

SELECTED DOCUMENTS ON JAPANESE CANADIANS

VOLUME THREE

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**Ann Sunahara**

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# NOTICE

## TO ALL PERSONS OF JAPANESE RACIAL ORIGIN

Having reference to the Protected Area of British Columbia as described in an Extra of the Canada Gazette, No. 174 dated Ottawa, Monday, February 2, 1942:-

1. EVERY PERSON OF THE JAPANESE RACE, WHILE WITHIN THE PROTECTED AREA AFORESAID, SHALL HEREAFTER BE AT HIS USUAL PLACE OF RESIDENCE EACH DAY BEFORE SUNSET AND SHALL REMAIN THEREIN UNTIL SUNRISE ON THE FOLLOWING DAY, AND NO SUCH PERSON SHALL GO OUT OF HIS USUAL PLACE OF RESIDENCE AFORESAID UPON THE STREETS OR OTHERWISE DURING THE HOURS BETWEEN SUNSET AND SUNRISE;
2. NO PERSON OF THE JAPANESE RACE SHALL HAVE IN HIS POSSESSION OR USE IN SUCH PROTECTED AREA ANY MOTOR VEHICLE, CAMERA, RADIO TRANSMITTER, RADIO RECEIVING SET, FIREARM, AMMUNITION OR EXPLOSIVE;
3. IT SHALL BE THE DUTY OF EVERY PERSON OF THE JAPANESE RACE HAVING IN HIS POSSESSION OR UPON HIS PREMISES ANY ARTICLE MENTIONED IN THE NEXT PRECEDING PARAGRAPH, FORTHWITH TO CAUSE SUCH ARTICLE TO BE DELIVERED UP TO ANY JUSTICE OF THE PEACE RESIDING IN OR NEAR THE LOCALITY WHERE ANY SUCH ARTICLE IS HAD IN POSSESSION, OR TO AN OFFICER OR CONSTABLE OF THE POLICE FORCE OF THE PROVINCE OR CITY IN OR NEAR SUCH LOCALITY OR TO AN OFFICER OR CONSTABLE OF THE ROYAL CANADIAN MOUNTED POLICE.
4. ANY JUSTICE OF THE PEACE OR OFFICER OR CONSTABLE RECEIVING ANY ARTICLE MENTIONED IN PARAGRAPH 2 OF THIS ORDER SHALL GIVE TO THE PERSON DELIVERING THE SAME A RECEIPT THEREFOR AND SHALL REPORT THE FACT TO THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE, AND SHALL RETAIN OR OTHERWISE DISPOSE OF ANY SUCH ARTICLE AS DIRECTED BY THE SAID COMMISSIONER.
5. ANY PEACE OFFICER OR ANY OFFICER OR CONSTABLE OF THE ROYAL CANADIAN MOUNTED POLICE HAVING POWER TO ACT AS SUCH PEACE OFFICER OR OFFICER OR CONSTABLE IN THE SAID PROTECTED AREA, IS AUTHORIZED TO SEARCH WITHOUT WARRANT THE PREMISES OR ANY PLACE OCCUPIED OR BELIEVED TO BE OCCUPIED BY ANY PERSON OF THE JAPANESE RACE REASONABLY SUSPECTED OF HAVING IN HIS POSSESSION OR UPON HIS PREMISES ANY ARTICLE MENTIONED IN PARAGRAPH 2 OF THIS ORDER, AND TO SEIZE ANY SUCH ARTICLE FOUND ON SUCH PREMISES;
6. EVERY PERSON OF THE JAPANESE RACE SHALL LEAVE THE PROTECTED AREA AFORESAID FORTHWITH;
7. NO PERSON OF THE JAPANESE RACE SHALL ENTER SUCH PROTECTED AREA EXCEPT UNDER PERMIT ISSUED BY THE ROYAL CANADIAN MOUNTED POLICE;
8. IN THIS ORDER, "PERSONS OF THE JAPANESE RACE" MEANS, AS WELL AS ANY PERSON WHOLLY OF THE JAPANESE RACE, A PERSON NOT WHOLLY OF THE JAPANESE RACE IF HIS FATHER OR MOTHER IS OF THE JAPANESE RACE AND IF THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE BY NOTICE IN WRITING HAS REQUIRED OR REQUIRES HIM TO REGISTER PURSUANT TO ORDER-IN-COUNCIL P.C. 9760 OF DECEMBER 16th, 1941.

DATED AT OTTAWA THIS 26th DAY OF FEBRUARY, 1942.

*Louis S. St. Laurent,*  
*Minister of Justice*

To be posted in a Conspicuous Place



PROPERTY SALE



### Property Rights

Ian Mackenzie to T.A. Crerar, Minister of Mines and Resources, April 14, 1942, Ian Mackenzie Papers, MG27IIB5, Vol. 25, 70-25-3, P.A.C.

With this letter Ian Mackenzie began the process that would strip Japanese Canadians of all real and personal property located within 100 miles of the Pacific Coast. It was followed by an Order in Council that froze the sale of farms owned by Japanese Canadians unless approved by the Director of the Soldier Settlement Board, an agency left over from the First World War. That Director was subsequently appointed Director of the Veteran's Land Act program under which he bought 750 of those farms from the Custodian of Enemy Property. Japanese Canadian property had originally been left with the Custodian of Enemy Property for protective purposes only. To enable him to sell Japanese Canadian property his powers were retroactively amended in January 1943 to permit the sale of property without the owners' consent. By 1947 some 11.5 million dollars of Japanese Canadian property had been sold for \$5,373,317.64.

### Opposition from the Civil Service

Dr. H.L. Keenleyside to N.A. Robertson, July 16, 1943, External Affairs Files, 3464-B-40-C, E.A.A.

Henry F. Angus to N.A. Robertson March 15, 1943, External Affairs file 3464-R-40, E.A.A.

These documents illustrate that some government officials put their careers on the line to defend Japanese Canadians. As these documents demonstrate there were persons within the government who would openly criticize repressive measures against Japanese Canadians as "unjustifiable on any basis of decency or humanity."

S/R

Ottawa, April 14, 1942.

My dear Colleague:

In connection with the evacuation of the Japanese from the protected area on the Pacific Coast, several hundred Japanese berry farmers are being compelled to abandon their properties. For the most part, these are well developed properties with good dwellings on them. They are providing a living, in each case, for a Japanese family.


The berry industry is an important part of British Columbia's agricultural life. During the war, in particular, large quantities of jam and processed berries have been required for Great Britain.

The abandonment of these farms raises a problem of the conservation of the continuity of production in the berry industry.

The British Columbia Security Commission has no authority to deal with the properties, excepting such items as motor vehicles and radios which are ordered confiscated. The Custodian of Enemy Alien Property has no authority to touch these properties unless and until they have been actually abandoned. In practice, the Japanese are endeavouring to lease and sell, often at sacrifice prices. The canneries and market agencies are greatly concerned, lest there be little or no crop on the Japanese farms this year, which will seriously disturb the whole economy of the Fraser Valley.

.....

The Honourable T.A. Crerar, M.P.,  
Minister of Mines and Resources,  
OTTAWA.





I am impressed with the thought that these excellent small farms would be most suitable establishments for soldier settlers under the pending Veterans' Land Act. This Act will confer upon the Director, when he is appointed, the right to buy farms and hold them for prospective settlers. He has authority to enter into agreements for leasing such properties, in order that they may be conserved and developed during any interregnum between their purchase and the arrival of a prospective soldier settler.

Unfortunately there is no prospect of the Veterans' Land Act becoming law in time for the Director appointed thereunder to deal with these properties. It seems unfortunate, however, that the opportunity should be missed.

