when it came to the matter of trucks, we found that it was practically impossible to obtain the same type of information concerning private sale of trucks as we were able to with regard to automobiles and there was some indication that the Custodian received better prices on the sale of the trucks than he did on the sale of the cars. Taking these factors into consideration on the evidence available at this stage (and we do not foresee that we would be able to obtain much stronger evidence if the proceedings are continued) a 25% increase over the sale price of the Custodian would appear to give a reasonable measure of justice. The

market for used motor vehicles in the summer and fall of 1942 due to gas and tire rationing was very poor, this situation changed within one year thereafter, but by the terms of reference we are limited to fair market value at the date of sale.

With respect to personal property other than that mentioned above, we think that it was recognized at the outset that we were up against a most difficult problem. To obtain expert opinion as to the value of an article which was sold in 1942 and which it is impossible for the expert to examine is difficult. The only thing that he has to go on is the description given by the claimant and other information as to age and original cost given by the claimant. It will be readily appreciated that when there is a choice between this kind of evidence and the evidence of a person who actually saw the goods at the time of sale, and having regard to the fact that the goods sold for a certain price at the time of sale, a judge is more likely to accept the latter. We had hoped that we would be able to obtain expert opinion that when goods are sold by auction, they bring a lower price than when sold by other means. However, we have not been able to find anyone qualified as an expert who will substantiate that view. The two auctioneers whose services we used and who were the best we were able to obtain did not consider this to be the case. We did engage the services of one of the oldest auctioneers in Vancouver to give evidence. It was his opinion that the manner of sale and the places at which the sales were conducted were open to criticism and might have resulted in less than the fair market value being obtained. However, without an examination of all of the chattels this evidence was not very strong. We did have him examine a fairly large number of chattel claims where persons had owned household goods and chattels and other specialized chattels and provided him with the information given by the claimant in his evidence concerning the description, age and original cost price. Even using our best chattel claims we do not feel that the opinions which he expresses with respect to these would be too helpful if the proceedings are continued, although his valuations are somewhat higher than the sale prices, by reason of the difficulties described above. If each personal chattel claim were gone into in the manner in which it ought to be to try to determine the fair market value as at the date of sale, a great deal of expense would be involved and furthermore, the Commission would require to sit for at least a further year to hear the evidence. We are satisfied that the proposed settlement with regard to chattels will not be just and equitable in a great many individual cases but even in those individual cases and certainly generally we are not optimistic that it is possible to prove the fair market value of the chattels should the proceedings continue.

With respect to property outside of Greater Vancouver and not included in the sales to the DVLA it has in most instances been impossible to date, without considerable expense, to obtain expert advice. Many of the properties are in isolated areas and it would be extremely expensive to have appraisals made. In some of the areas which are not so isolated we have approached the problem from two points of view. One, by having our appraiser examine a large number of the properties and the other by comparing the prices obtained by the Custodian on sales of these properties with prices obtained by him where like properties were sold to DVLA. There is no doubt about it that when the Custodian made a sale other than to DVLA he obtained considerably better prices which would be closer to the fair market value. Furthermore, the evidence of our own appraisers going back from four to six years would not encourage us to believe that if the proceedings were carried through to the end the ultimate recovery would substantially exceed that set forth in the proposed settlement.

Concerning Greater Vancouver property, it did not appear that a study similar to that carried out in the municipalities in the Fraser Valley and related to assessment would be productive of the same satisfactory results. In the City of Vancouver particularly most of the Japanese owned property was either concentrated in two or three areas or alternatively, was scattered throughout the Occidental community. Dealing with the areas in which the Japanese property was concentrated, we were confronted with two difficulties. As advised by the City Assessor and others, these areas had been for some time over-assessed and the City has, in fact, for the last several years been reducing the assessment in these areas. Furthermore, having been areas of concentration of Japanese persons, there were very few Occidental private sales in these areas with which any comparison could be made.

In the case of the properties that were scattered, however, the opposite situation existed, that is, there was a large number of private Occidental sales but there were very few Japanese Sales (through the Custodian) with which the Occidental sales could be compared. The method used in the Fraser Valley required large samples of sales of both occidental and Japanese properties. While theoretically the assessments in the City of Vancouver should be uniform throughout the City, it is a fairly noted and recognized fact that this is not so and that there are variations between various districts of the City. We did, however, call the City Assessor to give evidence that generally in the City of Vancouver in his opinion, sale prices in the years 1943-44-45 with respect to private sales exceeded assessment. On the other hand, the Custodian sold most of the Japanese property below assessment. We admit to ourselves that the assessor's evidence was fairly general although in our opinion it should have carried some weight. However, the Judge has clearly indicated that he places no value upon it as related to the problem in hand. On City property we also called two real estate men who gave evidence with regard to the methods of sale adopted by the Custodian and expressed the opinion that these methods would not be likely to produce fair market value. However, against this the Judge apparently lays greater weight upon the evidence of the appraisers employed by the Custodian. We have had most of the greater Vancouver properties appraised by our own appraiser and have received a tentative report from him which even based upon his opinion ^{would} not substantiate a very large recovery. One of the difficulties that we have run into which neither the claimants nor counsel could anticipate has been the effect of the restricted interpretation of the Order-in-Council placed upon them by the Judge as this interpretation affects City property. The Judge has interpreted the Order-in-Council as meaning that he must determine the fair market value of the property sold by the Custodian as at the date of sale in the condition in which the property was at that date. You will readily realize that such an interpretation of the terms of reference seriously affects the recovery which may be expected in relation to such things as boats which had depreciated in the hands of the Navy and chattels which had depreciated either in the hands of tenants or by reason of vandalism or storage. However, it hits hardest in relation to City property because not only does it mean that we must take the property in the state of repair in which it was at the date of sale and many of the properties had deteriorated subsequent to the removal of the Japanese but also it means that we must take the properties in the condition of being occupied by tenants who could not be dispossessed except in accordance with the rental regulations. During the period that the Custodian was selling Greater Vancouver property the rental regulations varied from requiring six months' notice to the tenant and personal occupation of the premises by the owner, to a situation where it was impossible to evict the tenant unless he neglected to pay his rent or was obnoxious. In the opinion of our appraiser, the inability of the Custodian to deliver vacant possession of the premises would make a difference of from \$500.00 to \$1,000.00 in the sale price in most instances and a larger amount in some instances. Most of the claims we believe were set up on the basis of the price at which the claimants believed the premises could be sold if in the state of repair in which they left them and under circumstances where, if they were selling themselves, they would be able to give the purchaser vacant possession. By reason of the interpretation of the terms of reference, therefore, it must be appreciated that a very large portion of the claim in nearly every instance is excluded.

In addition to the evidence which we have so far adduced on behalf of the claimants the Crown have put in their general evidence. Some of the evidence which they gave was useful particularly with regard to nets and boats. We also were able by cross-examination to obtain some good evidence in our favour particularly with regard to the Veterans Land Act transactions. On the subject matter of City property, however, they called Douglas Reeve to give evidence as to the appraisals. He is one of the best known appraisers in the City of Vancouver and has had a great deal of experience in giving evidence in the Courts. It was difficult to try to shake his evidence and from the Judge's reaction we take it that we were not successful. We ran into a similar type of difficulty with regard to the sale of chattels where we felt that the auctioneers were on the defensive and could obtain from them no admissions which were useful.

The Judge has intimated his impression of the evidence to date and in considering the matter of accepting the proposed settlement it is important to keep in mind the views which he has expressed as,

if the proceedings continue, strong evidence will have to be called to vary those views. For instance, with regard to City real estate, chattels (excluding nets and cars) and with respect to boats, the Judge has expressed the view that the Custodian obtained the fair market value and is only prepared to recommend the proposed settlement on the basis of rebate of certain charges made by the Custodian and in the case of boats, an allowance for extraordinary depreciation in certain instances.

While your Counsel feels that there is evidence which has already been placed before the Commission which would justify a finding that these items did not all receive their fair market value on sale, it must be recognized that the Commissioner is the Judge. We have particularly urged the Commissioner to change his views with respect to City property and have found that he is extremely firm in his opinions in that respect. It is therefore apparent that if the proposed settlement is not consummated that we will have an uphill job to change his views with respect to these matters and, as indicated above, with respect to some of them, the evidence which we are now in a position to call is not too strong.

Consideration must be given in dealing with the proposed settlement to the fact that the Commissioner is prepared to recommend it but in doing so is recommending payments which will total approximately \$100,000.00 which are out-side the terms of reference. For instance, the basis of his recommendation on boats and chattels sold by auction as well as on City property are entirely outside the terms of reference. His recommendation with regard to the payment of certain of the costs likewise are outside the terms of reference. While the Government has intimated that with a view to settlement they are prepared to have him do so for the purpose of settlement and with a view to saving the expense of carrying the Commission on for another nine months to a year. Accordingly, if the proposed settlement is not accepted and the proceedings are carried on for a prolonged period to enable us to call evidence in individual cases, it is to be anticipated that in the ultimate outcome we would not recover these monies. In the opinion of Counsel it is doubtful whether in view of the views now expressed by the Commissioner we would succeed in recovering anything like the amount which we would stand to lose by dropping that portion of the proposed settlement which is outside the terms of reference.

It is true that if the proceedings were continued that some individuals might stand a chance of making a larger recovery than they would under the proposed terms. Looking at the matter from the standpoint of the large majority of the claimants, it is our opinion that if the proceedings are continued they will stand a chance of recovering less than they would under the proposed terms of settlement. It must be kept in mind that whether the proposed settlement is made or the proceedings are carried through, having regard to the immensity of the enquiry and the impossibility of the Commissioner going into complete detail in every case whatever the outcome may be, it will provide only a measure of rough justice to all and cannot hope to attain equity between all the claimants. It is with regard to both of these factors that the Committee, having regard to the welfare and interest of all of the claimants have recommended the acceptance of the proposed settlement subject to the condition in the first paragraph mentioned.

The claimants undoubtedly will be concerned with the question as to how the monies recommended to be paid will be distributed amongst them. Concerning Greater Vancouver property, the claimants will be rebated the actual commissions charged them on the sale of their property. In the case of property outside of Greater Vancouver, excluding VLA, they will receive 10% on the sale price and plus a rebate of the commissions charged, being on the average 2.96%. Concerning motor vehicles, they will receive 25% on the sale price. On nets and gear due to the fact that it is impossible to ascertain whether or not the nets sold by the Custodian were the actual nets of the claimant, we have recommended to the Commissioner that in the event of the proposed settlement being accepted the fund created by 25% on sales and the allowance on nets declared or found by the Custodian and now missing should be distributed amongst all the claimants by a percentage deduction from their claimed value. Each claimant will therefore receive approximately 65% of the claimed value of nets which he had declared or which were found by the Custodian less the amount actually received by him from the Custodian purportedly from the sale of his nets. It is not possible at this time to determine exactly what the percentage will be but it appears likely that it will be somewhere between 60% and 70%. While this will create certain inequities as between claimants

who were more conservative in placing their values on nets, the inequities would not be as great in our opinion as they would be if it were based upon the sale by the Custodian due to the fact that so many of the tags on the nets were switched or destroyed and proper identification is not possible. Furthermore most claimants had fixed the value of their nets at the time of the evacuation.

With respect to boats and gear, it will partly depend on whether the boat was sold by the Custodian to Nelson Brothers or by other sale what will be the recovery. The boats sold to Nelson Brothers were actually transferred into their custody in the Spring of 1942 and in the opinion of the Commissioner did not suffer as great depreciation as did the boats which were disposed of by the Custodian otherwise. Accordingly, on the 21 vessels sold to Nelson Brothers the claimants will receive 23.5% of sale price and on the boats otherwise disposed of by the Custodian the claimants will receive 23.5%. This method of distribution is based upon the information presently given by the Custodian that a charge of 13.5% for administration was made against each boat. It should be made clear to the claimants that this 13.5% was not the only charge made against their boats by the Custodian as this related only to administration expenses and that other charges such as insurance and repairs may have been made against them which will not be repaid. With respect to chattels other than those dealt with, while the Custodian represents that the rebate of charges on auction sales will average 22%, the actual amount credited to each claimant will be the amount which he was charged in relation to the goods claimed so that some claimants may receive less than 22% and some claimants may receive more. In the case of goods that were sold by tender, however, the 10% will be applied to the sale price in every instance. This 10% will include an average allowance for charges made by the Custodian of 3.7%.

However, there will be no attempt to distribute the 3.7% on the basis of actual charges as the amount would be extremely small. Before dealing with VLA it might be advisable to explain the manner in which the settlement will work if adopted with respect to goods and chattels which were declared or found by the Custodian and are now missing. Each claim will be examined to ascertain the amount for which the Custodian sold at auction the goods of the claimant (if so sold). This amount will then be related to the amount which the claimant claimed for these goods and the rate which the

one bears to the other will be applied to the claimed value of the missing goods to determine how much the Custodian would have received had he sold the missing goods, and the amount so arrived at will be payable to the claimant. For instance, if a claimant claimed \$100.00 for goods which the Custodian actually sold at auction and the Custodian received on the sale of the goods \$35.00 and if the claimant claimed for goods which had been declared and not found \$100.00 then for these latter goods he would receive 35% of \$100.00 or \$35.00. In addition to this he would recover the charges made by the Custodian with respect to the goods sold at auction. In some cases still of the goods claimed by the claimant were lost or destroyed while in the custody of the Custodian. Obviously in these cases there will be no measuring rod in the specific case and it is proposed that the general over-all average of the relationship between all goods sold by the Custodian at auction and the total claim for such goods shall be applied in this type of case. The percentages in these cases it appears will be approximately 35%. It might have been mentioned earlier in dealing with boats and gear that there are a few cases where the boats were sold and the Navy acknowledged that gear was missing from the boats. In these cases it appears that the Custodian credited the allowance made by the Government for the missing gear to the purchaser of the boat rather than to the claimant as he ought to have done and it is proposed in these limited number of cases that the claimant should be compensated in the amount paid to the purchaser.

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Concerning DVLA it will be observed that there are two recommendations. One is related to property situate in the Village of Mission where we were able to abduce evidence and also to obtain certain admissions from the Crown witnesses that even greater injustice had been done than with respect to the balance of the DVLA transactions. For this reasons it is proposed that the property situate in the Village of Mission shall make a larger recovery than other DVLA properties. With respect to the property situate in the Village of Mission, however, it doesn't mean, that each property will receive 125% on sale price but that the total amount payable with respect to property situate in the Village of Mission and sold to DVLA shall average 125%. This is also true with regard to the 80% on sale price contained in the proposed settlement on VLA purchases other than Village of Mission properties.

In our study on private sales and in the evidence which we adduced before the Commissioner it appeared that in some municipalities there was a larger discrepancy between the prices paid by VLA and Occidental free transfers than in other municipalities. For instance, in the Municipality of Maple Ridge private sales indicated prices on the average about 100% more than VLA, whereas in Richmond Municipality private sales indicated prices about 65% to 70% higher than VLA. In making the distribution therefore of the fund created by the proposed settlement of 80%, differences will have to be made between property situated in the various municipalities in accordance with the evidence which has been filed and our own studies. Furthermore, the Committee felt that they were not satisfied to rely upon the appraisals of the Soldier Settlement Board as being equitable between the claimants. One of our farm land appraisers had done a considerable amount of work in relation to claims respecting VLA and from the reports received from him it appeared that some properties had been appraised by the S.S.B. more severely than others. Accordingly, we have arranged to have a value placed on all of the properties in the Fraser Valley at least, by our two farm appraisers with the view to establishing a fair relationship between the properties. It is therefore proposed that the total fund available for distribution on the basis of the proposed recommendation on VLA shall first of all be divided into municipalities in accordance with the information which we have as to private sales in these municipalities and having regard to the number of cases in each and then the fund with respect to each Municipality will be distributed on a basis which will recognize the inequities between properties in the original S.S.B. appraisals. The exact formula for this has not yet been worked out and will be subject to the approval of the Commissioner. The result once again will be a matter of rough justice but will be more equitable than a flat basis of distribution amongst the claimants. Insofar as it is based upon the appraisals by our own appraisers the result should not differ considerably from what the result would be if we proceeded with the hearings and each individual case were dealt with. As intimated in the proposed settlement the Commissioner is prepared to allow some recommendation by way of compensation for costs. It should be clearly understood that whatever amount is allowed will be limited to 5% of the recovery and furthermore that this will not begin to meet the total expenses. It will, however, alleviate the burden of the cost of the proceedings to date in some measure.

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CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
84 GERRARD ST. E., TORONTO 2, ONTARIOVol. I, No. 3
March 22, 1950

INFORMATION RELEASE to National Organization Executives

INTERIM REPORT ON THE CLAIMS ISSUE BY THE NATIONAL EXECUTIVE SECRETARY

(Confidential Information)

When the National Executive Secretary was in Vancouver last November, he informed Mr. McMaster that it would be helpful to the JCCA if figures could be compiled which could indicate the total net Claims for losses and other information as it was felt this data would have an important bearing in the JCCA's planning of future action re making representations to the Government and the conducting of a public campaign on the Claims issue. Last September, 1949, Mr. Brewin had expressed the opinion that the total net Claims for losses might be in the neighbourhood of three million dollars. During the many meetings of the National Executive Committee held from April to November, 1949, the differences of opinion of some committee members with the Executive Committee toward the Commissioner's proposal arises out of the assumption that the total net Claims of losses were approximately 5 to 6 million dollars as compared to the amount of the proposed awards of approximately \$800,000.

Mr. McMaster has recently compiled the desired information on this matter and informed this office that the total of net Claims for losses amount to approximately \$2,800,000.

It is felt that this information will cause to effect a change in terms of emphasis on the proposed future plans of the National JCCA with regard to conducting a public campaign on the Claims issue. While there is no reason for the JCCA to alter its plans with respect to making representation to the Government on the question of the narrow terms of reference and other aspects dealing with Claims for losses, it would seem necessary to reconsider the JCCA plans regarding the public campaign. Both Mr. McMaster and Mr. Brewin are of the opinion that it would be extremely difficult to gain the active interest of the public on the Claims issue since a Royal Commission has in fact been appointed to investigate this matter, and in the mind of the public, this is synonymous with closing the issue with justice as having been done to the Japanese Canadians. Recently, a leading member of the Association for Civil Liberties in Toronto expressed his opinion to the Executive Secretary, that he would not advise the JCCA to conduct a public campaign in view of the amount of the total awards and the percentage figures which indicate claimants will be receiving a total average recovery of approximately 56% of the Fair Market Value of their properties.

Information recently received from Mr. McMaster indicates that Commissioner Bird is expected to submit his report to the Government before April 16th. The Executive Secretary was informed by Mr. McMaster that the Commissioner had previously written to the Minister of Justice that he would be willing to go to Ottawa and explain his report when it is submitted. In reply, the Commissioner was informed by Mr. Garson that it was unlikely any member of the Cabinet would have time during the present session of Parliament to consider his report. Since it is not expected a fall session of Parliament will be held, the possibility of the Commissioner's Report being tabled by the Government until next year was apparent. It was felt, therefore, that every effort should be made to urge upon the Government consideration of the Commissioner's Report during the present session of Parliament.

A special trip to Toronto from Vancouver was made by Mr. McMaster recently, who arrived in Toronto on Monday, March 13th, and during his period of stay in Toronto was in consultation with Mr. Brewin, the Co-operative Committee and the National Executive Secretary. On Wednesday, March 15th, Mr. Brewin and Mr. McMaster met with the Minister of Justice by appointment. Mr. Brewin and Mr. McMaster urged upon the Minister of Justice that the Government give an early consideration to the Commissioner's

Report and implement, at the earliest possible date, payment of awards to claimants. Mr. Garson indicated to Counsel that he appreciated their proposal. Mr. Brewin suggested to the Minister that interest on awards should be paid to Claimants from the date of sale of their property. Mr. Brewin brought forth proper legal argument in support of this proposal referring to court cases where precedent has already been established. It was reported that Mr. Garson was not shocked at this proposal and listened to Mr. Brewin's arguments carefully but did not commit himself to any acceptance of the suggestion. When Mr. Brewin brought to the Minister's attention, the matter of Claims which are excluded under the present narrow terms of reference, Mr. Garson clearly indicated that the Government did not intend to give any further consideration to this matter.

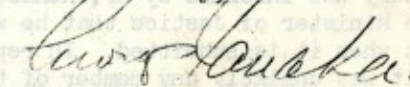
At this present writing, only a few letters have been received from claimants in reply to the National JCCA letter sent to them under date of Feb. 28th. Mr. S. Kawamoto, a claimant in Vernon, B. C., replying to the National JCCA's letter has expressed full appreciation of the work of the JCCA and the Co-operative Committee accomplished on behalf of claimants and he also expressed appreciation to the various individuals in the Vernon JCCA who have worked to assist claimants in that area during the past two years. A report has been received from the London JCCA Chapter that a meeting of claimants was held there last week at which time discussion was held on the matter of the difference of views between the National JCCA and the Toronto Claimants Committee. This office has been informed that the London claimants are in full support of the National JCCA and appreciate the work that has been done for them, both by the JCCA and the Co-operative Committee. At this meeting in London of claimants, it was discovered, however, that some of the claimants were not fully aware of the past work of the Co-operative Committee on behalf of Japanese Canadians. They were not aware of the fact that this Committee had done a great deal of work for Japanese Canadians on the question of legislative discrimination, the deportation question, etc., and were profoundly impressed when informed of the magnitude of the Co-operative Committee's work in the past six years for Japanese Canadians.

Upon suggestion of this writer, the Co-operative Committee has accepted the proposal to prepare a detailed statement to be sent to claimants reporting on the present situation on the Claims question and also to inform the claimants on the past work of this Committee on the Claims issue giving the reasons for the Committee arriving at certain decisions at each critical stage of the Claims proceedings. The Co-operative Committee will also report on the past work it has done on behalf of Japanese Canadians. A fairly detailed report will also be given on the methods used to obtain statistical evidence on property evaluation, etc., which was presented to the Commission.

It is felt that this is an appropriate time for such a statement to be made to claimants before the awards are granted by the Government.

This office has recently been informed by the London JCCA that at a recent meeting of the London claimants, the claimants proposed that when they received awards from the Government, some portion of their award should be donated to the National JCCA in appreciation of the work that has been done for claimants. It would seem to this writer that it would be well for the National JCCA to give serious consideration to this suggestion from the London claimants, after the Government has made payment to claimants of awards, that an appeal be made by the National JCCA to claimants for a donation perhaps, in amount, based on the ratio of the amount of their award to the total awards with respect to the total amount of expense the National JCCA has incurred * in working for claimants; namely, \$6,000.00.

Yours sincerely,



GEORGE TANAKA,
National Executive Secretary.

Dear Claimant:-

It is expected that the Royal Commission investigating Japanese Canadian Property Losses arising from the Evacuation will shortly submit its findings to the Government. Since a fairly detailed report on claims work has recently been made by the National J.C.C.A., it is our intention at this time to supplement, rather than duplicate its contents. For over six years now, the Co-operative Committee has existed as a channel through which thousands of Canadians, who desired to see justice done, could make their voices heard. During these critical years its emphasis has shifted as various issues arose, but basically its concern has been full citizenship rights for Japanese Canadians.

The Co-operative Committee on Japanese Canadians first came into existence in June, 1943. Then a small group of Toronto people -- mainly members of the YMCA and missionary societies -- formed a committee to provide for the needs of the Japanese Canadians who were coming to Toronto from the relocation centers. Shortly afterwards, the committee was broadened to include representatives from the YMCA, Students' Christian Movement, Fellowship of Reconciliation and some Toronto churches. At the suggestion of this committee, the Japanese Canadians organized two sub-committees -- one of men and one of women -- to advise the Co-operative Committee on their needs. Later these two sub-committees jointly initiated the formation of the Toronto Japanese Canadian Committee for Democracy.

At first the Co-operative Committee concentrated on providing housing, jobs, and recreation for the incoming Japanese Canadians. Soon, however, they realized that the problem was too big to be solved by providing aid for individuals, and they began to collect information about the whole subject of the evacuation.

In September, 1943, the Co-operative Committee printed and circulated 10,000 copies of the pamphlet called 'A Challenge to Patriotism and Statesmanship', by Dr. Norman Black, calling attention to the plight of the Japanese Canadians in the relocation centres. In June, 1944, it took part with the Japanese Canadian Committee for Democracy in the campaign to amend Bill 135 which would have disenfranchised all persons of Japanese race for the duration of the war.

Worked Against Deportation

When the "voluntary repatriation" plan was initiated in the spring of 1945, and some 10,000 Japanese Canadians were faced with deportation, the Co-operative Committee was broadened to include representatives of many interested organizations, and a campaign was started to have the deportation plan reconsidered. The Committee collected and publicized sworn statements about the way in which the signatures on the "repatriation" forms were secured; circulated copies of two pamphlets: What about the Japanese Canadians? by Howard Norman of British Columbia, and The Japanese Canadians by F.E. LaViolette; printed and distributed 75,000 copies of a leaflet entitled "From Citizens to Refugees - It's Happening Here!" These pamphlets distributed widely throughout Canada by the Co-operative Committee did much to break down wartime prejudice against the Canadian Citizens of Japanese ancestry.

By this time the Co-operative Committee had developed into an organization representing over forty local and national groups. These groups included Baptist, Catholic, Anglican, Presbyterian, United, and Evangelical churches; Y.W.C.A., Y.M.C.A., the Toronto Civil Liberties Association, the Toronto Labour Council, trade unions, youth groups, the J.C.C.D. and other Japanese Canadian committees. It had branches in Vancouver, Edmonton, Calgary, Lethbridge, Regina, Saskatoon, Winnipeg, Ottawa, Montreal, Guelph, Brantford, Hamilton, and London. Its executive became the representative and voice of all those who wanted to see justice done to the Japanese Canadians.

Largely as a result of the Committee's efforts, dozens of public meetings were held across the country, thousands of petitions were circulated, editorials appeared in many leading newspapers, and an avalanche of letters flowed into the office of the Prime Minister protesting the forced deportation. When, despite the public interest, the orders-in-council authorizing the deportations were announced, the Co-operative Committee decided to take legal action. A writ was issued against the Attorney-General of Canada to test the legality of the orders. When a delegation from the Committee interviewed the acting Minister of Justice, the Cabinet agreed to refer the orders to the Supreme Court, to decide whether they were valid. The Co-operative Committee then appealed to organizations and individuals across the country for funds to finance the case. Within a month \$10,000 was subscribed, and some \$20,000 was collected in all.

Legal Action Taken Opposing Deportation

When the Supreme Court decision was only partly satisfactory, the Committee carried the appeal to the Privy Council in London. In the meantime, it carried on its work of education, distributing 50,000 copies of a leaflet, "Citizens -- Not Exiles"; and "Japanese Canadians" by Edith Fowkes; and sending a printed memorandum on the Orders-in-Council to every member of the House of Commons and the Senate. Its efforts bore fruit when, although the Orders-in-Council were sustained, the Government itself repealed the orders for deportation.

Then the Committee turned its attention to the problem of securing re-compense for those Japanese Canadians who had suffered loss when their property was sold without their consent. It received hundreds of detailed statements from Japanese Canadians about their losses through the Japanese Canadian Committee for Democracy which conducted an Economic Losses Survey in Toronto in November, 1946. This survey, which was later extended throughout Canada, indicated such substantial losses that the Co-operative Committee made direct representation to the Prime Minister in May, 1947, urging "that the property losses of the Japanese Canadians be fully investigated by a Commission with authority to inquire into all losses incurred by reason of the Evacuation Orders and to arrive at fair and equitable compensation."

(Feeling that the need for such a large committee no longer existed, a continuing group of the Co-operative Committee, consisting of 10 original group members, plus a new secretary and the legal counsel, was set up in June, 1947. At that time its function was considered advisory, but when co-operative legal representation was thought advisable in the fall of 1947, it assumed executive responsibilities.)

Representations to the Prime Minister and the Public Accounts Committee

Finally, Prime Minister Mackenzie King announced that consideration would be given the matter of compensation for property losses sustained by Japanese Canadians at the time of evacuation from the B.C. coastal areas. The Co-operative Committee now assumed responsibility for implementation of this promise. Interviews were obtained with the Secretary of State and it was urged that a Commission be set up with authority to inquire into these losses. The Public Accounts Committee of Parliament investigated the administration of the Custodian and received a delegation on May 27, 1947, of Mr. Brewin and Mrs. MacMillan, representing the Co-operative Committee and Mr. George Tanaka, representing the Japanese Canadian Committee for Democracy, and subsequently recommended the appointment of a Judicial Commission.

The original terms of reference which appointed the Hon. Mr. Justice Bird as a Commissioner under the Public Inquiries Act, were a grave disappointment. The Co-operative Committee promptly arranged to interview the Government and express their disappointment that the Commissioner might only recommend the payment of losses due to the negligence or lack of care of the Custodian or his staff. Mr. Brewin at that time saw the Hon. J.L. Ilsley, then Minister of Justice, and the Hon. Colin Gibson, Secretary of State - the ministers chiefly concerned.

We urged that the terms of reference be widened so as to permit inquiry into all tangible property losses arising out of the evacuation which would include losses caused by enforced sales by evacuees themselves. The Government, while not willing to go so far, did amend the terms of reference substantially. As amended, they direct the Commissioner to inquire into losses sustained by persons of the Japanese race resident in Canada, through the sale of their property, both real and personal, by the Custodian, at less than its fair market value, or through the loss, destruction or theft of personal property vested in the Custodian (but not while in the care of some person other than the Custodian, into whose custody, control or management it was committed by the owner). Although not satisfied with the amended terms, the Co-operative Committee, after giving the matter searching thought, decided it wise to advise acceptance of the terms under protest.

Royal Commission

And so the Commission was set up. This Commission is unique in the history of Canadian jurisprudence. There have, of course, been many cases in which claims have been made against Governments for property expropriated for public purposes, and there have been inquiries into the values of very extensive properties by judicial commissions. There was the case of the properties of the Ukrainian Labor Farmer Temple Association during the last war. But this is the first time that it has been found necessary to inquire into the values of many different sorts of

properties lost to a large group of Canadian residents scattered over the whole of Canada.

This has proved to be a tremendous task. The first step, and by no means a simple one, was the filing of claims. The Co-operative Committee and the JCCA printed suitable forms, and the filling in of these was the first task, and involved a detailed and careful examination of each claim. Indispensable work was done at this stage by the JCCA, its national, provincial and local organizations. Without this assistance and co-operation, the Co-operative Committee could not have undertaken such a tremendous task. The Commissioner travelled across Canada and heard the evidence of a very large number of claimants. To shorten and clarify the evidence to be presented, written forms giving some of the necessary details of the properties in question, were prepared. Government Counsel cross-examined claimants and presented documents indicating the reasons why the Government opposed a claim.

Our Legal Counsel

The Claimants have been represented in nearly all cases by Counsel representing the Co-operative Committee with the exception of Southern Alberta where Mr. A. Gladstone Virtue, K.C., represented a large group of claimants.

Counsel representing the Co-operative Committee have included; Mr. R. J. McMaster and Mr. J.A. MacLennan of Vancouver; Mr. L.S. Turcotte and Mr. W.E. Huckvale of Alberta; Mr. Morris Shumatcher, Mr. George Tamaki and Mr. P.G. Makiaroff in Saskatchewan; Mr. S. M. Cherniak of Manitoba; Mr. Andrew Brewin and Mr. R. A. Best in Ontario; and Mr. Roger Quimet, K.C., in Quebec. They were greatly assisted in the arduous task of preparing the written evidence and interviewing claimants, by Mr. Leckie and Mr. Jack Gilbert, and representatives of the JCCA whose co-operation has been essential.

We feel certain that all claimants were impressed by the courteous attention of Mr. Justice Bird, but in the time available it was found impossible for the Commissioner himself to hear all the evidence of the claimants, and various County Court Judges were appointed to hear evidence of claimants. Considering all the difficulties, it is remarkable how smoothly and efficiently the evidence was presented and the facts brought before the Commissioner.

In all cases of valuation, the opinion of the expert was required. To establish a fair market value, evidence had to be given by expert real estate valuers. This work was done for the claimants by the Co-operative Committee under the supervision of Mr. R.J. McMaster of Vancouver. (For details, see section, "Methods used to obtain evaluation evidence").

The Commissioner heard general evidence presented by Government Counsel, claims presented by corporations, detailed hearings of a selected number of representative cases dealing with special categories of claims. The evidence of valuers on both sides was presented. Upon the principles established in these representative cases, each case was reviewed and where possible fitted into its category. Cases involving special features were all specially reviewed.

Category Method of Settlement

In the spring of 1949, after the general evidence had been received by the Commission both from claimants and Government counsel, it became clearly evident that the proceedings would be prolonged for many months, if not years, involving much repetition if the Commissioner were to hear evidence in each individual case. It was suggested that the proceedings could be advantageously shortened by what has been generally described as a "settlement". It was proposed that the Commissioner should hear argument from counsel in respect to each separate category of claim, e.g., Sales of Fraser Valley property to VLA, Vancouver City properties, cars, fishing vessels, nets, chattels sold at auction, and should then fix a general percentage allowance applicable for each category. In such cases where there was available special evidence or some special feature with respect to a claim, both claimants' and Government counsel were permitted to submit special evidence or ask for a special award for a claimant.

Commissioner Determined Actual 'Settlement' Formulae

Both the Crown and Claimants' Counsel considered that, if there was provision to permit the submission of special evidence in special claims cases, there was sufficient evidence submitted before the Commissioner on which a general

formulae of awards might be worked out. Counsel for the Co-operative Committee carefully considered this 'overall' proposal together with the offer given by the Commissioner as to percentage allowance he was contemplating in respect to the categories of claims.

The Crown made certain submissions as to what the formulae ought to be and your Counsel did likewise on the basis of the evaluation evidence obtained by our experts. The Commissioner, however, determined the actual formulae not solely upon the representations of Counsel but upon his view of the evidence before him. The formulae of percentages determined by the Commissioner together with the proposed method of shortening the procedure for hearing the claims were then submitted to the claimants on the evident practical basis for approval. The large majority of claimants responding were conditionally in favour of concurrence. Counsel then recommended the method proposed and are now of the opinion that this method has produced results at least as beneficial to the claimants as would have been the case had each case been completed as to hearing in every detail. It should be noted that there was no settlement of agreed amounts. The percentages were the Commissioner's findings on the evidence and argument submitted and were subject to amendments in special cases.

Reason for Recommending Acceptance

The Co-operative Committee expressed both to the Commissioner and the Minister of Justice their strong disappointment at some of the Commissioner's suggested figures, particularly in regard to Vancouver properties. However, it was felt that acceptance in general was in the interests of the claimants. It was our opinion that a refusal to accept the proposal would only involve further prolonged delay, with additional expense to claimants, and would not obtain a greater amount of award but would result in less amounts given in many cases.

It was felt the right given to present special cases would prevent individual injustice - where we had evidence that enabled us to prove higher values.

We realized that many would be disappointed, but our duty, bearing in mind the narrow terms of reference and the difficulties of proof, was to obtain the best possible results for all of the claimants - and also to avoid, where possible, delay and additional expense. We had no doubt, then or now, that the advice given to claimants was in the circumstances, wisest, and the vast majority of claimants across Canada, when we sought their opinion on the basis of the advice which could be given, agreed with the proposed method subject to qualifications mentioned previously.

Special Cases

For almost a year since that time, your counsel at Vancouver has been going through each case with a fine tooth comb in the application of the Commissioner's formulae and collecting and presenting evidence in special cases and arguing the same before the Commissioner. He reports that he is reasonably satisfied that in every case where some special evidence exists it has been brought to the Commissioner's attention and argued before him.