I should appreciate your considering the advisability of an Order in Council under the War Measures Act, authorizing the administrator of the Soldier Settlement Act, or some other appropriate official, to step in at once and buy any of these Japanese farms that commend themselves as suitable for soldier settlers. They can be administered meantime exactly as the Director under the Veterans' Land Act would administer them and can be turned over to him when he is appointed. The submission to Council can follow the language of the Veterans' Land Bill with respect to the powers which it would be necessary to confer upon the official selected for this purpose.

The Custodian's representative in Vancouver is already in touch with a committee of white farmers and cannery men who know the properties intimately and who have already brought in a number of white farmers to take over some of the properties. They are of the opinion that they could obtain a suitable number of tenants to maintain these properties, pending their disposal to soldier settlers.

.....



The vital consideration in this proposal is that we act immediately; otherwise the properties will have been disposed of in various unsatisfactory ways and the opportunity to develop sound soldier settlement in that area will be lost.

I should be glad to be associated with you in a joint submission to Council, and I may say that we have in the Department, in connection with our A.R.P. organization, Mr. H.G. Eakins, who is one of the two or three best informed men in British Columbia with respect to the berry industry.

Yours sincerely,

(I. A. MACKENZIE)

6-6

*file  
see 27/43  
[Signature]*

MEMORANDUM FOR THE UNDER SECRETARY:

Treatment of Persons of Japanese  
Racial Origin in Canada.

- 1 - I have read the attached copy of a minute of a meeting held in the Department of External Affairs on June 30, 1943 at which various questions relating to the treatment of persons of Japanese origin in Canada were considered.
- 2 - The American and Far Eastern Division was not invited to send a representative to the meeting and no person connected with the Division received any indication that such a meeting was to be held. This is the second time within recent months that this subject has come up and has been handled without any reference to this Division in spite of the fact that it is a matter in which this Division is vitally interested. I have shown you a copy of the memorandum which I addressed to Mr. Wrong on the first occasion on which this happened. I have shown you also Mr. Wrong's reply. Now that the matter has come up again I suggest that a note from the Under Secretary to the Chiefs of the Legal Division and the European Division, indicating that matters of policy relating to Orientals in Canada are not to be settled without discussion with the American and Far Eastern Division, would be appropriate.
- 3 - With regard to the views expressed at the meeting of June 30, I have only the usual comments to make. They are:
- (a) that apparently no distinction whatever was drawn between Japanese nationals and Canadian nationals;
  - (b) that the arguments used to justify the policy of forced sale of Japanese assets are partial and misleading. Insofar as they are statements of fact they could be used to support the view that a policy of "liquidation with consent" would be successful;

- (c) that the policy on relief is unjustifiable on any basis of decency or humanity, unless it is assumed that all Japanese can obtain work if they want it. Any such assumption would be unjustified in the circumstances.

These points have all been made before and I do not anticipate that any more attention will be paid to them now than has been the case in the past. I feel very strongly, however, that the Department of External Affairs should not be put in a position of acquiescing in such policies without first making it clear that their character is understood and that the reasons for their adoption by other departments of the Government are recognized.

(H. L. KEENEYSIDE  
ASST - UNDER SECRETARY  
OF STATE FOR  
EXTERNAL AFFAIRS)



March 15, 1943.

3464-R-40

MEMORANDUM FOR MR. ROBERTSONFile  
1/11/44

The Expropriation of Land belonging to Canadians  
of Japanese Race in the Protected Area of  
British Columbia

A recent Order-in-Council P.C. 469 of January 19, 1943, together with an earlier Order P.C. 5523 of June 29, 1942 as amended by P.C. 6885 of August 4, 1942, gives the Custodian the power to liquidate, sell, or otherwise dispose of any property of persons of Japanese race in respect of which he has been vested with the power and responsibility of control and management. It is also provided that for the purpose of such liquidation, sale, or other disposition, the Consolidated Regulations Respecting Trading with the Enemy 1939 shall apply mutatis mutandis as for the property belonging to an enemy within the meaning of the said Consolidated Regulations.

2. There are no doubt some cases in which it may be for the benefit of every one concerned that the Custodian should have these wide powers. The Order has however called forth some protests because it would legalize acts of gross injustice and oppression.

3. In particular the Order would make it possible for the farm of a Canadian citizen, against whom no offence had been proved or even alleged, to be sold without his consent provided that he were Japanese by race. Not only might this citizen be of unimpeachable character, but he has already been called on to make very great sacrifices in the interests of public security. Through no fault of his own he has been deprived of the major part of his earning power, has been removed from his home, has seen his children's educational opportunities gravely impaired, and finds himself in a position in which he may be substantially forced to use the proceeds of the enforced liquidation of his capital assets to meet what would for citizens of other races be considered normal living expenses.



4. *advised* It does not appear that any argument has been devised by the Military, Naval, Air Force or police authorities for depriving such a citizen of the ownership of his land, and it may even be doubtful if an Order-in-Council under the War Measures Act can operate to give the Custodian the power to convey a valid title to the land to a purchaser, since the Federal Government appears to be trespassing on Provincial authority to a degree not warranted by the emergency of war.

5. However this may be there appears to be a number of reasons against an exercise of the Custodian's power which would operate in the way described above: (a) The Prime Minister has stated in the House of Commons that Japanese would be treated justly; (b) The compulsory sale of the property of the law-abiding citizen, who is treated as an enemy on racial grounds alone, appears to be in entire conflict with the principles set out in the Atlantic Charter to which the Canadian Government has adhered; (c) The compulsory sale of these properties is in complete conflict with British tradition; (d) The compulsory sale of these properties is in complete conflict with United States policy and indeed with the constitutional provisions which condition this policy.

6. These considerations explain why protests are being received which show concern on the part of seriously minded people. For example the Reverend W. H. A. Norman of St. George United Church, Vancouver, British Columbia. Mr. Norman compares the measure to the Nurnberg laws against the Jews (*though there of course give no pecuniary compensation*)

7. In so far as enemy aliens are concerned, that is to say persons of Japanese nationality, we are in the peculiar position of having transmitted to Great Britain, for use in correspondence concerning the treatment of

British and Canadian property in Japan and in Shanghai, a statement that liquidation takes place only when it is in the interests of the owner concerned. I am writing to the Custodian to enquire what modification, if any, of this statement should be made in view of the recent Order-in-Council. (See Telegram attached?)

8. On the basis of the foregoing two recommendations are made: (1) That a memorandum should be <sup>submitted</sup> to the Prime Minister showing clearly the case in which the law-abiding citizen may be deprived of his property without his consent. It is quite possible for this case to have been overlooked when the Order was drafted and it is the Prime Minister's personal concern, to some extent, if his guarantee of just treatment is repudiated; (2) It will be quite possible for administrative instruction to be issued which would prevent the use of the powers given by the Order-in-Council in the manner described above. If such an administrative instruction is given, it should receive sufficient publicity to prevent the growth of belief among responsible citizens that the Canadian Government is emulating the Nurnberg decrees.

9. Attention is called to the Custodian's memorandum of March 11 describing the advisory committees set up in British Columbia and setting out their terms of reference.

(Later)

Coleman - Macnamara say that they did point this out & protested.  
HFA.

"COLEMAN & MACNAMARA SAY THAT THEY DID POINT THIS OUT & PROTESTED.  
HFA."

(HFA - HENRY F ANBUS)



RIGHTS & WELFARE

Policy on Licences to Purchase Land and Maintenance

Note for the Under-Secretary of State for External Affairs, August 12, 1943, External Affairs File 4606-C-13-40, E.A.A.