Methods Used to Obtain Evaluation Evidence

The Commissioner has now heard the evidence of all of the claimants. This evidence, while necessary to outline the limits of the claims and to identify the property in respect of which claims are made, is at law of very little weight and value in determining the fair market value of the property claimed. It would require, from a legal point of view, to establish the fair market value of the claims, the necessity of calling experts who from their experience and knowledge could express an opinion as to the value of each item of property. If this were a proceeding relating to the property of one individual, such a task while difficult, having regard to the lapse of six or seven years since evacuation, would be reasonably possible. Where, however, there are some 1300 claimants with a large variety of property, some of it widely scattered along the Coast, the task is an extremely difficult one, if not impossible. We have endeavoured with the resources and personnel available to obtain the maximum amount of expert evidence on this question of fair market value. Due to the immensity of the task and the limitations referred to, it has been necessary in the main to approach the obtaining of such evidence from a broad point of view which would be helpful to all claimants.

Fraser Valley Property (DWLA)

In addition to the evidence of the claimants already referred to, we have placed before the Commissioner the evidence of certain experts dealing with the problem of fair market value in general terms. In this connection, we conducted

studies in five of the major municipalities in the Fraser Valley as to the relationship between prices obtained by Occidentals who sold their property in 1943 and the prices paid to the Japanese by the Veterans Land Act in that year using as the common factor the assessment with respect to both groups of property. We employed the services of Dr. Drummond of the University, a very capable statistician, to analyze this material and had him present evidence with respect to it. In addition, we carried out a study of the 1941 Agricultural Census which shows the value of farm land in the various municipalities of the Fraser Valley in 1941 and related these to prices paid by the VLA. We also engaged the services of Clement Consulting Service with which the Dean of Agriculture of the University is closely associated to make a study from a purely agricultural point of view and Dean Clement presented evidence showing the great discrepancy between the agricultural value of the lands sold to DVLA and the prices paid therefore by DVLA. We also engaged the services of two farm appraisers in connection with DVLA lands. Each property has been individually appraised and an estimated value based thereon made available to the Commissioner for purposes of distribution. We are assured by the Commissioner that the distribution of the awards will be based on this evidence. Recoveries will range roughly from 50% to 250% of Custodians sale price depending upon the evidence filed. The average, excluding certain special cases, will be 80%. Due to the specialized nature of certain of these properties and in a few cases where strong special evidence was available, special awards were obtained. The increase in the total awards arising from special cases, i.e., in excess of 80% on all VLA will be some \$50,000.00.

Fishing Boats

In the case of boats, aside from general information as to the increased cost of construction, it was very difficult to obtain expert information. Very few fishing craft of the type owned by the Japanese were prior to evacuation sold through boat brokers. That source of expert opinion, therefore, was not available to us. The boats which came into the Custodian's hands and which were sold by him included many of the older boats. It was difficult to obtain evidence as to the extent of abuse and depreciation suffered by the boats in the hands of the Navy before the Custodian received them.

We were successful in cross-examination of Crown witnesses in obtaining certain information with respect to the treatment of the boats and their sale which was useful. We were able to persuade the Commissioner to make his recommendation at 23.5% on boats sold to Nelson Bros. and 28.5% on all others within the terms of reference although the Crown originally offered only a 15% increase.

Nets

Concerning nets, the Custodian employed an appraiser who worked out a formula based on the type of net, cost price, age and depreciation. We engaged the services of both an Occidental fisherman who is friendly to the Japanese and of a Japanese fisherman to examine this formula and it was their opinion that the formula was reasonably fair. We also applied the formula to a reasonable sample of cases and found that it worked out reasonably fair in the opinion of our experts. We also sought the opinion of some of the other Japanese fishermen concerning its use and had the opinion of our experts confirmed.

One major difficulty with regard to nets, however, was the fact that the identification tags attached to the nets had either been torn off or switched so that it is almost impossible to say in many instances whether the net sold by the Custodian was the property of the person whose name appeared on the tag at the date of sale or of some other person. In these circumstances, you will appreciate that it is impossible, aside from the difficulty that an appraiser at this time would not have an opportunity to examine the net, to deal with nets on an individual basis except in very rare cases. The recommendation of the Commissioner is to large measure based upon a study which we did of a fairly large sample of claims on nets applying the formula referred to above. By reason of the impossibility of identifying sales the individual recovery on nets will be 70% of the claimed value of nets alleged to have been sold or which were declared and/or found or lost, less the amount which claimant actually received from the Custodian.

Cars and Trucks

With respect to cars and trucks, we persuaded the Crown to undertake jointly with us a study of actual sales of automobiles which were made by reputable

automobile sales firms in Vancouver in the summer of 1942, at which date most of the automobiles owned by the Japanese were sold by the Custodian. The study so made indicated that the prices obtained on sales through these Companies were some 40% above the prices obtained by the Custodian. However, evidence was introduced by the Crown, and we were unable to refute it, that when the automobiles sold privately through these Companies they carried with them a guarantee as to the state of repair varying from 90 days to one year. The evidence was that this guarantee materially affected the sale price. In the large majority of cases of automobiles owned by the claimants, some repairs would have required to have been done before the automobiles could have been sold with a mechanical guarantee such as applied to the private sales.

With respect to trucks, we found that it was practically impossible to obtain the same type of information as concerning private sale of automobiles and there was some indication that the Custodian received better prices on the sale of trucks.

Taking these factors into consideration on the evidence obtained, a 25% increase over the sale price of the Custodian would appear to give a reasonable measure of justice. In a small number of cases special awards have been obtained where there was clear evidence of exceptional undervaluation on cars of recent vintage. In total, these special awards amount to approximately \$2,000.00.

Chattels

With regard to personal property other than that mentioned above, we think that it was recognized at the outset that we were confronted with a most difficult problem. To obtain expert opinion as to the value of an article which were sold in 1943 and which it is impossible for the expert to examine is difficult. The only information he has for evaluation purposes is the description given by the claimant and other information as to age and original cost given by the claimant. It will be readily appreciated that when there is a choice between this kind of evidence and the evidence of a person who actually saw the goods at the time of sale, and having regard to the fact that the goods sold for a certain price at the time of sale, a judge is more likely to accept the latter.

We had hoped to obtain expert opinion to state that when goods are sold by auction, they bring a lower price than when sold by other means. However, we have not been able to find anyone qualified as an expert who will substantiate that view. The two auctioneers whose services we used and who were the best we were able to obtain did not consider this to be the case.

We realize that the proposed settlement with regard to chattels will not be just and equitable in a great many individual cases but even in those individual cases and certainly generally we do not feel optimistic that it is possible to prove the fair market value of the chattels. On chattels sold by auction, the claimants will receive 30% of sale price and on goods sold by tender 12%. In most cases these exceed the actual costs charged up to the claimants. After a tremendous amount of detailed examination of individual claims we have arrived at a ratio between claimed value of goods sold at auction to the sale price to determine the recovery on lost goods. On the average, the percent recovery on lost goods will be 46%. This ratio will apply in all cases where none of the claimants goods were sold at auction. It should be kept in mind that the Commissioner excluded claims on chattels:

- (a) not declared and not found by the Custodian
- (b) properly abandoned by the Custodian
- (c) lost while in the care of some person other than the Custodian

Real Property Other than Vancouver and DWIA

With respect to property outside of Greater Vancouver and not included in the sales to the DWIA it has in most instances been impossible, without considerable expense, to obtain expert advice. Many of the properties are in isolated areas and it would be extremely expensive to have appraisals made.

Vancouver Property

Concerning Greater Vancouver property, most of the Japanese owned property was either concentrated in two or three areas or alternatively, was scattered throughout the Occidental community. Dealing with the areas in which the Japanese property was concentrated, we were confronted with two difficulties. As advised by the City Assessor and others, these areas had been for some time over-assessed and the City has, in fact, for the last several years been reducing the assessment in these areas. Furthermore, having been areas of concentration of Japanese persons, there were very few Occidental private sales in these areas with which any comparison

could be made.

In the case of the properties that were scattered, however, the opposite situation existed, that is, there was a large number of private Occidental sales but there were very few Japanese Sales (through the Custodian) with which the Occidental sales could be compared. The method used in the Fraser Valley required large samples of sales of both Occidental and Japanese properties. While theoretically the assessments in the City of Vancouver should be uniform throughout the City, it is a fairly noted and recognized fact that this is not so and that there are variations between various districts of the City. We did, however, call the City Assessor to give evidence that generally in the City of Vancouver, in his opinion, sale prices in the years 1943-44-45 with respect to private sales exceeded assessment. On the other hand, the Custodian sold most of the Japanese property below assessment. We must admit to ourselves that the assessor's evidence was fairly general although in our opinion it should have carried some weight. However, the Judge has clearly indicated that he places no value upon it as related to the problem in hand. On City property, we also called two real estate men who gave evidence with regard to the methods of sale adopted by the Custodian and expressed the opinion that these methods would not be likely to produce fair market value. However, against this the Judge apparently lays greater weight upon the evidence of the appraisers employed by the Custodian. We have had most of the Greater Vancouver properties appraised by our own appraiser and have received a report from him which even based upon his opinion would not substantiate a very large recovery.

One of the difficulties that we have run into which neither the claimants nor counsel could anticipate has been the effect of the restricted interpretation of the Orders-in-Council placed upon them by the Judge as this interpretation affects City property. The Judge has interpreted the Order-in-Council as meaning that he must determine the fair market value of the property sold by the Custodian as at the date of sale in the condition in which the property was at that date.

You will readily realize that such an interpretation of the terms of reference seriously affects the recovery which may be expected in relation to such things as boats which had depreciated in the hands of the Navy and chattels which had depreciated either in the hands of tenants or by reason of vandalism or storage. However, it hits hardest in relation to City property because not only does it mean that we must take the property in the state of repair in which it was at the date of sale and many of the properties had deteriorated subsequent to the removal of the Japanese but also it means that we must take the properties in the condition of being occupied by tenants who could not be dispossessed except in accordance with the rental regulations.

During the period that the Custodian was selling Greater Vancouver property the rental regulations varied from requiring six months' notice to the tenant and personal occupation of the premises by the owner, to a situation where it was impossible to evict the tenant unless he neglected to pay his rent or was obnoxious. In the opinion of our appraiser, the inability of the Custodian to deliver vacant possession of the premises would make a difference of at least 5% in the sale price in most instances and a larger amount in some instances. Most of the claims we believe were set up on the basis of the price at which the claimants believed the premises could be sold if in the state of repair in which they left them and under circumstances where, if they were selling themselves, they would be able to give the purchaser vacant possession. By reason of the interpretation of the terms of reference, therefore, it must be appreciated that a very large portion of the claim in nearly every instance is excluded.

The Commissioner found that the Custodian sold city property at fair market value but left it open to call evidence in special cases. In about 30 of these, the Commissioner made special awards totalling approximately \$18,000.00. When you add together the total sale price and the total award on city properties, the amount represents 55% of claimed fair market value. This is practically equal to the percentage relationship between total sale price and awards and claims with respect to VLA.

Outside Real Property (other than VLA)

This property was mainly dealt with by the Custodian through the New Westminster Advisory Committee. A large block of it was in Steveston, all of which properties we had appraised. Most of this property, however, was in outlying districts, e.g., the Gulf Islands fishing villages on the West Coast

of Vancouver Island, Prince Rupert and isolated communities on the Northern Coast. The Commissioner was prepared to make an over-all recommendation of 10% on these, allowing for the difficulty on the Custodian's part to get proper appraisals and to effect sales. With respect to the property in Steveston and in the Fraser Valley we had appraisals made but except in a few instances where we could hope to make substantial recoveries, we considered the cost of having appraisals made would far exceed the recovery on most of the remainder of these properties. To illustrate, it cost \$150.00 each to have the appraisals made in outlying areas on two special cases. As in the case of all other real property, we made searches in the Land Registry Offices to try to find evidence of recent purchases or subsequent resales. Where such evidence was found the case was taken as a special to the Commissioner. Special awards were obtained in approximately 40 cases amounting in total to about \$26,000.00. When total recovery, i.e., sale price plus awards are taken in relation to claim the results with respect to these properties compare favourably both with VLA and city property.

Conclusion

The Commissioner has submitted his report to the Government. We have already made representations to the Minister of Justice that the necessary legislation be passed or estimates approved at this session to ensure that the amounts awarded be promptly paid. We have also urged that as claimants have lost the use of the monies represented by the claims allowed for many years they should be allowed interest from the date of sale. This is the usual practice in expropriation cases and would amount to a considerable addition if allowed by the Government. There will also be some formalities required in getting releases signed by claimants when the monies are paid to claimants. We will seek to arrange that there is a minimum of red tape.

There may be a number of other matters arising out of the Commissioner's Report and having to do with the full, fair and prompt carrying out of the Report and payment of the awards to claimants, which will probably require the attention of the Co-operative Committee.

In this, as in everything undertaken by the Committee, it will seek to serve to the best of their ability, the interests and welfare of all those who have looked to it for help.

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THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS
CLAIMS FUND
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE YEAR ENDED AUGUST 31, 1949

Cash in bank, September 1, 1948 \$11,350.74

RECEIPTS

Retainer fees from claimants (net of refunds \$141.20)	\$20,466.72	
Southern Alberta Central Committee - share of valuation expenses	<u>3,000.00</u>	<u>23,466.72</u>
		<u>\$34,817.46</u>

DISBURSEMENTS

Solicitors' fees	\$ 9,000.00	
Solicitors' expenses	9,824.13	
Valuation expenses	7,309.66	
Hearings' expenses	1,120.80	
Bank charges	31.19	
Printing and stationery	294.25	
Miscellaneous expenses	<u>692.78</u>	<u>28,273.11</u>

Balance, August 31, 1949:

Cash in bank		<u>6,544.35</u>
		<u>\$34,817.46</u>

We have compared the above Claims Fund Statement with the books of account and vouchers of the Committee and have found them to be in agreement therewith.

P.S. Ross & Sons,
Chartered Accountants.

TORONTO, Ontario - March 23, 1950.

For Report from Coop. Committee
Legal Council on the total
recovery on personal claims
(exclusive of Corporation claims)
see J. C. C. A. - Property Issue File.
Document B128. Yanaka to Claimants
28/2/1950 p. 3.

Within terms of reference
Claimants estimates: \$4,488,000.

Custodians sale price 1,663,000.

Net Claims for losses. 2,825,000.

Claimant will probably
receive another 840,000.

∴ Total amt received by
Claimants retaining Coop Com = \$2,504,000.
or 55.78% of gross claimed value

best recovery on VLA, cars, nets & boats
in that order.

Van city properties when sale price
& award cars totalled represent
55.96% of claim value.

**CITIZENS ASSOCIATION**

NATIONAL HEADQUARTERS:
 84 GERRARD ST. E., TORONTO 2, ONTARIO

TO JCCA EXECUTIVES:

STATEMENT TO JCCA CHAPTERS ON MATTERS WHICH PERTAIN TO THE RECENT RELATIONS OF THE NATIONAL JCCA WITH THE TORONTO CLAIMANTS COMMITTEE

Due to the nature of the public statements recently made in the press by the Toronto Claimants' Committee and some of its members tending to cast disparagement on the present work of the National JCCA on the Claims issue and placing blame on the organization for the inability of this Committee to have its proposals accepted by Claimants' legal counsel, the Co-operative Committee and the National JCCA; the National Executive Committee of the JCCA is impelled at this time to give an explanation of the various factors leading to the recent termination of its close relations with this Toronto Claimants' Committee.

While the National JCCA can withstand unkind remarks, however much they may be considered an abuse of the right to criticize, when such remarks coming from the Toronto Claimants Committee with general statements relating to the important claims question are extremely unethical in character - in some instances not true statements - and cause some Provincial and local JCCA Chapters to have difficulties with and explanations to make to their membership, it is felt imperative that JCCA Chapters should know what has transpired in Toronto between the National Executive Committee of the JCCA, the Toronto Claimants' Committee and, also, the Co-operative Committee on Japanese Canadians.

Therefore, the following stated facts in detailed form are presented, commencing with the time last April, 1949, when the Co-operative Committee made its recommendation to claimants for the acceptance of the Commissioner's proposal on a method of settlement:

Recommendation of the Co-operative Committee to Claimants on acceptance of the Commissioner's Proposal in April, 1949

On Saturday, April 9, 1949, a meeting of the Co-operative Committee on Japanese Canadians was held in Toronto with the following members of the Committee present: Mr. Brewin, Mr. Haslam, Mr. Nichols, Miss Boos, Mr. Roger Obata and Mr. George Tanaka.

While the Co-operative Committee had met previously on several occasions to give careful thought to the Commissioner's proposal on a method of settlement, the final decision of the Committee to accept legal counsel's advice and to recommend to claimants that they would be well-advised to accept the Commissioner's proposal was made at this meeting of the Committee.

The following stated motion is quoted from the Minutes of the Co-operative Committee meeting held on April 9, 1949, 2.30 p.m.:

"Considerable discussion led to the following Motion:

MOVED by Mr. Nichols and seconded by Mr. G. Tanaka THAT, on the advice of our legal counsel, we refer the Government's offer for a settlement to the claimants with a recommendation that it be accepted, with the following provisions:

- (a) That every effort will be made to have the proposed recoveries on Vancouver claims at least doubled;
- (b) That we remove our objection, maintained throughout the proceedings, to the narrow terms of reference under which the Commission has operated.

Motion CARRIED unanimously."

During first discussion on this important question, it was pointed out by Mr. Brewin that it is most desirable that the Co-operative Committee devise some means of sampling the opinions of the claimants in the Commissioner's proposal.

The Co-operative Committee felt that every attempt should be made to reach a democratic procedure in obtaining the views of claimants keeping in mind, also, the time element and the necessity for keeping details of the proposal strictly confidential during this negotiation period. The Committee, thereupon, resolved the following Motion:

"MOVED by Mr. Nichols and seconded by Mr. Obata THAT we proceed as follows:

- (a) That a confidential document be prepared by Mr. Brewin, and mailed to each claimant, outlining the settlement offer and the reasoning that leads us to recommend its acceptance; that the covering letter advise of claimants meetings in various centres, requesting a written indication of opinion if attendance at a meeting is impossible.
- (b) That George Tanaka make the necessary arrangements to visit as many centres as soon as possible, to personally brief all Provincial JCCA officers on the proposed settlement and speak at meetings whenever this can be arranged.
- (c) That every effort be made to secure results of meetings held and correspondence received by April 30th.
- (d) That expenses of all the necessary office work involved, as well as the National Secretary's travelling expenses, incurred in arranging for and attending these cross-country meetings be paid from the Claims Fund, the Finance Committee to meet early in the week and draw up a budget for anticipated expenses."

Motion CARRIED unanimously.

Following the meeting of the Co-operative Committee, the next two days, Sunday and Monday, April 10th and 11th, 1949, the National Executive Committee of the JCCA held special emergency meetings to consider the Commissioner's proposal on a method of settlement and the recommendations of claimants counsel and the Co-operative Committee advising claimants to accept this proposal.

The National Executive Committee, after giving this important matter very careful and searching thought terminated their discussions at their meeting on April 11, 1949, with the following stated Motion:

"MOVED by T. Umezaki and seconded by T. Tsuji

THAT although we are not satisfied with the settlement proposal for property claims received from the Government, after hearing and studying the recommendation of Claimants' Counsel, we are of the opinion that there is no alternative than to endorse the recommendation of acceptance as formulated by the Co-operative Committee with the following reservations:

1. The offer with respect to Vancouver Properties is too low,
2. The Terms of Reference are too narrow,
3. Some special cases which if settled under the proposed formula would be clearly inadequate should be given individual consideration."

Those voting in favour of the Motion: S. Shinobu, Y. Hyodo, T. Kameoka, G. Tanaka, T. Umezaki, T. Tsuji and N. Fujita.

K. Tanaka in the Chair.

Contrary Votes: R. Obata, K. Hidaka and J. Oki.

Abstained: I. Uchida.

Since Mr. Roger Obata is now taking a prominent part in the activities of the Toronto Claimants' Committee and with Mr. Kanio Hidaka are the only Nisei on this Committee, both having resigned from the National Executive Committee of the JCCA - Mr. Obata, particularly, with a public statement - the foregoing report of the Minutes recording Motions of the Co-operative Committee and the National Executive Committee of the JCCA should be noted with regard to Mr. Obata's attitude on the Claims issue at these Committee meetings.

From a written statement made on February 7, 1950, by the Co-operative Committee signed by Rev. J. M. Finlay, Chairman, to a joint meeting of the following Committees: the Toronto Claimants' Committee, the National Executive Committee of the JCCA and the Co-operative Committee on Japanese Canadians, the following excerpt is quoted (the full statement is given elsewhere in this report):

"In view of the dissatisfaction expressed by spokesmen for a group of Toronto Claimants on Saturday, Feb. 4, 1950, the Co-operative Committee on Japanese Canadians feels it advisable to make the following statement:

2. Throughout the proceedings the Committee has worked in close co-operation with the National JCCA and its representatives across Canada and, in particular, with its National Executive Secretary who has been of great assistance. Representing the National JCCA, George Tanaka and Roger Obata have been active members of the Committee and have agreed with all decisions made."

At no time up till Feb. 4, 1950, has Mr. Obata indicated to the Co-operative Committee a reversal of his position, as a member of the Committee, made at the meeting on April 9, 1949.

At the Third National JCCA Conference held in Lethbridge, Alberta, Nov. 4th to 7th, 1949, the delegates considered a statement received from Mr. Obata urging upon the Conference that the JCCA should keep in close touch with claimants and know their views. The National Executive Secretary reported that the National Executive Committee had already considered this to be desirable and had suggested to the Toronto JCCA Chapter to assist Toronto claimants in re-organizing their local Claimants' Committee. The Toronto JCCA Chapter in December, 1949, assisted the Toronto claimants by convening a meeting of claimants. Forty Toronto claimants attended this meeting, and subsequent to this meeting, a Committee of Toronto Claimants was appointed.

During the month of January, 1950, a number of meetings were held between the Claims sub-Committee of the National Executive Committee and the liaison group of the Toronto Claimants' Committee.

At the initial meeting when Mr. Roger Obata and Mr. Kunio Hidaka, representing the Toronto Claimants Committee, met with the National JCCA Claims sub-Committee, they were informed in detail (at their request) of the JCCA plans on future action on the Claims issue and of the JCCA Claims brief. They took an extremely critical attitude toward the JCCA plans, but upon request for suggestions for improvement, failed to make any contribution.

On January 15, the Toronto Claimants' Committee convened a meeting of Toronto claimants. The attendance at this meeting numbered 30 out of a total of some 200 Toronto claimants. A resolution was proposed by the Toronto Claimants' Committee to this meeting which voiced the opinion that:

1. The Commissioner had not made a satisfactory investigation and that therefore the claimants were of the opinion they could not agree to the amount of the Commissioner's awards based on his investigations.
2. On the basis of the amount the Commissioner is about to recommend as awards, the claimants are of the opinion that the general evacuation losses will be an enormous amount, therefore, it is desirable to start action on general evacuation losses claims.

Following this meeting of claimants, these points were thereupon incorporated in a letter to claimants drafted by the Toronto Claimants' Committee, which the Committee proposed the JCCA National Executive Committee consider to have mailed to claimants under the sponsorship of the JCCA organization from the Toronto Claimants Committee. A copy of this letter, roughly translated from the Japanese, reads as follows:

"On April 16th last year, the Co-operative Committee dispatched letters to the claimants regarding the recommendation of Commissioner Bird on an over-all settlement, and many of you indicated agreement although not quite satisfied as there was no other alternative. After that, we claimants living in the Toronto district considered ways of correcting this condition and were considering the way of settlement which would be satisfactory to most of us. But we had no opportunity of letting you know of our ideas.

"Last December, the Issei-bu of the JCCA persuaded claimants that in considering this evacuation loss problem representations from claimants should be included, and we have organized a claimants' committee of the Toronto district. If possible, it was our hope to organize the claimants in a national association but to carry out such a project the time was so short and the Toronto district claimants numbering 205 have organized a committee. With your understanding on this point, we ask complete co-operation from the claimants.

"The recommendations from Commissioner Bird will be presented within a few weeks and although we have claimed a total of about six million dollars, only \$925,000 will be reported as loss. This was based on the percentage of over-all settlement which although not satisfactory has been accepted. But we cannot under any circumstances accept such a settlement. When this report is presented to the Government, it will be publicized. This will be the time we claimants should offer our total efforts to appeal to the public, to the Government, and to the members of Parliament in order to correct this settlement amount. This will be the only chance and if we miss this opportunity, there will not be another chance to make such an effort.

"At the meeting of claimants of the Toronto district, two resolutions were passed:

1. Commissioner Bird has not made satisfactory investigations and therefore we cannot agree to the amount of the awards based on such investigation. We ask the full amount of the claims.
2. We have discovered even under incomplete investigation relating to the Custodian, that there was a \$925,000 loss. In consideration of this fact, we come to the conclusion that the general evacuation loss will be an enormous amount. Therefore, we shall start action on general evacuation losses claims.

"Under these two resolutions, we have decided with the co-operation of the JCCA to start an all-out campaign by:

1. Sending a representative to Ottawa and petitioning the Government, Members of Parliament and any other authority.
2. Getting in touch with the other Caucasian organizations; such as, the Ukrainians, Jewish groups, Civil Liberties Associations, and ask them to support our campaign.
3. Asking religious organizations for support.
4. Issuing a pamphlet setting forth the hardships and losses of the Japanese evacuation.
5. Compiling a brief and distributing it widely.
6. Publicizing in newspapers and magazines re evacuation losses.
7. In co-operation with JCCA chapters, ask municipal officials to send wires to local M.P.'s.
8. Asking other Caucasian organizations to wire M.P.'s.
9. Attempt radio program for propaganda.

"This will require an expense budget of \$5,000 and when claimants receive their awards, they will be asked to pay in addition to their award. In the meantime, the Joint Committee will take the responsibility for raising the \$5,000 in loans.

"We ask the claimants to: first, accept the above resolutions; second, approve the method of raising the expenses involved.

"A reply is requested in two weeks time as this is an important matter and whether action is started or not depends on your answer.

"If you can organize a claimants committee in your district, it would facilitate action in the future, and would facilitate communication with claimants. We would ask you to send us the names and addresses of your committee presidents and secretaries."

Discussion which took place during several meetings of the National JCCA sub-Committee on Claims with the Toronto Claimants Committee on their proposed letter to claimants were reported to the regular monthly meeting of the National Executive Committee held on January 22.

The National Executive Committee, after careful consideration of this matter, decided that it would not be wise for the National JCCA to submit the Toronto Claimants' letter to claimants under JCCA mailing as the opinions expressed by the Toronto Claimants Committee in their letter were not considered wise in statement, being also in

effect contrary to the advice of legal counsel and the Co-operative Committee.

However, the National Executive Committee felt it would be willing to incorporate in a JCCA letter to claimants the essence of the views of the Toronto Claimants' Committee provided the National JCCA have the right to make comments on these views if it is deemed necessary. Should this proposal be unacceptable to the Toronto Claimants' Committee, it was the opinion of the National Executive Committee that the alternative was to have the Toronto Claimants' Committee mail their letter under their mailing to claimants. Eventually, it was decided on the latter course that each would mail their own letter to claimants.

The following Requests of the Toronto Claimants' Committee were Presented to the Co-operative Committee on January 20, 1950, by the National JCCA

1. That the Toronto Claimants' Committee desires to have representation on the Co-operative Committee.
2. That a meeting of the Co-operative Committee be held in the near future and at that time, representatives of the Toronto Claimants' Committee be in attendance. The purpose of the meeting to discuss the whole evacuation claims question.
3. That they desire to know what further charges would be assessed claimants.

The Co-operative Committee informed the National JCCA that it would be willing to have individuals from the Toronto Claimants Committee act on the Committee provided they are appointed by the National JCCA. The Co-operative Committee stated that it could not accept members from a local group as the Co-operative Committee was a national organization representing claimants across Canada.

The Co-operative Committee suggested that the National JCCA convene a meeting of the Co-operative Committee, the National Executive Committee of the JCCA and the Toronto Claimants' Committee. Joint meetings of the three Committees were then held on Saturday, Feb. 4th, and Tuesday, Feb. 7th.

At the joint meeting held on February 4th, over two hours of the meeting time was unnecessarily taken up by various members of the Toronto Claimants Committee who desired to inform the Co-operative Committee of evacuation stories expressed as follows:

- (a) Introductory Speech on behalf of the Claimants Committee by Mr. Takashima,
- (b) Statement on General Evacuation Conditions by Mr. Mineoka,
- (c) Statement on Farm Property by Mr. Shin,
- (d) Statement on Principle Involved in Accepting the Commissioner's Proposal by Mr. Ozawa,
- (e) Statement re Treatment of Fishermen at time of Evacuation by Mr. Mio,
- (f) Summary by K. Hidaka.

During the latter part of this joint meeting, K. Hidaka of the Toronto Claimants' Committee questioned the Co-operative Committee on various matters. The general tenor of these questions and statements gave the impression to the members of the Co-operative Committee that the Toronto Claimants Committee found it difficult to place full confidence in the Co-operative Committee.

On adjournment of this meeting at 6.00 p.m., it was decided that a further joint meeting of the Committees be held on Tuesday, Feb. 7th.

While this condition of joint effort in meeting was still in progress, a statement by the Toronto Claimants' Committee, through its Secretary, was issued to the Continental Times paper on Sunday, Feb. 5th, and was published on Tuesday, Feb. 7th, stating that the Toronto Claimants' Committee had time and again sought the co-operation of the National JCCA but had continually been refused such co-operation.

At the joint meeting of Committees held on Tuesday, Feb. 7th, a decision was arrived at by the three committees to work together in the future, as expressed in the public statement issued to the press, as follows:

"Joint meetings of the Committees were held on Saturday afternoon, Feb. 4th, and Tuesday evening, Feb. 7th, in order to effect the best possible co-ordination between the Committees in their common objective and to clarify questions pertaining to the Evacuation Losses Claims.

"Various questions put to the Co-operative Committee at these meetings by the Toronto Claimants' Committee were satisfactorily answered.

"On behalf of the Co-operative Committee on Japanese Canadians, Rev. J. M. Finlay, Chairman, proposed to the joint meeting that representatives from the Toronto Claimants' Committee, approved by the National JCCA, would be welcome to act as members on the Co-operative Committee. This proposal was unanimously accepted by the joint meeting.

"The three Committees concluded their deliberations with the announced determination to work closely together and to make every effort to achieve the best possible results in working for the welfare of Japanese Canadian Claimants.

SIGNED: Co-operative Com. on Japanese Canadians,
National JCCA,
Toronto Claimants' Committee. "

The National JCCA, at this meeting, brought to the attention of the Toronto Claimants' Committee their statement criticizing the JCCA publicly on February 7th, and requested that since this statement was not true, that it be rescinded. The Chairman of the Toronto Claimants' Committee, Mr. Takashima, stated that they would not publicly withdraw this statement as it was a matter of past incident.

At this meeting, the Co-operative Committee submitted the following statement:

"In view of the dissatisfaction expressed by spokesmen for a group of Toronto Claimants on Saturday, February 4th, the Co-operative Committee on Japanese Canadians feels it advisable to make the following statement:

1. At each stage the Committee has carefully considered any question affecting the interests of Claimants who retained it and unanimous decisions have finally been reached after full discussion of matters involved.
2. Throughout the proceedings the Committee has worked in close co-operation with the National JCCA and its representatives across Canada and, in particular, with its National Executive Secretary who has been of great assistance. Representing the National JCCA, George Tanaka and Royer Obata have been active members of the Committee and have agreed with all decisions made.
3. This Committee has full confidence in the legal counsel retained to represent Claimants and is of the opinion that the most effective services possible have been rendered - in particular, by Mr. R. J. McMaster of Vancouver, who has had the major responsibility for presenting cases of Claimants to the Commissioner.
4. Some objection has recently been expressed to the method of procedure adopted by the Commissioner; namely, the fixing of percentages in respect to various categories and the hearing of special cases where special evidence was available. This Committee is convinced that this procedure which was adopted was definitely in the interests of Claimants, although some of the percentages fixed were not satisfactory to Claimants counsel. In such cases, Counsel made every effort to have percentages raised, but final decision rested with the Commissioner.

All Claimants were consulted by letter, and of those expressing their opinions by letter, or at meetings, an overwhelming majority approved of the method proposed with varying degrees of dissatisfaction.

5. Claimants with special claims have repeatedly been invited to get in touch with Counsel, and many have done so.
6. Findings of the Commissioner may be reported shortly. This Committee will urge the Government to implement his findings by prompt payment, with interest on all claims from the date of sale. In addition, it will press for special consideration of claims outside the terms of reference which for this reason were rejected by the Commissioner.
7. With regard to specific requests made through the National JCCA:

- (a) Re Representation - It was suggested that additional representatives of Claimants be added to the Co-operative Committee. At its meeting on January 20th, it was agreed that such would be welcome provided that they be appointed by and represent the National JCCA.

7. (b) Re Further Costs - Claimants were assessed 1% of their claims and most of them have made this payment. A further 1% has been paid by a considerable number. We hope no additional assessment will be necessary.

The balance of expenses will be paid on a percentage basis out of claims allowed, in accordance with retainers signed by each claimant represented by the Committee. It is not possible to determine exactly how much will be required from successful claimants for this purpose.

All expenses and legal fees will be submitted to independent counsel for checking. In addition, a statement by the Committee's auditors for the period, Sept. 1st, 1947, to August 31st, 1948, has been submitted: audited statements for the period from Sept. 1st, 1948, to August 31st, 1949, will be made available this month."

Also, at this meeting, it was intimated to the Toronto Claimants Committee by the Co-operative Committee that perhaps two of their members could be approved by the National JCCA to act on the Co-operative Committee. Subsequently, the Toronto Claimants' Committee informed the National JCCA by letter that it desired five members to act on the Co-operative Committee.

The National Executive Committee considered this number to be too great and replied to the Toronto Claimants' Committee that they would be willing to approve one Issei and one Nisei member from the Committee to act on the Co-operative Committee. (In this matter, it is considered that Mr. Obata who is already a member of the Committee, would retain his position as such). In effect, three members of the Toronto Claimants' Committee would act on the Co-operative Committee. K. Hidaka and S. Takashima were accepted from the Toronto Claimants' Committee on the Co-operative Committee.

At a meeting of the National Executive Committee held February 12th, 1950, the Committee recognized the futility of continuing holding meetings with the Toronto Claimants' Committee as they were time-wasting to the JCCA. The National Executive Committee therefore decided that its relations with the Toronto Claimants' Committee should be dissolved.

In the opinion of the National Executive Committee, it was futile to expect to work with the members of the Toronto Claimants' Committee on a basis of trust: it was often evident from their antagonistic and critical view of the efforts of the JCCA that they held no appreciation of the work of the JCCA in the preparation of its claims Brief and the general over-all plans on future action.

At a meeting of the Co-operative Committee held on February 15, 1950, the National JCCA proposed to send a letter to claimants. Excerpts from the Minutes of the Co-operative Committee meeting are given:

"Co-operative Com. on Japanese Canadians - Minutes of Meeting (Part II)

TIME - Feb. 15th, 1950; 6.00 p.m.

PLACE - Carlton Church.

PRESENT - Boos, Brewin, Finlay, Haslam, Hidaka, Nichols, Tanaka, Takashima, Tucker & Umezaki. (Messrs. Mio, Ozawa & Shin were received as observers for this meeting, on Motion - Brewin/Tanaka).

MINUTES - The following excerpt from Minutes of 5.15 meeting was read: "MOTION: Brewin/Tanaka - "That we accept Mr. Takashima and Mr. Hidaka as members of the Co-operative Committee on the recommendation of the National JCCA." Carried."

TIME OF MEETINGS - MOTION: Nichols/Haslam - "That this meeting adjourn at 7.00 pm Carried."

"NATIONAL JCCA LETTER TO CLAIMANTS - A draft letter which the National JCCA proposes to send to all claimants was submitted for approval, with the request for our mailing list of claimants. Mr. Brewin stated that, having studied the draft, he is satisfied such a letter would do no harm to the general cause of claimants. George Tanaka pointed out several minor changes in wording which have been suggested. It was agreed that if, after further study, any member wishes to have further changes made, he should contact George within the next two days.