**Minutes**, Interdepartmental Committee on Japanese Questions, June 30, 1943, External Affairs File 3464-B-40C, E.A.A.

Memorandum on Maintenance, December 27, 1943, External Affairs File 3464-B-40C, E.A.A.

These documents illustrate the policies applied to Japanese Canadians while incarcerated in the government's detention camps. They clearly rebutt the apologist idea that the government was trying to protect Japanese Canadians. It should be noted the neither prisoners of war nor persons interned under the Geneva Convention had to pay for their own incarceration. Only Japanese Canadians, who were guilty only of being of the same race as an enemy, were required to impoverish themselves so that the government could not be accused of treating them softly.



*S*

NOTE FOR THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS

Licence to Japanese to authorize purchase of  
property in Canada

3464-R-40  
3

1. D.O.C. Regulation 39E provides that no person of the Japanese race shall have the capacity, after February 24, 1942, during the War, to acquire or hold land or growing crops in Canada.
2. By para.(4)(a) the Minister of Justice is empowered, if it appears to him to be in the public interest so to do, to grant to a person of Japanese race a licence to acquire or hold land in Canada. This special power is by way of exception to the general ban upon the acquisition of land.
3. The Deputy Minister of Justice, by letter June 15, asked whether this Department had any view, as a matter of policy, on the question as to whether Japanese should be granted or refused a licence to purchase and hold land in Canada.
4. After consultation with the Committee considering various Japanese questions, including representatives of External Affairs, Custodian of Enemy Property, Foreign Exchange Control Board, Immigration, Labour, and Mines and Resources, the Deputy Minister of Justice was informed by our letter of July 7, 1943 that there were no considerations of international policy that would require the Minister either to grant or to refuse licences to purchase and hold land in Canada.
5. It was, however, indicated:
  - (a) that it might be embarrassing to the Department in its international relations if, as a result of licences issued to enable the purchase and holding of lands by Japanese, a situation arose in which it became necessary to divest the Japanese of their lands a second time;
  - (b) that one type of case might involve special consideration. A sale by a Japanese national, preliminary to



repatriation, to a Japanese national or to a British subject of Japanese race, might well be approved even although there might be reluctance to authorize acquisition of land from a non-Japanese transferor.

- 2.

6. In Mr. Varcoe's letter to Mr. Pickersgill, July 6, 1943, it is intimated that the Minister of Justice would like to have the question brought to the attention of the Prime Minister, having regard to the fact that a licence granted might be interpreted by the licensee and others as indicating that the Japanese purchaser would be permitted after the war to continue to reside in Canada and at the place where the land acquired was held.

7. I have consulted the American and Far Eastern Division with regard to the question of policy which is involved, namely, whether Japanese nationals and Canadian nationals of Japanese race are to be subject to general deportation after the war. I have received a note to the effect that there would be no objection to allowing sales in certain cases:

- (a) The Government has not decided on its post-war policy.
- (b) It is improbable that any general deportation will be arranged.
- (c) If persons of Japanese race are to be deported against their will, the fact that they hold property in Canada will be unimportant.

It is pointed out that a forced sale would be a minor hardship in comparison with the major hardship implicit in deportation.

8. In these circumstances I should think that the Minister of Justice could be informed that it would be undesirable to grant licences to purchase land on an extensive scale, but that there would be no objection to granting licences in exceptional cases, where such a course was desirable in order to give effect to the general governmental policy of evacuation from the protected areas in British Columbia. This would be particularly true in cases like the one which is referred to in Mr. Varcoe's letter, where the applicant and his wife are both British subjects.



1. DISPOSITION OF PERSONAL PROPERTY AND HOUSEHOLD GOODS

1. Position of Personal Property

The course followed is based upon government policy accepted and embodied in P.C. 469, January 19, 1943, which provides for liquidation and disposition of the property. The reason behind policy is --

- (a) In special circumstances of case the only way in which the matter can be dealt with in a practical way is to liquidate.
- (b) This is the only course that will protect any element of Japanese interest in the property.
- (c) Articles of religious and sentimental value are being excepted.

2. Real Property

Course followed is sale and liquidation under P.C. 649. Dictated by practical considerations, as there is no other effective way of preserving interests of Japanese. The property is of such a nature that it could not be preserved in its present form.

3. Property of Repatriates

They will be furnished with suitable certificates by Custodian, and there is no objection to transfer of title, provided that proceeds are vested in Custodian.

II. RELIEF

Department of Labour policy is not definitely settled in this respect. The following principles were recognized:

- (a) Japanese should be required to use income from assets before receiving relief in any event.
- (b) Able bodied Japanese, for whom work was available, should not be given relief.
- (c) Other Japanese should be required to expend capital assets before asking for relief, reserving a substantial back log, which should take into account their family situation.

III. COMPULSORY EMPLOYMENT

It was recognized that care should be taken to avoid compulsory employment of Japanese. Where work was available they could be cut off from relief, but it would always be open to them to keep themselves out of their own funds or funds supplied from other sources.



IV. COMPULSORY MOVEMENT

It was recognized that care should be taken to avoid a position which would involve practical internment. On the other hand, it is necessary to defend a policy in which there may be a ban on mass movement from essential jobs at work camps, provided that the departments are prepared to facilitate individual and small scale movements involving more or less permanent employment outside of camp areas.

V. LICENCES TO HOLD LAND

There was an exchange of views. Labour was inclined to favour the granting of licenses, but the general opinion was against it. It was recognized that it was not a point for External Affairs to decide.

VI. MIGRATION OF JAPANESE

It was generally recognized that we should not admit persons of Japanese race, whether or not they were United States citizens from the U.S.A.

DEPORTATION



## Deportation

Notices to Persons of the Japanese Race, B.C.S.C. Papers, RG 36/27, Vol. 16, File 622, P.A.C.

## Public Reaction to the Deportation of Japanese Canadians

R.G. Robertson, Assistant to the Prime Minister, to H.H. Wrong, Assistant Under-Secretary of State for External Affairs, October 24, 1945, W.L.M. King Papers, MG26J4, Vol. 361, C249600 – C249606, P.A.C.

Norman Robertson, Under-Secretary of State for External Affairs, to Prime Minister W.L.M. King, January 5, 1946, W.L.M. King Papers, MG26J4, Vol. 283, File 2965, C194932, P.A.C.

R.G. Robertson to Prime Minister W.L.M. King, March 4, 1946, W.L.M. King Papers, MG26J4, Vol. 283, file 2965, P.A.C.

Minutes of a Meeting Concerning the Problem of Japanese in Canada, March 26, 1946, W.L.M. King Papers, MG26J4, Vol. 283, File 2965, C194959 – C194963, P.A.C.

W.L.M. King Diary, January 22, 1947, P.A.C.

This series of documents illustrates firstly how the "loyalty survey" was presented to Japanese Canadians and secondly how it was opposed by the Canadian people. In the first document it is important to note on page 3 that submissions received by the government before the decision to deport 10,000 Japanese Canadians were 19 to 85 against all Japanese being deported. The second documents illustrates that senior civil servants were aware that their policies were discriminatory but were still content with "political" solutions. The third document illustrates the surge of letters and resolutions produced by the anti-deportation campaign, while fourth document illustrates the public attitudes of many of the players. The last document, an extract from Prime Minister King's diary, shows how the deportation issue ended.