"MOTION: Nichols/Brewin - "That this Co-operative Committee accept the JCCA proposal, that a statement principally as set before us be sent to claimants, and that our mailing list be made available for this purpose."
Carried.

"TORONTO CLAIMANTS COMMITTEE LETTER - Kunio Hidaka advised that the Toronto Claimants Committee has a letter which it wishes to send out to all claimants. During discussion which followed the advisability of communications being sent by the Co-operative Committee was pointed out, agreed that, while they would not be in the same category as those from the National organization (and thus representing a wider point of view), any submissions from a claimant or group of claimants in writing would certainly be considered by this Committee.

"NATURE OF CO-OPERATIVE COMMITTEE MEMBERSHIP - In conclusion, the Chairman outlined briefly the history of this Co-operative Committee, pointing out that when the original Committee was dissolved in 1947, an Advisory Committee consisting of twelve original members, plus a new Secretary and the Legal Counsel, was set up. Although some members have held executive positions in other organizations, their membership on this Committee has been on an individual basis. To-night two Toronto claimants, representing a point of view, have been added.

ADJOURNMENT - moved at 7.05."

A further meeting of the Co-operative Committee was held on Friday evening, February 24th, 1950.

Those present were: Mr. Haslam, Mr. Nichols, Miss Doos, Miss Tucker, Mr. Brewin, Mr. Fowler, Mr. T. Umezaki, Mr. G. Tanaka, Mr. R. Obata, Mr. K. Hidaka and Mr. S. Takashima.

During the greater part of this meeting, discussion centred on the question of future political action on the claims issue.

Mr. Brewin stressed the great importance of proper timing with regard to any action which is taken in representation to the Government and public action.

It was the general consensus of the meeting that properly co-ordinated action is necessary in any future action on the Claims issue. The National JCCA Executive Secretary assured the meeting that the JCCA organization fully desired to co-ordinate its plans on this matter with the Co-operative Committee.

It was Mr. Brewin's opinion that with respect to certain lines of approach in making representations to the Government and taking public action on the Claims issue, the National JCCA would be better suited to take responsibility rather than the Co-operative Committee since it is an organization directly representing Japanese Canadians. However, it was felt that the Co-operative Committee should also take an active part in this matter.

A Motion was proposed by Mr. Roger Obata that a sub-committee be appointed to take full charge of directing organized future action on the Claims issue.

Mr. Fowler expressed disagreement to Mr. Obata's motion in that he felt the Co-operative Committee could not compel any other organization, such as the National JCCA, to carry out work on this question in any way that is felt desirable by the Co-operative Committee.

Mr. Fowler then proposed a Motion that a sub-committee be appointed to take responsibility in planning Co-operative Committee future action on the Claims issue. This Motion was unanimously Carried.

The Acting Chairman, Mr. Haslam; and the Chairman, Mr. Finlay; were requested to appoint members to act on the sub-committee.

Mr. K. Hidaka then brought to the attention of the Co-operative Committee a letter drafted by the Toronto Claimants' Committee which they desired to have mailed to claimants by the Co-operative Committee.

This letter which was read out by Mr. Hidaka to the meeting is quoted as follows:

"Draft Letter to Claimants by the Toronto Claimants' Committee"

1. Out of claims totalling \$6 millions, payments of \$925,000 may be expected. Are you satisfied with this amount?
2. Outside of Special Cases, there is no compensation for Vancouver property, other than return of commission. Are you satisfied with this proposed settlement? There is the danger of leaving a record which would indicate unjustified claims on the part of claimants.
3. At one time you indicated acceptance of the Commissioner's offer, but if you are now unprepared to accept it, please state your reasons.
4. In the above matter, Toronto claimants voiced their dissatisfaction with the proposed settlement at a meeting held on January 15th. They decided to secure the attitudes and opinions of other claimants in Canada on this matter by using the machinery of the JCCA.
5. After 40 days of fruitless negotiations with the National JCCA, we must report that we were unable to gain their co-operation in this matter.
6. Finally after a joint conference of our three organizations, namely, the Co-operative Committee, the National JCCA, and the Claimants Committee, our Committee has gained representation, as a committee, on the Co-operative Committee.
7. We would now like to know whether we have your support as a Claimants Committee in any representation we may make to the Co-operative Committee. Are we your authorized representatives and may we undertake work on your behalf?
8. Toronto claimants have endorsed the Claimants Committee's plan to conduct a public campaign in the following manner:
 - (a) To draw up a brief on evacuation losses with statement of claimants' position on the Commissioner's report.
 - (b) To publish a pamphlet for mass distribution describing all facts and circumstances of evacuation.
 - (c) To gain newspaper and periodical press support, and have them publish news stories and articles.
 - (d) To use radio time.
 - (e) To arrange delegation to interview Cabinet and M.P.'s.
 - (f) To enlist the support of organizations and ethnic groups, such as Ukrainian, Jewish, Civil Liberties, etc.
 - (g) To enlist the support of churches and religious organizations.
 - (h) To contact local Japanese Canadian organizations, have them wire and write their M.P.'s and the Government.
 - (i) To work through JCCA Chapters and have them contact mayors, municipal councils and other local officials, request that they wire and write their M.P.'s and the Government.
9. We are of the opinion that this is our last opportunity to present our case before the Canadian public. We must make full use of every possible means within our means to gain favourable support in this campaign.
10. Should you have additional suggestions, please advise us.
11. In order to facilitate communication between claimants, please make an effort to form Claimants Committees in your local areas, and advise us of the name and address of your chairman and secretary.
12. We estimate that \$5,000 will be required for the campaign. It has been proposed that the Claimants Committee, Toronto, be empowered to borrow this amount, and that payment be made later on a pro rata basis from final awards.
13. Because time is pressing, where there is additional information which shows that property had higher valuation than the selling price, please have claimants send this material to us at the earliest opportunity."

Following the reading of this letter to the meeting, Mr. Fowler expressed the opinion, the letter was an unethical piece of writing as it was a complete negation of the spirit of co-operation which had been shown in the discussions of the Committee with regard to taking co-operative action on the Claims issue.

Referring to point 5 and 8 (i), Mr. Fowler stated that the letter criticized the National JCCA and at the same time proposed to enlist the co-operation of the JCCA local Chapters. He stated this to be a very unethical and irresponsible statement to make as it proposed, in effect, to go behind the back of the National JCCA after having criticized it to obtain the help of the local Chapters.

Mr. Brewin stated that point 1 of the letter, in his opinion, an irresponsible statement. The Toronto Claimants' Committee had no authority whatsoever to inform claimants that total claims would amount to 6 million dollars and that payment of awards could be expected to amount to 925,000 dollars. He himself did not know what these figures would be. And, especially, he felt it was ridiculous to ask the claimants whether they were satisfied with these amounts as it was not possible for claimants to know how they felt on this matter until the amount of their individual awards is made known by the Government.

Mr. Nichols referred to point 6 of the letter and stated that the Toronto Claimants Committee had no right to assume that they were now represented on the Co-operative Committee. He stated that the members of the Co-operative Committee were acting on the Committee as individuals and not as representatives of organizations.

The acting Chairman, Mr. Haslam, reiterated this point and stated that Mr. Hidaka and Mr. Takashima, while they may represent a point of view, that of the Toronto Claimants Committee, they were nevertheless considered by the Co-operative Committee to be members of the Committee as individuals on the same basis as the other members.

Mr. George Tanaka stated to the meeting that with regard to point 5, notwithstanding the fact that the National Executive Committee of the JCCA had held a number of meetings with the Toronto Claimants Committee and had not been able to effect any agreement with them, it was his opinion that point 5 of the letter was not a true statement and was contrary to the spirit of trust which has heretofore prevailed in the Co-operative Committee.

Mr. Nichols proposed the Motion that the Co-operative Committee should not mail the Toronto Claimants' Committee's letter to claimants. This Motion was seconded by Mr. Brewin and the Motion was Carried by a majority vote of all the Caucasian members of the Committee and Mr. Tanaka and Mr. Umezuki.

Mr. Hidaka thereupon requested to the Committee, on behalf of the Toronto Claimants' Committee, the use of the Co-operative Committee's mailing list to mail their letter to claimants.

Mr. Nichols proposed the Motion seconded by Mr. Fowler that the Co-operative Committee mailing list be not given to the Toronto Claimants Committee. The Motion was Carried by a majority vote of all the Caucasian members of the Committee and Mr. Tanaka and Mr. Umezuki.

The meeting adjourned at 11.00 p.m.

It is felt the Toronto Claimants Committee, by their actions as a committee and by the actions of the individual members of the Committee, in their relations with the Co-operative Committee during the past two months period, gave a very bad impression to the Caucasian members of the Co-operative Committee. While they have expressed words of appreciation when facing the Co-operative Committee members at meetings, they have never, by their actions, indicated to the Caucasian members of the Co-operative Committee a true spirit of appreciation of the work they have done in the past six years for Japanese Canadians.

The National JCCA will continue to work on the Claims issue with the Co-operative Committee on a basis of trust and belief of the faithfulness of its Caucasian members to help Japanese Canadian claimants to the fullest practicable extent possible.

March 13, 1950.

GEORGE TANAKA,
National Executive Secretary.



COPY

February 28, 1950.

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 proposal on a method of settlement, the following interpretation of his average percentage proposal is made, e.g., on Fraser Valley property sold through Veterans Land Act Administration, the Commissioner's average percentage finding is 80%. It should be noted that under this proposal, some Claimants may receive perhaps as much as 200% and others perhaps 50% of the Custodian's sale price of their property, depending upon Counsel's independent valuation advice.

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. Further, the Committee's Counsel in Vancouver has been fully engaged on the proceedings and has had no time to make full reports. 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 overcome 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 and 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 although the JCCA has no legal status with Claimants, it has continually worked in their best interests 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:

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 Counsels' advice that a claimants' rejection of the Commissioner's proposal would likely necessitate individual hearing of each claim, prolonging the proceedings perhaps two or three years with the likelihood less would be gained for claimants, with some claimants receiving nothing, and with the added financial burden placed on claimants of paying a further assessment of perhaps \$100,000 to cover additional costs. 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 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 Commissioner's Report is pending and has not been published, it is not a suitable time to make representations to the Government about the evacuation losses. However, 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 and will deal specially with such matters as were outside the limited terms of reference.

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 October 23rd between Mr. E. J. Ennis, Counsel for the Japanese American Citizens League; Mr. Mike 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 reserved 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 this 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, which it was proposed be presented to the Government at a future date.

The National JCCA Conference was of the opinion that the time of publication of the Commissioner's Report would be the opportune time for the JCCA and the Japanese Canadians to bring to the attention of the public the injustices of the forced evacuation and the losses suffered.

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 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.

We now have a report from Co-operative Committee legal counsel in Vancouver that the total recovery on personal claims (exclusive of Corporation claims) of some 1,300 claimants who retained the Co-operative Committee may exceed the amount estimated 9 months ago by some \$150,000. From this you will realize that many favourable "settlements" have been made and also many "special awards" have been obtained from the Commissioner.

"The Claimants' total estimate of Fair Market Value of all property on which claims are made, after considering the reductions made on claim amounts at the time of Claimants' hearings and after excluding items claimed which were deemed to be outside the terms of reference, is approximately \$4,488,000 (N.B., the total amount of Custodian's sale price of properties is included in this figure).

"The Custodian sold the properties (personal and real) to which these claims relate for approximately \$1,663,000.

"The total of net claims for loss amount to approximately \$2,825,000.

"On these claims, Claimants will probably recover approximately \$840,000 or 50% more than the sale price.

"The total amount received by the claimants who retained the Co-operative Committee (including the sale price and the award) will be approximately \$2,504,000, or 55.78% of the gross claimed value.

"Counsel advises that on a breakdown by Provinces there is very little variation in this percentage for each Province. For instance, for B.C. and Ontario where the bulk of the Claimants reside and in which Provinces three-quarter in value of the Claimants are to be found, the respective percentage of total recovery in relation to claim value (that is, including sale price and award) will be 57.41 and 56.03 respectively. The best recovery was made on V.I.A., cars, nets and boats in that order. Surprisingly enough, however, Vancouver City property, when sale price and award are totalled, represents 55.96% of claim value, or slightly better than the average for all properties."

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 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 - May, 1949, the full time of the National Executive Secretary was taken up in making 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 as 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 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.

Noteable 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.

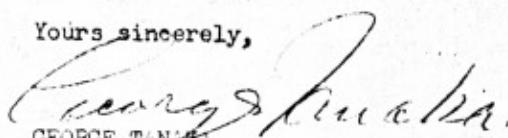
The Co-operative Committee raised over \$ 10,000 in their appeal for financial support made to hundreds of Caucasian Canadians across Canada and thus financed the greater part of the cost of its work in opposing the Federal deportation law against Japanese Canadians.

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 your individual comments, either directly by mail to the National JCCA Office or through your local JCCA Chapter organization.

Yours sincerely,


GEORGE TANAKA,
National Executive Secretary



March 18, 1950.

To the Executive of Local JCCA Chapters
and Affiliated Organizations:

RE: JCCA FUTURE PLANS ON EVACUATION LOSSES CLAIMS

(The information in this release should be considered strictly confidential)

Since our initial special information release was sent to your organization under date of January 14, 1950, dealing with the proposed future plans of the National JCCA with regard to the making of representations to the Government and the conducting of a public campaign on the present Claims issue, a report has been received from Mr. R. J. McMaster, Co-operative Committee Legal Counsel in Vancouver, giving us fairly accurate comparative percentage figures on the amounts claimants who retained the Co-operative Committee will receive in relation to their own total estimate of Fair Market Value of all property (exclusive of corporation claims) on which claims are made.

These figures indicate that claimants will receive in terms of total recovery (that is, including Custodian's sale price and award) an average of approximately 56% of their own estimate of the total Fair Market Value of their property, and in terms of the relation of amount of proposed total awards to amount of total of net claims for loss, the average is approximately 30%.

Legal Counsel has advised that claimants, in receiving an average total recovery of 56% of the Fair Market Value of their property, will receive compensation for their property which compares favourably with the amount of compensation which is granted in cases of legal expropriation of property.

In consideration of these recently known facts, it will be necessary for the National JCCA to reconsider its previous general plans with regard to the emphasis it has placed on the conducting of a public campaign on the Claims issue, as it is possible that such a campaign, in the light of present knowledge, may not receive the necessary widespread support of the public and would therefore likely do harm than good to the Japanese Canadians on the claims issue. The National JCCA is presently consulting with leading members of the press, Civil Liberties Associations and other groups to determine their views on this matter.

The following interim report is given outlining some of the points under consideration by the National JCCA on future plans:

1. Plans for future action have been made flexible in order to meet contingencies as they arise,
2. Full consideration is being given to the advice of legal counsel and the Co-operative Committee,
3. Care has been taken that no action is taken which might jeopardize the prompt payment of awards by the Government in consideration of the Commissioner's recommendations,
4. In the event the Government is reluctant to deal with the Commissioner's report, the JCCA will support the Co-operative Committee and legal counsel to persuade the Government to an early consideration of payment of awards,
5. Every attempt will be made to obtain an increased payment to all claimants under the present enquiry on the basis of payment of interest on awards from the date of sale of property which is in accordance with legal procedure where precedent has been established in court cases. (Such a claim for interest payment for a period of some 5 or 6 years could increase awards to some further amount approximating 25%).

6. On the principle of the injustices of forced evacuation with subsequent losses in property, the National JCCA is prepared to make representations to the Government and members of Parliament on the subject of the narrow terms of reference, etc.

We now have a report from Co-operative Committee legal counsel in Vancouver that the total recovery on personal claims (exclusive of Corporation claims) of some 1,100 claimants who retained the Co-operative Committee may exceed the amount estimated 9 months ago by some \$150,000. From this you will realize that many favourable "settlements" have been made and also many "special awards" have been obtained from the Commissioner.

"The Claimants' total estimate of Fair Market Value of all property on which claims are made, after considering the reductions made on claim amounts at the time of Claimants' hearings and after excluding items claimed which were deemed to be outside the terms of reference, is approximately \$4,488,000 (N.B., the total amount of Custodian's sale price of properties is considered as included in this figure).

"The Custodian sold the properties (personal and real) to which these claims relate for approximately \$1,663,000.

"The total of net claims for loss amount to approximately \$2,825,000.

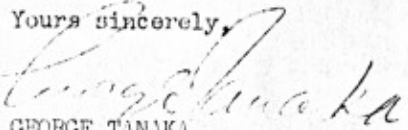
"On these claims, Claimants will probably recover approximately \$840,000 or 50% more than the sale price.

"The total amount received by the claimants who retained the Co-operative Committee (including the sale price and the award) will be approximately \$2,504,000 or 55.78% of the gross claimed value.

"Counsel advises that on a breakdown by Provinces there is very little variation in this percentage for each Province. For instance, for B. C. and Ontario where the bulk of the Claimants reside and in which Provinces three-quarter in value of the Claimants are to be found, the respective percentage of total recovery in relation to claim value (that is, including sale price and award) will be 57.41 and 56.03 respectively. The best recovery was made on V.L.A., cars, nets and boats in that order. Surprisingly enough, however, Vancouver City property, when sale price and award are totalled, represents 55.96% of claim value, or slightly better than the average for all properties."

Further reports will be made to your local Chapter on the current claims issue.

Yours sincerely,


GEORGE TANAKA,
National Executive Secretary.

A-20

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

MEETING OF THE NATIONAL EXECUTIVE COMMITTEE

National Office
84 Gerrard Street E., Toronto

March 12, 1950
8.00 p. m.