CANADA

# NOTICE

## TO ALL PERSONS OF JAPANESE RACIAL ORIGIN HAVING REFERENCE TO MAKING APPLICATION FOR VOLUNTARY REPATRIATION TO JAPAN

The Minister of Labour has been authorized by the Government of Canada to make known the following decisions made with respect to persons of Japanese ancestry, now resident in Canada, who make voluntary application to go to Japan after the war, or sooner where this can be arranged:

1. The net proceeds realized from the disposition of their property, real and personal, in Canada, and standing to their credit at time of repatriation, will be secured to them and may be transferred by them to Japan upon repatriation following the close of the war.
2. In the case of persons sent to Japan under any agreement for exchange of Nationals between Canada and Japan before the close of war, under which agreement the amount of personal property and funds carried by the repatriates is limited, the Custodian of Enemy Alien Property will be authorized, on the advice of the Department of External Affairs, to provide such Japanese repatriates with receipts showing the property left behind in Canada, or net proceeds of same if sold, with a view to their being permitted to secure possession of their property or the net proceeds thereof after the end of hostilities.
3. Free passage will be guaranteed by the Canadian Government to all repatriates being sent to Japan, and all their dependents who accompany them, and including free transportation of such of their personal property as they may take with them.

The above assurances will apply to such persons as have already made written application in satisfactory form to the Government of Canada to go to Japan, or who make written application hereafter for that purpose to the Government of Canada within the period of time fixed by the Commissioner of Japanese Placement for the completion and filing of applications.

These assurances do not apply to persons of the Japanese race repatriated on other than a voluntary basis.

Dated at Ottawa this 13th day of February, 1945.

**HUMPHREY MITCHELL**  
Minister of Labour.

The special R.C.M.P. Detachment for taking applications will be at

from

to and will take applications at

. Every person of Japanese origin 16 years of age and over is required to report to the R.C.M.P. Detachment on one of these dates to signify his or her intention concerning repatriation.

**T. B. PICKERSGILL,**  
COMMISSIONER OF JAPANESE PLACEMENT

Vancouver, B. C.  
March 12th, 1945.





# NOTICE

## **To All Persons of Japanese Racial Origin Now Resident in British Columbia**

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1. Japanese Nationals and others of Japanese racial origin who will be returning to Japan, have been informed by notice issued on the authority of the Honourable Minister of Labour, that provision has been made for their return and for the filing of an application for such return. Conditions in regard to property and transportation have been made public.
2. Japanese Canadians who want to remain in Canada should now re-establish themselves East of the Rockies as the best evidence of their intentions to co-operate with the Government policy of dispersal.
3. Failure to accept employment east of the Rockies may be regarded at a later date as lack of co-operation with the Canadian Government in carrying out its policy of dispersal.
4. Several thousand Japanese have already re-established themselves satisfactorily east of the Rockies.
5. Those who do not take advantage of present opportunities for employment and settlement outside British Columbia at this time, while employment opportunities are favourable, will find conditions of employment and settlement considerably more difficult at a later date and may seriously prejudice their own future by delay.
6. To assist those who want to re-establish themselves in Canada, the Japanese Division Placement Offices and the Employment and Selective Service Offices, with the assistance of local Advisory Committees, are making special efforts this Spring to open up suitable employment opportunities across Canada in various lines of endeavour, and in areas where prospects of suitable employment are best.
7. The Department will also provide free transportation to Eastern Canada for members of a family and their effects, a sustenance allowance to be used while in transit, and a placement allowance based in amount on the size of the family.

T. B. PICKERSGILL,  
COMMISSIONER OF JAPANESE PLACEMENT

Vancouver, B. C.  
March 12th, 1945.

SECRET

Feb

Memorandum for Mr. Wrong.re Policy regarding Japanese in Canada.

1. The letter of October 15 to Mr. St. Laurent from Mr. Coldwell regarding policy toward the Japanese in Canada is, I think, indicative of the embarrassment in which the government is likely to find itself unless certain aspects of the present policy are reviewed. In the course of a conversation yesterday, Mr. Coldwell said that his party were going to take the government heavily to task over the Japanese policy.

With regard to Mr. Coldwell's letter itself, I have ascertained that Mr. St. Laurent has not yet replied to it. It seems to me that, either through Cabinet agreement or simply with the concurrence of the Minister of Labour, Mr. Coldwell should be assured that no action with regard to deportation is contemplated until after the Prime Minister's return, and that rumours concerning immediate deportation are inaccurate. It might also be desirable to refute the suggestion that any "improper pressure" was put on the Japanese to get applications for repatriation. The instructions were specifically against any pressure whatever, and the report by Mr. Maag to the International Red Cross (about June of this year) was to the effect that there was no evidence of pressure. It is significant that none of the letters here requesting withdrawal of applications suggest any pressure or undue influence.

2. So far as the policy is concerned, I think that the government has not gone so far that it cannot withdraw somewhat without too much difficulty. The only public statement of policy has been that of the Prime Minister in the House on August 4, 1944. That statement was well received and so far as I know it has not been attacked except by some extreme "exclusionists". The "questionnaire"



regarding repatriation can be defended as an entirely voluntary procedure, and charges of pressure can be refuted. It is not inconsistent with the August 4 statement. The point that seems to require review is the Cabinet decision of September 19, 1945, approving the Cabinet Committee report of September 8, 1945 to the effect that applicants for repatriation should be deported as soon as possible "with the exception of Canadian citizens who had made application for revocation of their request for repatriation prior to midnight, September 1, 1945". It was decided to allow no withdrawal of applications whatever in the case of Japanese nationals (or, rather, non-Canadian Japanese, since many are dual nationals.) It will, I think, be possible to defend the refusal to allow any withdrawal of applications by the non-Canadian Japanese, but it is becoming increasingly clear that it is going to be very difficult to refuse to consider withdrawals after September 1 from Canadian citizens, especially in view of the U.S. "Bill of Rights" protection in parallel cases.

3. The essential elements of policy in the Prime Minister's statement in 1944 were as follows:
- (a) Examination of Japanese by a "quasi-judicial commission" to determine those loyal and those disloyal.
  - (b) Deportation of the disloyal - British subjects among these to have their status revoked.
  - (c) Loyal Japanese to be allowed to stay.
  - (d) Resettlement throughout Canada.
  - (e) No future immigration.

The questionnaire can logically be regarded as a preliminary to (a) in order to separate out those Japanese who do not wish to stay here and so need not be examined. So far as non-Canadian Japanese are concerned, it can be held that, as enemy aliens they have no right whatever to

be allowed to stay in Canada, and that their application for repatriation will be held to be conclusive in all cases. But in the case of Japanese who are British subjects it can be well argued that those who applied and then withdrew may have been guilty of nothing more than an initial error that they tried to rectify. To hold them to their original application can be attacked as a denial of their rights as Canadian citizens and British subjects on straight racial grounds. There is no doubt but that in many cases the applications for "repatriation" reflected, not a desire to go to Japan, but despair of ever securing a livelihood or fair treatment in Canada in the future.

4. There has been a decided increase in interest in the government policy with regard to Japanese, and the pressure now is almost entirely in favour of a moderate policy. The lead in this has largely been given by church groups and the Winnipeg "Free Press". It is significant that the Toronto "Star" and the Ottawa "Journal" also have taken the matter up in editorials this week. Apart from arguing in favour of a moderate policy in general, the most frequent specific demand is that Japanese who are British subjects and who signed applications to go to Japan, should be given the right to withdraw their applications.

To secure some indication of the trend in vocal opinion, I have checked the files here with regard to submissions received on the Japanese policy, with the following results:

<u>Date</u>	<u>Submissions urging that all Japanese be deported.</u>	<u>Submissions for a moderate policy</u>
1942	2	3
1943	2	1
1944	8	4
1945		
(a) until June 30	4	4
(b) June 30-Aug 31	2	36
(c) Since Sept. 1	1	37



4.

On October 20 alone there were 7 letters and telegrams to the Prime Minister urging a moderate policy.

The organizations that have sent in submissions in favour of total deportation have generally been Boards of Trade in British Columbia, fishermen's and lumbermen's organizations in B.C. etc. Some of the organizations arguing a moderate policy are the following:

National Interchurch Advisory Committee on Resettlement of Japanese Canadians  
(Represents the Church of England, the Roman Catholic Church, the Baptist Church, the Presbyterian Church, and the United Church of Canada.)

Y.M.C.A'S

University S.C.M.

Toronto Welfare Chest

Canadian Friends Service Committee

Japanese Settlement Council, Hamilton.

The Vancouver Advisory Council.

Various church organizations and conferences, etc.

In addition to the above submissions, over 45 form letters have been received here urging a moderate policy and permission to Japanese Canadians to withdraw applications for repatriation. Many more have been received by External Affairs, Labour and Justice.

5. Any moderation of the present policy will be strongly opposed by B.C. members on the government side and by many in the province in general. However, there may be some significance in the fact that, with the C.C.F. in B.C. definitely committed to lenient treatment of the Japanese, it has not, apparently, been worth the other parties' while in the provincial election to make an issue of this. As a gauge of possible reaction in the country, the Gallup Poll of February, 1944, may also be of some value. Its results were as follows:

(a) On the question of deportation of Japanese nationals:

Deport	- 80%
Allow to stay	- 14%
Undecided	- 6%

(b) On the question of deportation of Canadian citizens of Japanese race:

Deport	- 33%
Allow to stay	- 59%
Undecided	- 8%

It was stated that the B.C. figures were in line with the above national averages.

On the question of principle and constitutional right there can be no doubt but that greater regard should be had for requests from Canadian citizens to withdraw applications for repatriation than that authorized in the recent Cabinet decision, and it is equally clear that the government is going to be strongly attacked if it does not recognize this. The embarrassment of the government last year over the elections act amendment indicates a strong feeling that treatment must be fair.

6. According to an analysis by Mr. Pickersgill, the Commissioner of Japanese Placement, on August 31, the results of the questionnaire on repatriation are as follows:



6.

Number involved in application for repatriation - 10,397

- Japanese nationals - 3,020  
 - Naturalized Canadians - 1,474  
 - Canadian-born - 5,903

10,397

Number of Canadian-born who signed declaration - 2,461

Number of Canadian-born under 16 who are included under parental certificates - 3,484

Number of Japanese nationals who did not sign -3,596

Number of their dependent children -2,230

According to the 1941 census, the Japanese population of Canada was as follows:

Born in Canada - 14,078  
 Naturalized in Canada - 3,135  
 Born in other British countries - 12

Total British subjects 17,220  
 Japanese Nationals 5,911  
 Others 18

23,149

The number of Canadian-born who signed applications is 2,461. Presumably all, or nearly all, of the naturalized group would be over 16 and would be individual signatories. Thus the total of Canadian citizens who signed is probably about 2,461 plus 1,474 = 3,935. There are no figures on the number of dependents with the group, so it is impossible on the basis of the available statistics to know how great the total might be who would be affected by a decision to extend the right to

withdraw application for repatriation. It is stated, however, that the 3,896 Japanese nationals who did not sign have 2,230 dependent children. If the 3,020 Japanese nationals involved in applications similarly include about 2,000 children, the total group of Canadian citizens plus dependents may be about 10,397 minus 3,020 = 3,377 -- or about half the total.

7. It would appear from the above very uncertain figures and deductions that if it were decided to give consideration to any and all applications from Canadian citizens for withdrawal of applications, not more than 5,000 out of the present group of 10,000 could be affected. Probably the actual group involved would be much less. Up to August 31 the Commission had received 154 applications for withdrawal from Canadians. The Prime Minister's Office has received (and passed on) the following total:

to August 31	-	16
September	-	44
October	-	<u>86</u>

146

The figures are steadily growing, but they are still only a small fraction of the potential total, it would seem.

8. It is clear that the whole matter is going to come up in the House - presumably on either the Labour or External Affairs estimates. I would suggest, for consideration, that what might be done would be to have a statement by the Prime Minister reaffirming the policy of August, 1944; explaining the purpose of the questionnaire; announcing that the Commission would be set up immediately; and stating that, to quiet any fears of pressure, applications for withdrawal from Canadian citizens would be accepted up to (e.g.) Dec. 31, 1945. At the same time it might be announced that restrictions on the holding and acquisition of land outside of the protected area of B.C. were being lifted to encourage resettlement eastward. Presumably nothing could be said



about arrangements with the provinces other than that they would be taken up after the Commission had completed its work of selection of the undesirables.

9. I do not know what immediate steps, if any, should be taken in this matter.

R.G.R.

R. G. ROBERTSON

24th October, 1945.

RGV/JMC

MEMORANDUM FOR THE PRIME MINISTER:

C19-1932

4 Jan.

I am enclosing copy of a note from the Deputy Minister of Justice, summarizing the arguments against the validity of the Japanese Orders-in-Council which were submitted yesterday to the Acting Minister of Justice by a Committee headed by Mr. B. K. Sandwell and Mr. F. A. Brewin of Toronto. They ask for a reference to the Supreme Court of the question of the validity of the Order-in-Council authorising the deportation of naturalized Canadians of Japanese origin. As you will see from Mr. Varcoe's commentary, the legal arguments adduced do not seem very formidable. (Incidentally they do not make any reference to the fact that under the procedure contemplated in the Order-in-Council revocation of naturalization is to be simultaneous with or even consequent on the fact of deportation. It seems to me that a legal basis for the Order would have been stronger if revocation had clearly preceded deportation).

The question of whether there should be a reference to the Supreme Court for an advisory opinion is for Cabinet consideration. Mr. Varcoe is inclined to think that such a reference should be made, and has prepared a draft recommendation to Council to this end. If such action is to be taken, it is recommended that the necessary Order-in-Council be considered at the next meeting of Council so that the hearing of the reference may commence by January 21st.

*attached*  
*Sc*

I have read F. R. Scott's letter in yesterday's CITIZEN to which you drew my attention. The same letter is published in this morning's GAZETTE. With much of the argument of the letter I have always been in general sympathy. The fact of racial discrimination does underlie our treatment of Japanese Canadians. We have tried to temper it and exclude its ugliest aspects, I think fairly successfully. Native born Canadians of Japanese origin are not to be subject to deportation, and naturalized persons who withdrew their application for repatriation to Japan before the end of hostilities are being permitted to remain in Canada. These points, which were made very plainly in your statement in the House, are overlooked, probably deliberately, in Scott's letter. They are, however, on the record and have been



recognized by many people as a real modification of the previous programme. Even with these modifications in mind, however, the fact remains that it has not been feasible to treat the Canadian population of Japanese origin in the same way as say the Canadian population of German or Italian origin have been treated. This fact will always enable the absolutists to charge the Government with countenancing racial discrimination. We do discriminate against the Japanese, against the Chinese, and against the British Indians, in our immigration laws and indirectly in our electoral laws, but until my native province of British Columbia achieves some change of heart, I do not see what we can do about it except strive to limit and lessen the discriminations every time an opportunity offers.