AGENDA - Vol. III, #5

- I. MINUTES OF THE PREVIOUS MEETING - Vol. III, #4, Feb. 12, 1950
- II. BUSINESS ARISING OUT OF THE MINUTES:
 1. Mimeograph Machine Purchase
 2. Statement Release to Continental Times
 3. Committee Membership
- III. REPORT FROM THE SUB-COMMITTEE ON THE FUTURE OF THE JCCA
- IV. EXECUTIVE SECRETARY'S REPORT:
 1. Local Chapters and Mailing of Minutes
 2. National JCCA letter to Claimants
 3. Mr. McMaster's arrival in Toronto
 4. re Campaign
 5. Report on Co-operative Committee Meetings
 6. Proposed National JCCA Statement to JCCA Chapters on its relations with the Toronto Claimants Committee
 7. Claimants Meeting in London, Ontario
 8. Letter from a Vernon Claimant
 9. Association for Civil Liberties
 10. Additional Informative Material being sent to Local Chapters
 11. Individual Case Reported
 12. Participation in Discussion on Unemployment
 13. General Office report
 14. Donations Received
- V. OTHER BUSINESS:
 1. Re Import of Japanese Goods and Low Price Criticisms
 2. Additional Member on the Co-operative Committee
- VI. TREASURER'S REPORT
- VII. ADJOURNMENT - at 11.00 p.m.

MINUTES OF THE JCCA NATIONAL EXECUTIVE COMMITTEE MEETING HELD MARCH 12, 1950

Vol. III, #5

The regular monthly meeting of the National Executive Committee was held Sunday, March 12, 1950, 8.00 p.m., at the National Office, 84 Gerrard St. E., Toronto, Ontario.

CHAIRMAN - Mr. Lucien Kurata

ATTENDANCE:

Those Present - Kinzie Tanaka, Fred Kayahara, T. Umezuki, Fred Kondo, Lucien Kurata, Harry Fukushima, Yosh Hyodo, Tammy Marubashi, George Tanaka, Tom Sagara, T. Kameoka, Norah Fujita.

Regrets Received - Mariko Tokunaga, T. Sumi.

Absentees - Hugo Yamamoto, Toyo Takata, Ken Mori, Senji Sasaki, Jin Ide.

- I. MINUTES OF THE PREVIOUS MEETING - The Minutes of the previous meeting held February 12, 1950; Vol. III, #4; were adopted on Motion of T. Umezuki and Tammy Marubashi.

II. BUSINESS ARISING OUT OF THE MINUTES

1. Mimeograph Machine purchase - Query as to use of Reserve Fund for capital expenditure in purchasing new mimeograph machine. Agreed that Reserve monies could not be used for this purpose.

2. Statement Release to Continental Times - Reported by the Executive Secretary that a statement issued to the Continental Times in reply to the Toronto Claimants Committee's references to the JCCA in the matter of Property Claims and Toronto Claimants was not published.

Suggested that a delegation call on the Continental Times, not to request an explanation for their withholding publication of this particular statement but mainly to make a request for their co-operation in the future to publish releases from the JCCA.

MOTION #1 - MOVED by Fred Kayahara and seconded by Tammy Marubashi THAT this Committee send a delegation of two to interview the Editor of the Continental Times to request their co-operation in the future in publishing releases from the JCCA. CARRIED.

MOTION #2 - MOVED by Yosh Hyodo and seconded by T. Umezuki THAT the delegation to see the Editor of the Continental Times be composed of the National Secretary and Mr. T. Sumi. CARRIED.

3. Committee Membership - Mr. Umezuki reported that Mr. Iwasaki wishes to resign from the National Executive Committee as he feels that as a newspaperman, he should not accept this position.

MOTION #3 - MOVED by Fred Kayahara and seconded by Kinzie Tanaka THAT this Committee ask the Issei-bu to appoint a member

to replace Mr. Iwasaki as a member of the Nat. Exec. Com. as Mr. Iwasaki has declined to act on the Committee.
Carried.

Motion #4 - MOVED by Kinzie Tanaka and seconded by T. Umezuki THAT a letter be sent to members reminding them of their non-attendance if they should fail to send in their 'regrets' for three consecutive meetings. CARRIED.

III. REPORT FROM THE SUB-COMMITTEE ON THE FUTURE OF THE JCCA by Com. Chairman, Kinzie Tanaka.

Meeting held on March 5th at the National office.

Members present: Miss Tokunaga, Mr. Umezuki, Fred Kayahara, Harry Fukushima, Kinzie Tanaka (chairman), George Tanaka.

In opening the discussion on this question, it was apparent to all members of the committee that it could be tackled in two ways,

1. To determine if the J.C.C.A. as an organization is a desirable and necessary force for the Japanese Canadians in the foreseeable future.

or 2. To determine what vital questions, problems and programs that may be considered of concern to the general welfare of Japanese Canadians in the foreseeable future and then adduce the desirability of having the J.C.C.A. as a continuing organization.

After discussion the latter method was deemed the best approach to take on this important matter.

In order to discuss this question intelligently, it was quite apparent that a category list of headings should be defined which dealt with the various important matters having some influence on the lives of the Japanese Canadians, so the following were listed,

1. Economic
2. Cultural
3. Educational
4. Social Welfare
5. Political Action
6. Recreational

Economics was given first consideration as it is evident that all people are affected by the economic condition of the country, particularly now with the threat of growing unemployment in Canada. The question arises then of what the J.C.C.A. could do as a National organization to assist our people in times of stress.

Unemployment-Since unemployment generally affects the entire country, it is a national question and becomes a Federal matter in the main. The J.C.C.A. could through its national organization make representation to Ottawa in conjunction with other organizations. It could be ever watchful for any tendencies to discriminatory legislation in any field of

employment. It could keep all provincial chapters aware of what is going on in Ottawa and what action should be taken. It could be an information bureau of the various Federal agencies that may be of assistance to the Japanese Canadian people.

It was recognized that the JCCA is not a welfare agency and could not become one. However, all local chapters could be made aware of the various agencies within their community both local and provincial to look after particular cases, and could assist indigent cases in making application for assistance.

Employment-It was also felt that in the field of employment, the National JCCA could investigate opportunities available on a national scale by keeping in touch with federal bodies such as the Dept. of Labour, etc.

As the question of the economics affecting the welfare of Japanese in Canada is so great it was not the intention of your committee to discuss it and report in great detail at this time, but rather, to give the Executive committee a general outline on the method of approach taken by the committee in its studies.

Cultural Field. In the field of culture, the committee definitely felt that the Japanese Canadians have a distinct contribution to make to the Canadian cultural pattern. The best of the old country culture should be encouraged and developed so that it will not be lost with the gradual passing of the older generation. The art of flower arrangement to point out an example, is complementary with modern modes of living and should not be lost. Japanese paintings and art are also reflected in the complimentary simplicity of modern design. The committee understands that there have been published in the past small illustrated booklets written in English on Japanese art. Perhaps these or others could be obtained for distribution. Contacts could be made in Japan to supplement our needs.

Canadian Nisei talent should also be encouraged through the JCCA by assisting in presentations of their various arts. Where the individual would find it difficult, the organization could fill the need.

This in brief is your committee's first report and we would ask approval of the method of approach taken to the question studied of the Future of the J.C.C.A.

MOTION #5 - MOVED by Kinzie Tanaka and seconded by T. Umezuki
THAT this sub-committee's report be adopted. CARRIED.

MOTION #6 - MOVED by Fred Kayahara and seconded by George Tanaka
THAT the method of approach suggested by the sub-committee on this matter be approved. CARRIED.

MOTION #7 - MOVED by T. Umezuki and seconded by Kinzie Tanaka
THAT Fred Kondo be added as a member of the sub-committee on the Future of the JCCA as his contribution in the field of culture would be invaluable. CARRIED.

IV. EXECUTIVE SECRETARY'S REPORT:

1. Local Chapters and Mailing of Minutes - It is apparent we are beginning to feel the need for creating a mature organization. While we have done a fair job in the various projects undertaken, we have done so with an organization that is immature organizationally, and now we are beginning to realize the need to think in terms of complete co-ordination of all levels of the organization. Therefore it is necessary to give greater attention to the local Chapter level. Unless we have strong supporting locals, we cannot hope to have an able National body. And we must have some binding force in organization to knit local and provincial levels together.

I feel it would serve a very good purpose if local Chapters received the Minutes of the National Executive Committee meetings. At present they are only mailed to Provincial Executive Committees. The delegates at the last National Conference appreciated the National Headquarter's offer to send materials directly to local Chapters. We have tried to respect the authority of the Provincial Chapters in our relationship with local chapters where we recognize matters should be channeled through Provincial Chapters.

In our covering letter to local chapters when we send the minutes of National Executive Committee meetings, we might caution that the Minutes are CONFIDENTIAL MATERIAL going only to executive members and discretion must be used as to what is reported to the local membership.

MOTION #8 - MOVED by George Tanaka and seconded by Harry Fukushima
THAT the Minutes be sent to local Chapters. CARRIED.

2. National J.C.C.A. Letter to Claimants - The letter to claimants was approved by the Co-operative Committee in our application for the claimants mailing list. Prior to mailing our letter to claimants, a letter was received from Mr. McMaster stating that Mr. Virtue had telephoned him and expressed the fear that it would be dangerous to release the proposed letter as it might get into the hands of the Commissioner. It was explained Mr. Virtue was probably referring to the special Information Release to local Chapters which dealt with the proposed public campaign, etc. The Alberta Provincial Chapter had brought this release to the attention of the two claimants' committees there and it subsequently came to Mr. Virtue's attention.

Copy of our proposed letter to claimants was sent to Mr. McMaster who felt it advisable to delete sections dealing with the Claims Brief. After discussing this matter with Mr. Brewin it was felt wise to accept Mr. McMaster's advice. It was felt that this decision did not necessitate the question being referred back to the National Executive Committee. When information giving figures on amounts of claims was received, and after consultation with Mr. Brewin, it was felt this information could be included in the letter to claimants without referring the letter back to the Co-operative Committee. A translation of the letter was made by Mr. Umezaki into the Japanese and it was felt that version could deal to some extent on the nature of the J.C.C.A. Claims Brief.

1600 copies of the letter both in English and Japanese were mimeographed and 1300 mailed.

When the letter was presented for approval to the Co-operative Committee, it was reported K. Hidaka as a member of the Co-operative Committee, stated that he could not vote approval of the J.C.C.A. letter as he wished to bring it to the attention of the Toronto Claimants Committee first. He was told by the Chairman of the Co-operative Committee that it was a Co-operative Committee matter only.

Breakdown figures on the category claim amounts and recommended category awards are in the hands of the Co-operative Committee Secretary, Miss Boos.

The executive secretary acknowledges with great appreciation the valuable and much voluntary assistance he received from Tom Sagara in the mimeographing of the J.C.C.A. letter to claimants when 19,600 printings were done and the voluntary assistance received from several members of the Toronto Chapter executive who assisted in the very big task of collating this material and preparation for its mailing to some 1,300 claimants.

3. Mr. McMaster's Arrival in Toronto - Mr. McMaster is expected to arrive in Toronto tomorrow morning, Monday, March 13th. A Co-operative Committee meeting is to be held Monday at 5:00 p.m.

Mr. McMaster is coming east to consult with Mr. Brewin and the Co-operative Committee and to accompany Mr. Brewin in an appointment to meet with the Minister of Justice. There is some indication that the Government will not be able to give consideration to Commissioner Bird's Report this spring session. Mr. McMaster and Mr. Brewin will urge the Government to give consideration to the Commission's report this session of Parliament.

(Reported by T. Umezaki that an item has appeared in the newspaper, the Tokyo Asahi in Japan, reporting that the Government of Canada is making restitution for the Evacuation of Japanese Canadians and are now preparing to introduce a 3 million dollar expenditure to compensate for evacuation losses. The paper reported this information had been relayed to Japan by a member of the delegation from the Japanese Diet which was in Ottawa recently. It was agreed that this matter should be mentioned to Mr. Brewin and Mr. McMaster.)

4. re Campaign - Mr. Brewin advises on the importance of proper timing in any consideration relating to our future steps on the issue of claims. He considers representation on the question of interest to be paid on the awards from the date of sale a very practical consideration. He feels there is enough precedence to warrant the Government granting this.

5. Report on Co-operative Committee Meetings:

- (a) Co-operative Committee on Japanese Canadians - Minutes of Meeting

Time - Jan. 20th, 1950; 5:15 p.m.

Place - Carlton Church

Present - Boos, Finlay, Fowler, Haslam, Nichols, Obata, Tanaka & Tucker

MINUTES of previous meeting, having been circulated, were adopted as read.

CIVIL LIBERTIES BRIEF - MOTION: Nichols/Haslam: "That the tentative support which representatives of this Committee gave the Civil Liberties Brief being presented to Premier Frost on Jan. 24th, be confirmed." CARRIED. Agreed that our representatives on the delegation be Tucker & Nichols.

TORONTO CLAIMANTS COMMITTEE - George Tanaka reported the following facts:

- (a) When National J.C.C.A. Executive made its majority decision to accept the Co-operative Committee recommendation regarding Commissioner Bird's proposal last April, three members disagreed.
- (b) At a second meeting of Toronto claimants, held at that time, their previous decision to accept was reversed.
- (c) This dissatisfaction was discussed at National J.C.C.A. Conference last November, and consideration of the following requests was recommended to the Co-operative Committee:

- 1. Representation on the Co-operative Committee.
- 2. Arrangement of a meeting as soon as possible.
- 3. Information as to further costs to claimants.

Discussion which followed indicated a desire on the part of this Committee's members that every effort be made to clear up as much misunderstanding as possible by getting together with representatives of dissatisfied claimants, reviewing the steps that have been taken and explaining reasons for decisions made along the way.

MOTION: Nichols/Fowler - "That the Co-operative Committee invite the National JCCA to convene a Conference of the Joint Committee on Claims and the Co-operative Committee at the earliest possible date." CARRIED. Agenda to be arranged by the J.C.C.A. in consultation with Brewin and Finlay.

CLAIMANT REPRESENTATION - Agreed that additional representatives would be welcome provided that they be appointed by and represent the National JCCA.

ADJOURNMENT - at 6:30 p.m.

- (b) CO-operative Committee on Japanese Canadians - Minutes of Meetings (Part I)

TIME - Feb. 15th, 1950; 5:15 p.m.

PLACE - Carlton Church

PRESENT - Boos, Brewin, Finlay, Haslam, Nichols, Tanaka & Tucker.
Regrets from Fowler and Obata.

MINUTES - as amended were taken as read on MOTION: Boos/Tucker

CONFERENCE REPORT - As requested, the National J.C.C.A. arranged for a Conference of the National JCCA Exec. Com, Toronto Claimants Committee and the Co-operative Committee, which was held February 7th. As a result of these two meetings (and a talk which Co-operative Committee Chairman had with Executive of Toronto Claimants Committee) the three groups agreed to work together closely and make every effort to achieve the best possible results in working for welfare of Japanese Canadian claimants. A statement to this effect was prepared by their Secretaries and sent to Japanese section of both the Continental Times and the New Canadian.

CORRESPONDENCE - A communication from the National JCCA Secretary was read, advising that although five persons were named by the Toronto Claimants Committee for J.C.C.A. approval to act on the Co-operative Committee;

"The National Executive Committee has given this application careful consideration and desires to inform the Co-operative Committee that it will approve the representation of one Issei member and one Nisei member from the above-named members of the Toronto Claimants' Committee to act on the Co-operative Committee.

"In view of the Toronto Claimants' Committee statement that Mr. Roger Obata is representing their Committee as a member, the National Executive Committee desires clarification of Mr. Obata's status on the Co-operative Committee, as he no longer is considered by the Executive Committee as a representative of the JCCA.

"The National Executive Committee also desires to inform the Co-operative Committee that any representatives from the Toronto Claimants' Committee who are approved by the National Executive Committee to act on the Co-operative Committee are considered by the Executive Committee as representatives of a section of Claimants in Toronto, and while their membership on the Co-operative Committee is approved by the National JCCA, they are not appointed by, or do not represent the JCCA."

MOTION: Brewin/Tanaka - "That we accept Mr. Takashima and Mr. Hidaka as members of the Co-operative Committee on the recommendation of the National JCCA." CARRIED. (Mr. Nichols wished to have it recorded that this motion taken is not strictly in accordance with the section of our recent statement which read: "It was agreed that such would be welcome, provided that they be appointed by and represent the National JCCA.")

Regarding the status of members, the Chairman briefly reviewed the history of this Committee to date, pointing out that membership has so far been on an individual basis, no one having been officially appointed as an organizational representative. When the original Committee was dissolved in 1947, an Advisory Committee consisting

of twelve original members, plus a new Secretary and Legal Counsel, was set up. However, when the claims question arose, this Committee assumed an Executive function, arranging a co-operative set-up for the presentation of claims through its Legal Counsel.

MOTION: Nichols/Brewin - "That we ask the National JCCA to name two additional persons to act on this Co-operative Committee." CARRIED.

MOTION: Nichols/Haslam - "That T. Umezuki replace Kinzie Tanaka on the Co-operative Committee." CARRIED.

ADJOURNMENT - at 6:00 p.m. to meet with the new members of the Committee.

CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS - Minutes of Meetings (Part II)

TIME - Feb. 15th, 1950; 6:00 p.m.

PLACE - Carlton Church.

PRESENT - Boos, Brewin, Finlay, Haslam, Hidaka, Nichols, Tanaka, Takashima, Tucker, & Umezuki. (Messrs. Mio, Ozawa, & Shin were received as observers for this meeting, on MOTION - Brewin/Tanaka.)

MINUTE - the following excerpt from minutes of 5:15 meeting was read:

"MOTION: Brewin/Tanaka - "That we accept Mr. Takashima and Mr. Hidaka as members of the Co-operative Committee on the recommendation of the National JCCA". Carried."

TIME OF MEETINGS - MOTION: Nichols/Haslam - "That this meeting adjourn at 7:00 p.m. CARRIED.

MOTION: Brewin/Haslam - "That we plan for an evening meeting on Friday, Feb. 24th at 8:00 p.m." CARRIED.

NATIONAL JCCA LETTER TO CLAIMANTS - A draft letter which the National JCCA proposes to send to all claimants was submitted for approval, with the request for our mailing list of claimants. Mr. Brewin stated that, having studied the draft, he is satisfied such a letter would do no harm to the general cause of claimants. George Tanaka pointed out several minor changes in wording which have been suggested. It was agreed that if, after further study, any member wishes to have further changes made, he should contact George within the next two days.