(NORMAN A.  
ROBERTSON  
UNDER-SECRETARY  
OF STATE FOR  
EXTERNAL AFFAIRS)

J/BC

*(Signature)*

C194952

MEMORANDUM FOR THE PRIME MINISTER:

--

You may wish to see the attached statement which was issued by the Co-operative Committee on Japanese Canadians following the decision of the Supreme Court in the Japanese reference.

--

Also attached are three letters which are typical of the communications that we continue to receive each day. The majority of them are from church organizations, or from persons who have contact with church work. In my memorandum of February 11, concerning the memorandum sent out by the National Inter-church Advisory Committee on the Resettlement of Japanese Canadians, I mentioned that we were receiving "an average of possibly 10 to 15 letters a day protesting against the deportation policy". Since that time the number has somewhat increased. In the last week in February, we were receiving possibly 30 letters a day, though now the number has fallen to about 20 per day. Over the last three-month period we have probably received in the vicinity of 700 to 1000 letters on this subject.

The number received has made it necessary to send a reply only if the letter has special merit or particularly calls for an answer.

*RGR*  
R.G. H.

*Mr Robertson who has been following*

*March 4, 1946. This subject closely tells me we almost never receive letters advocating or supporting the deportation policy. All are on the other side. JWP.*

*see also  
CWC Document  
164*

*(RGR = R. G. ROBERTSON - ASSISTANT TO THE PRIME MINISTER  
JWP = JACK W PICKERSBILL - ASSISTANT TO THE PRIME MINISTER)*



Copies sent to  
Kobayashi (2)  
24. Affairs  
P.C. 1/14/46  
R.H.H.

MARCH 26 1946  
P. 30-9  
V 4 (RS)

Minute of a Meeting Concerning the Problem  
of Japanese in Canada. C19-1959

W.W. - Japanese-Canadians

1. A meeting was held on Tuesday, March 26, at 11.30 a.m. in the Prime Minister's office in the East Block, to enable the delegation representing the Cooperative Committee on Japanese Canadians to place their views before a committee of the Cabinet. Those present were:

The Prime Minister  
Mr. Ian Mackenzie  
Mr. St. Laurent  
Mr. Mitchell  
Mr. Claxton  
Mr. Abbott  
Mr. Martin  
Mr. Heeney  
Mr. N.A. Robertson  
Mr. R.G. Robertson

and for the Cooperative Committee:

Mr. MacMillan  
Mr. Brewin  
Mr. Coldwell  
Mr. Tarr  
Mr. Croll  
Mr. Millard.

2. Mr. MacMillan opened for the Cooperative Committee by explaining its background and organization, and the support which it had in various parts of the country. He stated that it also had representatives on it of the Japanese Canadians themselves. He said that the Committee had noted that approximately one-third of the Japanese in Canada had now been settled east of the Rockies and had been fairly well received. They felt that if the present restrictions were removed it would be easier still for the Japanese to settle down and they felt that few of these would wish to return to British Columbia. In the circumstances, the possibility of settlement seemed brighter than it had previously, but the Committee felt that procedure under the present Orders in Council would not lead to a satisfactory solution. He called on Mr. Brewin to present the details of the Committee's position with regard to the present government policy.

3. Mr. Brewin stated that, while it might seem questionable to raise questions on policy concerning Orders that were at the time under judicial review, nevertheless the Committee was not anxious to proceed with an appeal to a higher body and wanted to set forth considerations which they thought would justify cancellation of the Orders in their entirety. They felt that this would be a feasible policy since any disloyal Japanese could be dealt with under existing legislation.

The particular criticisms which the Committee had to make of the present policy were as follows:

- (a) The Orders provided for the exile of Canadian citizens, a policy which had once been followed but which had been in disuse for centuries.

*Copies sent to  
Labour (2)  
24. Affairs  
P.L. 1/14/46  
N.H.K.*

*H. H. ...  
MARCH 26 1946  
A. J. ...*

Minute of a Meeting Concerning the Problem  
of Japanese in Canada.

C19-1959

P-30-9  
V 4 (13)

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*✓*

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*L.M.E. at 2100*



- (b) The Orders violated fundamental rules of international law in that they infringed upon the sovereign rights of another state and, in effect, constituted an invasion of this territory.
- (c) The Orders put the value on Canadian citizenship at a discount which was particularly untimely since the Canadian Citizenship Bill was just being discussed in Parliament.
- (d) They appeared to be based on racial discrimination.
- (e) They were based on emergency needs created by the war which no longer existed in sufficient measures to require the action embodied in the Orders.
- (f) The Orders were based on "alleged" requests for repatriation to Japan, which were taken as evidence of disloyalty. The assumption that they indicated disloyalty was strongly questioned by the Committee. They felt that many of the Japanese had not appreciated what was involved and had thought that the government wished them to sign the forms that were presented bearing the government crest. Moreover, in the circumstances in which the people had been placed through their movement from their homes and so forth, they were not in a position to exercise free will properly.
- (g) The Orders constituted a threat to minorities in Canada.
- (h) The Orders could not be enforced without injustice and inhumanity to certain persons. In some cases, young Japanese would feel forced to go to Japan with their parents in order to care for them.
- (i) The policy would create in the Orient a sense of hostility to Canada.
- (j) The policy was in contradiction with the commitments in the United Nations Charter.

If the Orders were not rescinded, the Committee felt that, as an alternative, but definitely a second best, all Japanese, subject to deportation, should be given the right of appeal to a judicial committee which could investigate their cases and ascertain whether there was any real disloyalty. Mr. Brewin pointed out that Canadian nationals had a complete right to withdraw their signatures; that the majority decision of the Supreme Court made deportation of Canadian wives and children impossible, and that there would be a certain number of the persons who would be willing to go voluntarily. In the circumstances, a judicial inquiry would not concern too large a group of people.



So far as resettlement was concerned, the Committee urged removal of present restrictions with regard to land purchase and settlement, and thought the government should take more positive action to encourage a readiness to accept Japanese in various communities. They felt that another 8000 Japanese could be settled at an early date without difficulty.

If the Committee's representations were not deemed acceptable by the government, they, at least, asked that the Japanese should be given full and adequate notice before Orders for their movement were issued. This was necessary in order that all legal steps might be taken for the protection of the position of the individuals. Mr. Brewin stated that the Committee, in co-operation with the Council in British Columbia, were determined that everything possible should be done to exercise the full resources of the law in protecting the position of Japanese persons who did not wish to leave the country.

Finally, if the appeal to the Privy Council were not successful, the Committee asked that the matter be referred to Parliament for decision.

4. Mr. Millard said that there had been some objections from some branches of labour at first to the movement of Japanese into new areas, but those had largely died down. In reply to an inquiry by the Prime Minister, he said that he believed that labour would support any policy of resettlement. In addition, Mr. Millard added that they were conscious of the fact that if our discriminatory policy were followed in Canada, there would, undoubtedly, be future repercussions in World Federation of Trade Unions.
5. Mr. Croll said that he felt that important principles were involved in the settlement of the Japanese problem, and he was also of the opinion that it was intrinsically not as great a problem as it had become. It had been magnified in certain respects and he hoped that it would be possible to reduce it to its proper terms in order that the fundamental principles involved would not be overridden.
6. Mr. Mitchell stated that the activities of the Cooperative Committee on Japanese Canadians would have substantial benefit if they could educate public opinion into an active acceptance of Japanese into various communities. The resettlement required the co-operation of individuals, municipalities and provinces.

So far as requests for repatriation were concerned, Mr. Mitchell stated categorically, that no coercion or pressure of any type had been used. This was substantiated by the International Red Cross in its report.