MOTION: Nichols/Brewin - "That this Co-operative Committee accept the JCCA proposal, that a statement principally as set before us be sent to claimants, and that our mailing list be made available for this purpose." CARRIED.

TORONTO CLAIMANTS COMMITTEE LETTER - Kunio Hidaka advised that the Toronto Claimants Committee has a letter which it wishes to send out to all claimants. During discussion which followed the advisability of communications being sent by the Co-operative Committee was pointed out. Agreed that, while they would not be in the same

category as those from the National organization (and thus representing a wider point of view), any submissions from a claimant or group of claimants in writing would certainly be considered by this Committee.

NATURE OF CO/OPERATIVE COMMITTEE MEMBERSHIP - In conclusion, the Chairman outlined briefly the history of this Co-operative Committee, pointing out that when the original Committee was dissolved in 1947, an Advisory Committee consisting of twelve original members, plus a new Secretary and the Legal Counsel, was set up. Although some members have held executive positions in other organizations, their membership on this Committee has been on an individual basis. To-night two Toronto claimants, representing a point of view, have been added.

AJOURNMENT - moved at 7:05.

- (c) A further meeting of the Co-operative Committee was held on Friday evening, February 24th, 1950.

Those present were: Mr. Haslam, Mr. Nichols, Miss Boos, Miss Tucker, Mr. Brewin, Mr. Fowler, Mr. T. Umezaki, Mr. G. Tanaka, Mr. R. Obata, Mr. K. Hidaka, and Mr. S. Takashima.

During the greater part of this meeting, discussion centred on the question of future political action on the claims issue.

Mr. Brewin stressed the great importance of proper timing with regard to any action which is taken in representations to the Government and public action.

It was the general consensus of the meeting that properly co-ordinated action is necessary in any future action on the Claims issue. The National JCCA Executive Secretary assured the meeting that the JCCA organization fully desired to co-ordinate its plans on this matter with the Co-operative Committee.

It was Mr. Brewin's opinion that with respect to certain lines of approach in making representations to the Government and taking public action on the Claims issue, the National JCCA would be better suited to take responsibility rather than the Co-operative Committee since it is an organization directly representing Japanese Canadians. However, it was felt that the Co-operative Committee should also take an active part in this matter.

A Motion was proposed by Mr. Roger Obata that a sub-committee be appointed to take full charge of directing organized future action on the Claims issue.

Mr. Fowler expressed disagreement to Mr. Obata's motion in that he felt the Co-operative Committee could not compel any other organization, such as the National JCCA, to carry out work on this question in any way that is felt desirable by the Co-operative Committee.

Mr. Fowler then proposed a Motion that a sub-committee be appointed to take responsibility in planning Co-operative Committee future action on the Claims issue. This Motion was unanimously Carried.

The Acting Chairman, Mr. Haslam; and the Chairman, Mr. Finlay; were requested to appoint members to act on the sub-committee.

Mr. K. Hidaka then brought to the attention of the Co-operative Committee a letter drafted by the Toronto Claimants' Committee which they desired to have mailed to claimants by the Co-operative Committee.

This letter which was read out by Mr. Hidaka to the meeting is quoted as follows:

"Draft Letter to Claimants by the Toronto Claimants' Committee"

1. Out of claims totalling \$6 millions, payments of \$925,000 may be expected. Are you satisfied with this amount?
2. Outside of Special Cases, there is no compensation for Vancouver property, other than return of commission. Are you satisfied with this proposed settlement? There is the danger of leaving a record which would indicate unjustified claims on the part of claimants.
3. At one time you indicated acceptance of the Commissioner's offer, but if you are now unprepared to accept it, please state your reasons.
4. In the above matter, Toronto claimants voiced their dissatisfaction with the proposed settlement at a meeting held on January 15th. They decided to secure the attitudes and opinions of other claimants in Canada on this matter by using the machinery of the JCCA.
5. After 40 days of fruitless negotiations with the National JCCA, we must report that we were unable to gain their co-operation in this matter.
6. Finally, after a joint conference of our three organizations, namely, the Co-operative Committee, the National JCCA, and the Claimants Committee, our Committee has gained representation, as a committee, on the Co-operative Committee.
7. We would now like to know whether we have your support as a Claimants Committee in any representation we may make to the Co-operative Committee. Are we your authorized representatives and may we undertake work on your behalf?
8. Toronto claimants have endorsed the Claimants Committee's plan to conduct a public campaign in the following manner:
 - (a) To draw up a Brief on evacuation losses with statement of claimants' position on the Commissioner's report.
 - (b) To publish a pamphlet for mass distribution describing all facts and circumstances of evacuation.
 - (c) To gain newspaper and periodical press support, and have them publish news stories and articles.
 - (d) To use radio time.
 - (e) To arrange delegation to interview Cabinet and M.P.'s.

- (f) To enlist the support of organizations and ethnic groups, such as Ukrainian, Jewish, Civil Liberties, etc.
 - (g) To enlist the support of churches and religious organizations.
 - (h) To contact local Japanese Canadian organizations, have them wire and write their M.P.'s and the Government.
 - (i) To work through JCCA Chapters and have them contact mayors, municipal councils and other local officials, request that they wire and write their M.P.'s and the Government.
9. We are of the opinion that this is our last opportunity to present our case before the Canadian public. We must make full use of every possible means within our means to gain favourable support in this campaign.
 10. Should you have additional suggestions, please advise us.
 11. In order to facilitate communication between claimants, please make an effort to form Claimants Committees in your local areas, and advise us of the name and address of your chairman and secretary.
 12. We estimate that \$5,000 will be required for the campaign. It has been proposed that the Claimants Committee, Toronto, be empowered to borrow this amount, and that payment be made later on a pro rata basis from final awards.
 13. Because time is pressing, where there is additional information which shows that property had higher valuation than the selling price, please have claimants send this material to us at the earliest opportunity".

The following comments were made on the various points presented:

- Pt. 1: Mr. Brewin stated that the six million figure relating to losses claimed is not known and he felt this statement an irresponsible one.
- Pt. 5: and Pt. 8: Mr. Fowler felt the whole letter was a negation of the spirit of co-operation which had prevailed up to this point at this meeting. He felt that points 5 and 8 were unethical.
- Pt. 6: Mr. Nichols felt that this was not a true statement. Mr. Haslam reiterated the point that Co-operative Com. members were on the Com. as individuals.
- Pt. 5: G. Tanaka considered that this statement was not true. It was agreed by the Co-operative Com. that this letter be not sent.

It was proposed that a letter be sent to claimants from the Co-operative Committee and a sub-committee was appointed to deal with this matter and also on the matter of future action on the claims issue.

6. Proposed National JCCA Statement to JCCA Chapters on its relations with the Toronto Claimants Committee - circulated

The Executive Secretary reported that he felt that it was now timely to release this material in view of the questions being raised by the Hamilton JCCA - it has already been mailed to Hamilton, B. C. Provincial Chapter office, and to Kamloops.

MOTION #9 - MOVED by George Tanaka and seconded by Fred Kayahara
THAT we send this statement to all local Chapter executives.
CARRIED.

7. Claimants Meeting in London, Ontario - Report has been received through Mr. Ed Ide and Mr. Ide, Sr., to the National Office and to Mr. Umezaki that a history of the Co-operative Committee was reported at the meeting of London Claimants who voiced their full appreciation of the work of the JCCA and the Co-operative Committee.

8. Letter from a Vernon Claimant - A letter has been received expressing appreciation for the JCCA's work and explains the work done by the local chapter. It endorses the Co-operative Committee's and JCCA's stand. It was agreed that this letter be published as a regular news release after permission is obtained from the writer.

9. Association for Civil Liberties - The National JCCA participated through its Executive Secretary in a Committee delegation of the Association for Civil Liberties to Queens Park on Friday, Feb. 24, 1950, and met with Mr. Farquhar Oliver and CCF members on a Bill of Rights. The Association is preparing an FEPC pamphlet.

10. Additional Informative Material being sent to Local Chapters:

The National Office is sending local chapters the following important reference material:

- (a) External Affairs material - on the United Nations and a copy of their monthly bulletin.
- (b) UNICEF (United Nations International Children's Emergency Fund)

11. Individual Case Reported - As an example of some types of service given individuals, an address of a friend in Chicago was traced through the JACL for a member in Revelstoke, B. C., upon request of the Revelstoke JCCA Chapter.

12. Participation in Discussion on Unemployment - Suggested Conference on Unemployment under study.

13. General Office Report - Tabulation of correspondence and mimeographing material. (See appended pages A,B, C and D).

14. Donations Received:

- (a) Fairview Japanese Language School, through last President and Trustee, Mr. H. Marubashi, \$1500 to the Reserve Fund.
- (b) Steveston Women's Assoc. - Cheque for \$2,000 to: \$500, Red Cross Headquarters; \$500, Japan Relief; \$500, Patients in TB Sanitariums

(benefits to be distributed through local chapters); \$500 to National JCCA. It was felt the Red Cross donation could be sent in as a JCCA donation representing all Japanese Canadians. A letter to be sent to Mrs. Miyamoto that we feel they would want to do it in this manner.

- (c) Re Marpole Japanese Language School Maintenance Association - Letter received from Nishimura Estate that they waive all claims on the Association's Funds, thereby leaving the matter of disposition of funds entirely upon the wishes of its members. This matter is now being determined.

MOTION #10 - MOVED by Kinzie Tanaka and seconded by T. Kameoka
THAT we record appreciation of the donations received from the Fairview Japanese Language School and the Steveston Women's Assoc., and that a letter of thanks be sent which would include an explanation of the nature of the JCCA Reserve Fund. CARRIED.

MOTION #11 - MOVED by Fred Kayahara and seconded by Kinzie Tanaka
THAT the Executive Secretary's report be adopted.
CARRIED.

V. OTHER BUSINESS:

1. Re Import of Japanese Goods and Low Price Criticisms - Agreed that this office write to Ottawa enquiring on this matter. Perhaps make contact with labour unions.
2. Additional Member on the Co-operative Committee -

MOTION #12 - MOVED by Kinzie Tanaka and seconded by Fred Kayahara
THAT Lucien Kurata be the additional representative.
CARRIED.

VI. TREASURER'S REPORT:

MOTION #13 - MOVED by Tom Sagara and seconded by Fred Kayahara
THAT the statement of Disbursements and Receipts for the month of February, 1950, be adopted. CARRIED.

MOTION #14 - MOVED by Kinzie Tanaka and seconded by Tom Sagara
THAT the March Requisition for \$450.00 for operating expenses be approved. CARRIED.

VII. ADJOURNMENT - at 11.00 p.m.

SUMMARY OF NATIONAL JCCA OFFICE INCOMING AND OUTGOING CORRESPONDENCEfor the month of December, 1949

<u>Type of Correspondence</u>	<u>In</u>	<u>Out</u>
1. Provincial Chapters - B. C.	2	1
Alberta	1	2
Sask.		
Manitoba		1
Ontario	2	
Quebec		
2. Evacuation Claims - Co-operative Com. and Legal Counsel	1	
3. Dominion Government - Dept. of External Affairs	2	
Dept. of Labour	1	
4. Individual Cases - Readmission to Canada from Japan	12	9
5. Individual Cases - re Pension Payment in Japan	1	
re Canadian Citizenship Cert.	1	
6. Office, General - Finance	6	2
Supplies and Equipment		
National Council	1	1
Publicity		2
National Executive Com.	8	26
Report of the 3rd National Conf.	1	
7. JACL	2	2
8. Projects - B. C. Fishing Question	2	1
9. Other Organizations - Co-ordinating Committee for		
Canadian Youth Groups	3	
- Assoc. for Civil Liberties	1	1
- Toronto Inter-Ethnic Com.	1	
TOTAL	48	48

SUMMARY OF NATIONAL JCCA MATERIAL WRITTEN AND MIMEOGRAPHED

Dec. 4/49, Nat. Exec. Com. meeting Notice & Agenda,	1 page, 60 copies.
" " " " " Minutes, Vol. II, #22,	6 pages 180 "
" 18/49, " " " " Notice & Agenda,	1 page 60 "
" " " " " Minutes, Vol. III, #1,	11 pages 180 "
" 21/49, Info. Release to Nat JCCA Exec., Vol. I, #2,	9 " 300 "

TOTAL mimeographing work done, 5,880 printings.

" copy written, 28 pages.

(B)

SUMMARY OF NATIONAL JCCA OFFICE INCOMING AND OUTGOING CORRESPONDENCEfor the Month of January, 1950

<u>Type of Correspondence</u>	<u>In</u>	<u>Out</u>
1. Provincial Chapters - B. C.	4	5
Alberta	3	5
Sask.	2	4
Manitoba	2	3
Ontario	3	5
Quebec	3	6
2. Evacuation Claims - Co-operative Com. & Legal Counsel	6	6
Manitoba		1
Ontario		1
3. Dominion Government - Foreign Exchange Control Bd.	1	1
Dept. of Labour		1
Dept. of External Affairs	2	
4. Individual Cases - Readmission to Canada from Japan	6	15
5. Individual Cases , General - Takimoto Case	2	3
Pension payment in Japan		2
Canadian Citizenship Cert.	1	
International Machinists	1	
6. Office, General - Finance	13	2
Supplies & Equip.	1	
National Council	3	15
Publicity		8
National Exec. Committee	1	
7. Projects - Civil Liberties	3	1
B. C. Fishing Question	2	2
Health & Welfare		1
8. Other Organizations - Canadian Co-ord. Com. of Youth Gp.	2	1
Miscellaneous	2	
Assoc. for Civil Liberties	1	1
Inter-Ethnic Com.	1	
TOTAL	65	89

SUMMARY OF NATIONAL JCCA MATERIAL WRITTEN AND MIMEOGRAPHED

Jan. 8/50, Nat. Exec. Com. meeting Notice & Agenda,	1 page,	60 copies.
" " " " " Minutes, Vol. III, #2,	9 pages,	180 "
" 10/50, JCCA Fut. Prog. written for BCJCCA Convention,	5 "	250 "
" 14/50, Spec. Info. Release on Claims to JCCA Chapters,	3 "	500 "
" 21/50, Japanese trans. Nat. JCCA Constitution,	3 "	1000 "
" 22/50, Nat. Exec. Com. meeting Notice & Agenda,	1 page,	60 "
" " " " " Minutes, Vol. III, #3,	13 pages,	200 "
TOTAL mimeographing work done,	10,090 printings.	
" copy written (english),	32 pages.	

SUMMARY OF NATIONAL JCCA OFFICE INCOMING AND OUTGOING CORRESPONDENCEfor the Month of February, 1950

<u>Type of Correspondence</u>	<u>In</u>	<u>Out</u>
1. Provincial Chapters - B. C.	5	2
Manitoba		1
Ontario	3	1
Quebec	1	2
2. Evacuation Claims - Co-operative Com. & Legal Counsel	3	6
B. C.	1	2
Alberta	2	1
Manitoba		1
Ontario	2	2
3. Dominion Government - External Affairs Dept.		1
Foreign Exchange Control Bd.		1
4. Individual Cases - Readmission to Canada from Japan	20	28
5. Individual Cases, General - Welfare case	1	3
re Property in Japan	1	
6. Office, General - Finance	19	6
Supplies & Equipment	1	
National Council	2	1
Publicity		1
7. JACL	4	2
8. Projects - Race Relations	1	4
Future Action on Claims		3
Disposition of former B.C. Organization Funds	1	5
9. Other Organizations - CARE	1	
Assoc. for Civil Liberties		1
Canadian Co-ordinating Com. for		
Youth gps.	3	
Miscellaneous	3	
TOTAL	74	74

SUMMARY OF NATIONAL JCCA MATERIAL WRITTEN AND MIMEOGRAPHED

Feb. 2/50, Draft of Nat. JCCA Letter to Claimants,	8 pages,	50 copies.
" 28/50, Finalized " " " "	5 " 1600	"
" " Jap. trans." " " "	7 " 1600	"
TOTAL mimeographing work done,	19,600 printings.	
" copy written (english),	5 pages.	

(D)

STATEMENT OF RECEIPTS AND DISBURSEMENTS

February, 1950

RECEIPTS:

Feb. 23 - Refund from Co-operative Committee re stamped envelope purchase (Cr. Supplies A/c)	\$ 53.29
- February Requisition	<u>450.00</u>
	503.29

DISBURSEMENTS:

Salary, Executive Secretary	\$166.67
" , Office Secretary	156.00
Supplies	157.65
Telephone & Telegraph	17.35
Rent	32.00
Equipment	5.67
Public Relations	10.00
Transportation	7.45
Literature	4.18
Bank Charges	1.46

\$ 558.43

Cash Balance - in Bank	\$89.90
- Petty Cash	<u>50.00</u>
	\$139.90

BREAKDOWNS:

Supplies - 1000 - 4¢ stamped envelopes and 300 - 3¢ stamped envelopes \$52.99; nails and screws \$1.25; air deodorant \$2.98; 4 multex plates for pamphlet \$12.96; rubber stamp for bookkeeping \$4.05; rubber stamp for Co-operative Com. (refundable) \$2.32; 10 quires of white stencils \$36.00; 4 quires of blue stencils \$16.20; 6 tubes of mimeo ink \$17.04; Stamps \$11.86.

Rent - Regular office rental - \$26.00
Committee room rental, Feb. 4th - \$3.00
" " " , Feb. 7th - \$3.00.

Equipment - 12 chair cushions for committee meeting use \$5.67.

Public Relations - Token contribution to Assoc. of Civil Liberties \$10.00.

Literature - Subscription to Debates of House of Commons \$3.09.
" to 'External Affairs' \$1.09.

For Report from Coop. Committee
Legal counsel on the total
recovery on personal claims
(exclusive of Corporation claims)
see J. C. C. A. - Property Issue File.
Document B 128. Yanaka to Claimants
28/2/1950 p. 3.

Within terms of reference

Claimants estimates: \$ 4,488,000.

Custodians sale price 1,663,000.

Net Claims for losses. 2,825,000.

Claimant will probably
receive another 840,000.

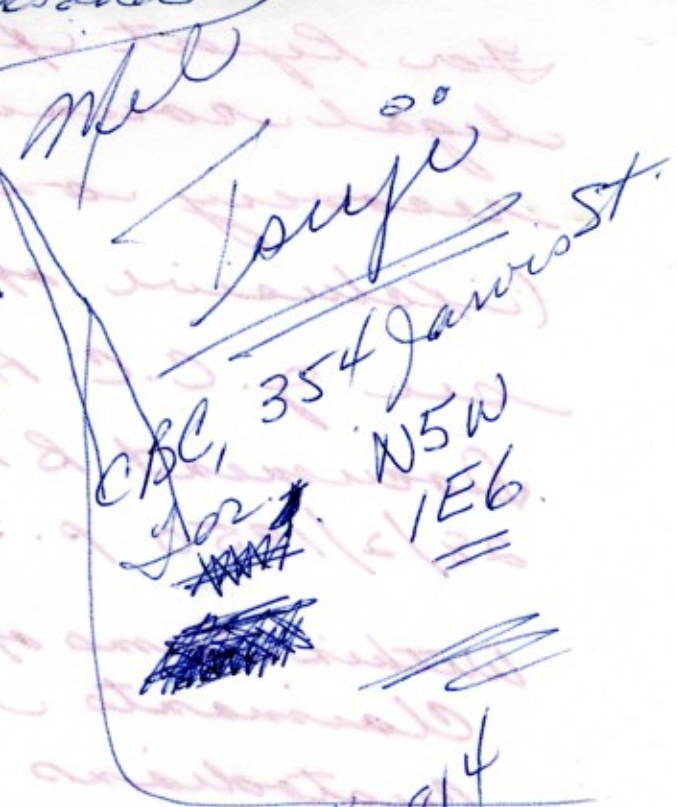
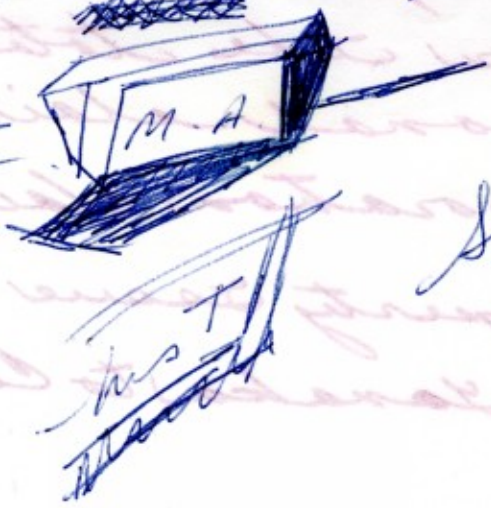
∴ Total amt received by
Claimants retaining Coop Com = \$ 2,504,000.
or 55.78 % of gross claimed value

Net recovery on ULA, cars, nets & boats
in that order.

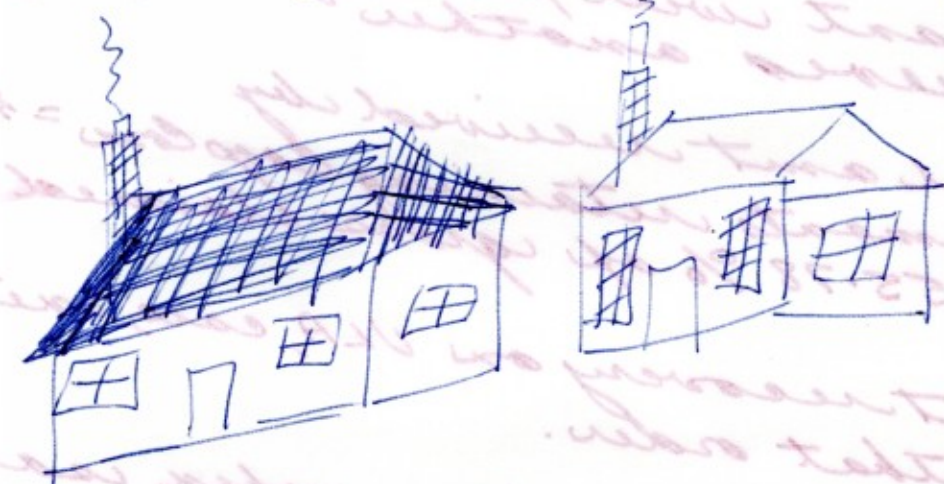
Van city properties when sale price
& award are totalled represent
55.96 % of claim value.

Mel
Lungi

CBC - Taped conversation



Home
431 1814
CBC
925 2823



Nishi

Feb 1950
Corr Jan-Mar 1950

MacMaster to Brewin 14-2-50: Re proposed JCCA letter and Virtue's concern. (see Cards)

Virtue to McMaster 22-2-50:

"After reviewing the matter carefully the Southern Alberta Central Committee unanimously came to the conclusion that the proposal to launch this publicity campaign had not received sufficient consideration. They felt that in many respects such a campaign would not have the desired effect, and might be adverse to their interests. In particular they consider that in view of the part taken by all concerned in arriving at a settlement, they cannot now fairly engage in any campaign which might be regarded as a repudiation of the settlement. They felt that such a campaign would be disastrous to the results which have already been attained and in addition might boomerang against the Japanese Canadians as a whole.

Accordingly they have arranged a meeting with the representatives of the local JCCA and intend to ask the local JCCA to intimate that the proposed campaign should receive further consideration."

MacMaster to Brewin, 27-2-50:

"I spoke to Mr. Justice Bird concerning this matter the implementation of the report in Victoria last week and he has undertaken that if possible he will have his report filed by the time I am in the East or alternatively he will write to the Minister of Justice setting out the specific date on which the report will be filed. He has also agreed to speak to Shears concerning the matter and to urge him to assist in bringing pressure to bear through his department to have the report dealt with at the present sitting of the House."

MacMaster to M. Boos, 27-2-50:

"We estimate that on the bases of figures produced by the Crown at the time of the so-called settlement our clients would have recovered about \$600,000.00 (the total estimated recovery on personal claims including Virtue and other claimants not going through the Committee was around \$736,000). We therefore point out by virtue of our efforts in the last eight months or so by careful examination of each claim and the application of the formula of settlement thereto and by virtue of taking a large number of claims to the Commissioner as special cases and in obtaining in many instances special awards we have succeeded in increasing the recovery of our clients by approximately \$150,000."

Minutes of the Coop Comm Meeting 13-2-50: Bird expected to file his report April 15, 1950.

Mr. Justice H. I. Bird,
 Commissioner,
 Japanese Property Claims
 Commission,
 Court House,
 Vancouver, B. C.

MEMORANDUM RE VANCOUVER PROPERTIES
SOLD SUBJECT TO EXISTING TENANCIES

As heretofore explained to your Lordship certain misunderstandings have arisen with regard to the representations made by the writer as Counsel for a number of the claimants with respect to property situate in the City of Vancouver. In this respect your Lordship found that City properties had sold at their fair market value subject however to considering further evidence on cases alleged to be of special nature.

At the time that this matter was discussed with your Lordship the writer specifically recalls having drawn to your Lordship's attention that ⁱⁿ the vast majority of sales of City of Vancouver property the Custodian sold the property subject to existing tenancies and at that time the writer proposed to your Lordship that there should be an over-all award ^{80%} on Vancouver City property and indicated in so proposing that he had taken into consideration your Lordship's view in interpreting the Terms of Reference that you were bound to deal with the property in the condition in which it was at the date of sale. Accordingly, it was assumed that the existence of tenants in most of these properties, being one of the conditions of the properties at the date of sale, would exclude any special consideration being given to the premium which might have been available on the sale of these properties had it been possible to give vacant possession.

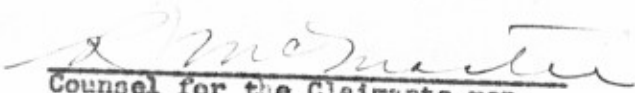
In view of your Lordship's ruling in this respect we did not at that time adduce evidence or urge upon your Lordship that consideration be given to the loss in value resulting from the sale of the properties in a tenanted condition. We believe some of the appraisals filed in individual claims before the Commission would substantiate the position that there would be a substantial reduction in value arising out of the condition of tenancy, there being during the period of the sales by the Custodian on the one hand a demand for accommodation which could be occupied and on the other hand certain rental regulations which made difficult the obtaining of vacant possession.

It is respectfully submitted that giving full effect to your Lordship's interpretation of the Terms of Reference it would be only proper that your Lordship should draw to the attention of the Governor-in-Council when making his report the fact that these properties were sold subject to existing tenancies and that the Fair Market Value of the properties was by reason thereof substantially reduced. It is our opinion that the reduction would be at the very least 5% of the sale price and quite possibly more. If your Lordship wishes further evidence on this matter, we would be prepared to call such evidence or alternatively, to have your Lordship call any competent real estate man on the subject. The reason why we urge upon your Lordship that you should draw this matter to the attention of the Lieutenant-Governor-in-Council even though in your Lordship's view it is outside the Terms of Reference is that it appears to us that the necessity of selling the premises in a tenanted state arose out of the evacuation of the claimants. The Japanese by reason of their evacuation obviously were not in a position themselves to give vacant possession and if they did not themselves rent their premises prior to evacuation or at the time of evacuation, the

Custodian rented the premises rather than leaving the same vacant.

We would draw to your Lordship's attention a further factor which arose by reason of the properties being sold in a tenanted condition. As you are aware, from the evidence which has been brought before the Commission, many of the Japanese made rental arrangements with regard to their premises due to the necessity of making some arrangement for the care of their properties which did not produce a reasonable rental return. The rentals having been frozen subsequent to their evacuation meant that upon the sale not only could the purchaser not obtain vacant possession readily and without expense if he were buying for investment purposes, he could not obtain the proper rental from the property without further expense. As a consequence any purchaser acquiring the properties either for the purpose of occupying the same or for investment purposes must have of necessity discounted the price which he was willing to pay having regard to the expense and trouble of obtaining possession or an increase in rentals or the loss in revenue consequent upon leases made by the claimant in the circumstances of evacuation.

Respectfully submitted.


Counsel for the Claimants represented through the Co-operative Committee.

February 2, 1950.

STATEMENT FROM THE CO-OPERATIVE COMMITTEE ON JAPANESE CANADIANS

In view of the dissatisfaction expressed by spokesmen for a group of Toronto Claimants on Saturday, February 4th, the Co-operative Committee on Japanese Canadians feels it advisable to make the following statement:

1. At each stage the Committee has carefully considered any question affecting the interests of Claimants who retained it and unanimous decisions have finally been reached after full discussion of matters involved.
2. Throughout the proceedings the Committee has worked in close co-operation with the National JCCA and its representatives across Canada and, in particular, with its National Executive Secretary who has been of great assistance. Representing the National JCCA, George Tanaka and Roger Obata have been active members of the Committee and have agreed with all decisions made.
3. This Committee has full confidence in the legal counsel retained to represent Claimants and is of the opinion that the most effective services possible have been rendered - in particular, by Mr. R. J. McMaster of Vancouver, who has had the major responsibility for presenting cases of Claimants to the Commissioner.
4. Some objection has recently been expressed to the method of procedure adopted by the Commissioner; namely, the fixing of percentages in respect to various categories and the hearing of special cases where special evidence was available. This Committee is convinced that this procedure which was adopted was definitely in the interest of Claimants, although some of the percentages fixed were not satisfactory to Claimants counsel. In such cases, Counsel made every effort to have percentages raised, but final decision rested with the Commissioner.
5. All Claimants were consulted by letter, and of those expressing their opinions by letter, or at meetings, an overwhelming majority approved of the method proposed.
6. Claimants with special claims have repeatedly been invited to get in touch with Counsel, and many have done so.
7. Findings of the Commissioner may be reported shortly. This Committee will urge the Government to implement his findings by prompt payment, with interest on all claims from the date of sale. In addition, it will press for special consideration of claims outside the terms of reference which for this reason were rejected by the Commissioner.
8. With regard to specific requests made through the National JCCA:
 - (a) Re Representation - It was suggested that additional representatives of Claimants be added to the Co-operative Committee. At its meeting on January 20th, it was agreed that such would be welcome, provided that they be appointed by and represent the National JCCA.
 - (b) Re Further Costs - Claimants were assessed 1% of their claims and most of them have made this payment. A further 1% has been paid by a considerable number. We hope no additional assessment will be necessary.

The balance of expenses will be paid on a percentage basis out of claims allowed, in accordance with retainers signed by each claimant represented by the Committee. It is not possible to determine exactly how much will be required from successful claimants for this purpose.

All expenses and legal fees will be submitted to independent counsel for checking. In addition, a statement by the Committee's auditors, for the period, Sept. 1st, 1947, to August 31st, 1948, has been submitted: audited statements for the period from Sept. 1st, 1948, to August 31st, 1949, will be made available this month.

CO-OPERATIVE COMMITTEE ON JAPANESE
CANADIANS,

per: REV. J. M. FINLAY, Chairman.

February 7, 1950.



CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:
84 GERRARD ST. E., TORONTO 2, ONTARIO

January 14, 1950.

SPECIAL INFORMATION RELEASE to JCCA Local Chapter Executives from the National JCCA

PROPOSED JCCA NATION-WIDE PUBLIC CAMPAIGN ON THE MATTER OF EVACUATION LOSSES CLAIMS WHICH IS PLANNED TO BE CONDUCTED IN THE NEAR FUTURE

(This is strictly Confidential Information - The Information and Directives contained in this Information Release should be considered strictly confidential and should not be released to the press at the present time. At a later date when the decision is reached by the National JCCA to put in effect the national campaign, all information pertaining to the Claims Question should then be released freely to the press and the public.)

The purpose of this Information Release to local JCCA Chapters is to alert the local Chapter executives and committee members on the present plans being made by the National JCCA with regard to conducting a nation-wide JCCA public campaign on Evacuation Losses Claims in the near future.

To implement this plan, it is intended to co-ordinate the full machinery of the JCCA organization from the national to the local level.

The following is a brief outline of the information and directives presented in Sections A, B and C:

- A. General Report giving pertinent background information on the preparatory work which has been carried out by the National JCCA on the proposed JCCA nation-wide public campaign on Evacuation Losses Claims.
- B. Report on the tentative, over-all plan under consideration by the National JCCA on the proposed JCCA public campaign.
- C. Specific directives and advice to all local JCCA Chapters which is given as advance information in preparation of the forthcoming JCCA nation-wide public campaign on Japanese Canadian Evacuation Losses Claims.

A. PERTINENT BACKGROUND INFORMATION RELATIVE TO PRESENT JCCA PLANS ON CLAIMS QUESTION

Since the Commissioner proposed a plan for a method of settlement to Claimants, the National JCCA has 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, or that it was 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 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.

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.

B. REPORT ON THE TENTATIVE PLAN UNDER CONSIDERATION BY THE NATIONAL JCCA ON THE PROPOSED JCCA PUBLIC CAMPAIGN ON EVACUATION LOSSES CLAIMS

At this present writing, it is believed that the Royal Commission will soon be concluding its hearings and that perhaps within a period of three weeks, the Royal Commission will be submitting its full report to the Canadian Government. The National JCCA is, therefore, formulating its present plans with this consideration in mind. It is also expected that after the Commissioner's Report is tendered to the Government, the Government may take two or three weeks to study the recommendations. It is therefore expected by the JCCA that the JCCA Claims campaign will not be conducted for several weeks hence.

The National JCCA is at present finalizing its over-all plans and is working in close conjunction with a representative Claimants Committee in Toronto in order that the various views of claimants may be taken into full consideration in the implementation of this project.

The JCCA Brief on Evacuation Losses Claims will deal with the question of claims under the present enquiry and also on Evacuation Losses Claims which are at present excluded 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 will make representations to the Government with this brief. Copies of the brief will be distributed to local 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.

The JCCA Evacuation Losses Claims Brief, in the main, deals with the following points:

1. The difficulty caused by limited scope of terms of reference.
2. The difficulty of strict legal proof of value.
3. Determination of fair market value at the date of sale under the Terms of Reference.
4. Proposals by the JCCA to cover more just restitution on Evacuation Losses.

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

- (a) Examples of the extreme pressure 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 others; Members of Parliament and influential individuals.

C. SPECIFIC DIRECTIVES TO LOCAL CHAPTERS ON THEIR RESPONSIBILITIES REGARDING THE FORTHCOMING JCCA CLAIMS CAMPAIGN

Since local Chapters will be called upon to take an important and active part in the proposed JCCA nation-wide campaign on the matter of evacuation losses claims which it is expected will soon be put into effect, this information release is intended also to acquaint the Chapters with the important responsibilities they will be asked to undertake to ensure that the fullest efforts of the JCCA will have been made for the Japanese Canadian people who suffered losses arising from the Government's forced evacuation policy.

It would therefore be sincerely appreciated if the local Chapters would take careful note of the following stated points:

1. Local Chapters should become thoroughly acquainted with some of their local claimants' cases which cover cases of obvious inadequate restitution under the present enquiry and examples of cases of excluded claims such as owner's of fishing vessels sold by the Fishing Vessels Disposal Committee and Owner's Forced Sale of property where it can be shown losses were suffered.

These local claimants' cases can be used to obvious advantage by the local Chapter when contacting the local press during the public campaign by presenting the human interest angle to the total claims question.

2. Local Chapters are advised to be in readiness to contact their local press immediately they receive word from National Headquarters to initiate their part of the total public campaign. Material which they will receive from National Headquarters on the Claims question could be released at that time to their local press and any other supporting material from the local Chapter on the local Japanese Canadian's point of view.
3. The Local Chapter should have in readiness, knowledge of the various local organizations in their area so that they may contact these groups during the campaign for support which can be in the form of resolutions and letters directed to the Federal Government and various Members of Parliament. The names of various local influential individuals also should be known in order that they may also be contacted for like support.
4. The Local Chapter should also not overlook contacting their representative Member of Parliament to seek his support and to acquaint him fully with the Evacuation Losses Claims question.

The National JCCA will keep local Chapters fully informed of the progress of the JCCA plans regarding the nation-wide public campaign and will send further information releases when it is necessary.

THE NATIONAL JCCA,

GEORGE TANAKA,
National Executive Secretary.