7. Mr. St. Laurent pointed out that what was contemplated under the Orders in Council was a change in method rather than in principle. The Naturalization Act provided for the cancellation of naturalization certificates in cases where the recipients were found, upon inquiry, to be "disaffected". The ordinary procedure for inquiry, which was provided, was suitable for normal times, but this was an aggravated problem which required extraordinary provisions. The government had taken the view that any person who took the very serious step of signing a declaration of desire to go to Japan during time of war was, in reality, "disaffected".



Mr. St. Laurent also pointed out that the problem of resettlement was an important one. Under the urgency of moving people during the war, the government had entered into commitments with certain provinces to remove the Japanese who were moved into them immediately upon the termination of hostilities. These undertakings had to be carried out unless the provinces released the Dominion from its obligations.

8. The Prime Minister said that a further point the government had to consider was the obligation they had to the families of men who had been killed in the Far East, particularly in the prison camps in Hong Kong. At the time that these men were being killed, many of the Japanese had indicated a desire to go to Japan. He did not, himself, see how a person could sign such a declaration of desire if he did not believe that Japan was going to win the war. Mr. King pointed out that if it had not been for the atomic bomb we would, undoubtedly, still be fighting Japan and more Canadians would be killed constantly. The families of all these men had to be considered in any action that was taken.
9. Mr. Coldwell said that he thought it would be most regrettable if any policy were carried through which looked as if it were based on discrimination with regard to colour or race. In the present state of the world, and with the great amount of distrust and suspicion so prevalent at the present, its effect would be very bad.
10. Mr. Mackenzie stated that so far as the feeling of British Columbia was concerned, he felt that the people there were strongly of the opinion that the Japanese should not be allowed to settle again on the Coast. Their feeling was not racial, although, in part, it was economic in origin. In addition, however, there was a feeling that not only had the Japanese forced white fishermen out of the fishing industry, but they had used their fishing licenses and their work as an opportunity to map the coast of British Columbia to the advantage of the Japanese government.
11. The Prime Minister closed the meeting by assuring the delegation that the views which they had presented would be given careful consideration.



R. G. ROBERTSON



-2- Wednesday, January 22, 1947

St. Laurent fought strongly and bravely for deporting practically all who could be deported, including some Canadian citizens, of those who had signed during the war wishing to return on the score they would increase in population and demands would be made later when Japan was a settled country to have the Japanese in Canada given the same rights as the white population. He has in mind the issue being raised at the United Nations. That they would never really work into Canadian life and their numbers might become troublesome. On the other hand there was the feeling which I helped to express that the war was over people were now trying to foster good-will and peace. That we will be looked upon almost as inhuman and that it would be a crime to send back to Japan those who had behaved themselves well throughout the whole period of the war. Had nothing against them except what they claim was duress. They had asked to be sent back. There was practically unanimity in demanding cessation of deportation. 4000 have already gone. There would not be ships available for some time. It might take another six months to get another 4000 away. Meanwhile the Civil Liberties League would begin stimulating opinion. We already as a Liberal party were in a false position in the minds of many people through out ill-Liberal treatment of different persons. We would probably raise a real issue if we sought to oppose what now seemed to be general public opinion in the matter of dropping the question of deportation, though holding the right to control the movement of the Japs in Canada for some time to come. This for reasons of maintaining law and order, etc. B.C. has changed its attitude considerably. Men like Buchanan, in Alberta, claim the Japs are needed for the beet sugar industry. Mitchell claims the whole industry would have suffered but for their help. Council finally decided to accept the report of the Committee of the Cabinet and repeal the order of deportation. Let the Civil Liberties League stay at home, St. Laurent said.

Mackenzie, who will have most to lose, said he thought they had better make the decision unanimous, not because they were not right in their view, which St. Laurent had expressed, but because they felt sure that they would not be able to get support to carry it out. I had pointed this out very strongly that we had better meet each situation as it arises. Take the one today, the only one that we could really hope to get successfully through Parliament and which, on humanitarian grounds, is right.

The next discussion was on old age pensions, what was best to do. It was agreed by all we would have to implement in the form of legislation arrangements made under order in council. Martin had suggested increasing the amount of the pension and raising the minimum allowed by way of income, the federal government to continue to pay 75% to the provinces for all who



ROYAL COMM

The Royal Commission

Cabinet Document JAP 5, F.P. Varcoe, Deputy Minister of Justice, to Dr. E.H. Coleman, Under-Secretary of State, January 1, 1947, B.C.S.C. Papers, Vol. 34, file 2201, P.A.C.

Memorandum, Secretary of State to the Special Cabinet Committee on Claims by Japanese Evacuees, March 27, 1947, B.C.S.C. Papers, RG 36/27, Vol. 34, File 2201, P.A.C.

These two documents illustrate the manner in which the federal government sought to minimize the mandate of the Royal Commission in order to minimize criticism of the policies that produced the economic losses being compensated.



## DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189  
Your File No. J-175

I have been asked to prepare a draft Report to Council for the appointment of a Commissioner under the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property and also in respect of claims for loss resulting from their evacuation from the protected areas of British Columbia.

I understand that as a matter of policy the Government has not yet decided upon the types of claims that will be admitted; I have, therefore, set out in the schedule the complete list of claims. The schedule can then be amended in accordance with Government decisions on policy.

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

O T T A W A

OTTAWA , April , 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

That during the war persons of the Japanese race were evacuated from the protected areas of British Columbia and by Order in Council P.C. 1665 of March 4, 1942, as amended by Order in Council P.C. 2483 of March 27, 1942, it was provided that all property situated in any protected area of British Columbia belonging to any person of the Japanese race (except fishing vessels subject to Order in Council P.C. 288 of January 13, 1942, hereinafter referred to, and deposits of money, shares of stock, debentures, bonds or other securities) delivered up to any person by the owner pursuant to an Order of the Minister of Justice or which was turned over to the Custodian by or on behalf of the owner, or which the owner on being evacuated from the protected area, was unable to take with him, should be vested in and subject to the control and management of the Custodian as defined in the Regulations respecting Trading with the Enemy.

That by Order in Council P.C. 469 of January 19, 1943, it was provided that whenever the Custodian had been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the said protected areas, such power and responsibility should be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell or otherwise dispose of such property.

That during the war fishing vessels belonging to persons of the Japanese race were impounded and by Order in Council P.C. 288 of January 13, 1942, a committee on the disposal/



disposal of Japanese fishing vessels was established and was empowered, inter alia, to make such arrangements as would make it possible for the owners of such detained vessels freely to negotiate for sales of such vessels.

That pursuant to the above mentioned Orders real and personal property of persons of the Japanese race was disposed of and claims have been made by persons of the Japanese race that they have suffered pecuniary loss by reason of such disposition of their property and also by reason of their evacuation from the protected areas of British Columbia.

That it is deemed advisable to appoint a Commissioner under Part I of the Inquiries Act to investigate the said claims and to make recommendations with respect thereto.

The undersigned, therefore, has the honour to recommend:

1. That the Honourable . . . . . be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims set out in the Schedule hereto of persons of the Japanese race for pecuniary loss sustained by them by reason of their evacuation from the protected areas of British Columbia and the management and disposition of their real and personal property and to report his findings to the Governor in Council.
2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.
3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

- 4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.
- 5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

*per judge*

SCHEDULE

- ✓ 1. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of sale.
- ✓ 2. Claims that any real or personal property was sold pursuant to the Orders hereinbefore referred to at a price less than the market value thereof at the time of the evacuation of the owner.
- 3. Claims for compensation for loss of revenue by reason of the sale pursuant to the Orders hereinbefore referred to of revenue-producing real or personal property.
- 4. Claims for compensation for loss of real or personal property *which has been declared by the Custodian* by theft while such property was under the control and management of
  - (a) the Custodian, or
  - (b) a person appointed by the owner to control and manage such property.
- 5. Claims for loss of life insurance policies by reason of failure to pay premiums directly attributable to the evacuation of the policyholder.
- 6. Claims for loss of income directly attributable to the evacuation.

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*have been of property*  
*the*

Respectfully submitted,

Secretary of State.

2018.10.21.8105



March 27, 1947

MEMORANDUM TO THE SPECIAL CABINET COMMITTEE ON CLAIMS BY JAPANESE EVACUEES

The type of claim in which the Custodian is particularly interested relates to the liquidation of real and personal property left in the Protected Area of British Columbia. Representations made indicate that the Japanese claimants feel that the losses they incurred went far beyond this. By reason of evacuation they were required to surrender their businesses and the positions in which they were employed and generally speaking, their chances of earning a livelihood were cut off. All such claims are based upon the economic loss caused by the results of evacuation. Unless the enquiry is strictly confined to claims of the nature mentioned in the Prime Minister's announcement of January 24, 1947, it is reasonable to suggest that claims put forward will go beyond those referred to in the statement. In support of this, I attach copy of a Questionnaire which, I understand, is being used by the Japanese Canadian Committee for Democracy in their survey.

Apart from demands for compensation covering economic and personal property losses, claims may be made in regard to parcels of real estate which the Custodian advertised and sold on the basis of valuation and with the approval of the Advisory Committees.

At a meeting of the Special Cabinet Committee on Claims by Japanese Evacuees held in the Privy Council Chamber on Monday, March 24, 1947, it was agreed that it would be advisable to appoint a Commissioner under Part I of the Inquiries Act to recommend the amount, if any, which, in his opinion, should be granted to any Japanese claimant.

The following are matters to be considered in reaching decisions as to the scope of such inquiry:

1. Real Estate - The difference between the sale price and fair market value.

It is altogether likely that the Japanese idea of value will not coincide with the market value, but in my opinion, a properly established market value should be the only basis for claim in this connection.

The inquiry should be on the basis set out in Section 47 of the Exchequer Court Act, as follows:

"47. The Court, in determining the amount to be paid to any claimant for any land or property taken for the purpose of any public work, or for injury done

to any land or property, shall estimate or assess the value or amount thereof at the time when the land or property was taken, or the injury complained of was occasioned".

Is this the understanding as to the scope of the inquiry?

2. Real Estate Depreciation - The possibility of the market value having decreased at the time of sale due to depreciation of the property after the Japanese were evacuated.

This would apply chiefly to rural properties and possibly occurred in connection with the Fraser Valley Fruit Farms. It should be noted that the appraisal of these lands was, I believe, made in June of 1942, so that there would not have been an exceptionally long period in which depreciation would have taken place insofar as the actual land and buildings were concerned. Greenhouses quickly fall into disrepair and quite a disparity exists between the Japanese valuation and the amount at which some of this property has been sold.

Should the Commissioner be empowered to review claims arising out of depreciation?

3. Real Estate - Loss of Revenue - Some claims in connection with real estate may be based on the fact that after evacuation, the properties were leased and the income was more than sufficient to carry the overhead and this income was cut off by the sale of the property. The Japanese may claim that they were compelled to expend the capital derived from the liquidation of real estate in order to maintain their families in the Housing Centres and elsewhere.

Should the Commissioner be empowered to review claims falling within this category?

4. Chattels - The difference between the sale price and the market value of the goods actually sold. There are cases where losses were sustained by those who were operating businesses such as stores, dry cleaning plants, garages, shingle and rice mills, drug stores and rooming operations. In a number of cases, stock in trade, plant machinery and equipment were sold by the Custodian on the basis of valuation, but the matter of goodwill or the revenue bearing possibilities of these operations were lost to the Japanese. In addition to this, where the real estate did not belong to the owner of these types of busi-



nesses, dismantling, removing and re-assembling costs entered into the price which the purchaser was prepared to pay for such chattels and equipment.

Certain types of equipment in use by the Japanese were definitely old-fashioned and while capable of producing revenue in the hands of the Japanese, did not have a sale value equivalent to the Japanese idea of its worth.

Should the Commissioner be empowered to review claims of this type?

5. Chattels - The Market value of goods unaccounted for because of loss by theft, depreciation, while in storage warehouses which belonged to the Custodian.

This not only concerns household effects, but a certain amount of equipment, the main item of which is most probably that of fishing tackle. The matter to be considered is whether, the Custodian having exercised all reasonable care, there is any responsibility on the Government for shortages which have occurred for the reasons above mentioned.

Should the Commissioner be empowered to entertain such claims?

6. Chattels - The market value of goods unaccounted for because of loss by theft, depreciation, while in storage and under the control of Agents appointed by the Japanese.

Should the Commissioner be empowered to review claims for loss occasioned as aforesaid?

7. Fishing Vessels - These are referred to (Item 6) in the attached copy of the Questionnaire. In connection with fishing vessels, approximately 90% of these sales were negotiated by the Japanese themselves through the Japanese Fishing Vessels disposal Committee. The boats which were sold by the Custodian were of the poorest type and dissatisfaction has been expressed in some cases in regard to the prices obtained.

Should the Commissioner be empowered to consider claims in respect to sales both by the Japanese Fishing Vessels Disposal Committee and the relatively small number of sales effected by the Custodian after the Fishing Vessels Disposal Committee had been disbanded?

8. Motor Vehicles - Automobiles are referred to (Item 7) in the Questionnaire, copy of which is attached. Complaints have been very considerable in regard to the prices obtained for cars and trucks.

By Government Notice, dated February 26, 1942, the Minister of Justice ordered the Japanese to deliver up motor vehicles, cameras, radios and

firearms to the R.C.M.P., and a notice was published in the press requiring surrender by March 9, 1942. In the interval, many Japanese disposed of their cars at very low prices or by turning them over to friends. It was the opinion of the British Columbia Security Commission that it would not be desirable for Evacuees to be permitted to take their cars out of the Protected Area and as the majority of vehicles were stored at Hastings Park, not under cover, it was considered that due to rapid depreciation, liquidation was necessary. Independent appraisals were obtained on all vehicles and tenders equal to or in excess of the appraised price were accepted. It should be noted that these cars were sold at what was probably the poorest market in used car history. Apart from the Japanese vehicles, all used car dealers were heavily stocked and gasoline and tire shortages created a near panic situation and prices were cut as much as 50% on stocks in the hands of used car dealers.

Should the Commissioner be empowered to review claims within this category?

9. Life Insurance - There have been complaints that life insurance policies have had to be surrendered for cash value or allowed to lapse owing to insufficient earnings by the Japanese.

Should the Commissioner be empowered to entertain this type of claim?

10. Economic Losses - These are referred to in the attached copy of Questionnaire (Items 9 and 10). Due to war conditions, economic loss has been sustained by many citizens altogether apart from nationality and without the factor of evacuation. Business operations were curtailed in many instances due to lack of supplies, to say nothing of the economic disruption caused by enlistment in the forces, sometimes resulting in the supreme sacrifice of life itself. If consideration were to be given to the question of economic loss caused by evacuation, and such loss could be accurately established, this would not, in my opinion, of necessity be a justifiable claim.

Should the Commissioner be empowered to entertain claims coming within this category?

Reference has been made to the fact that a Commissioner should be appointed to consider the Japanese claims and in my opinion the Commissioner so appointed should be a person who holds, or has held, judicial office.



When the matter of the type of claims to which consideration should be given is determined, I recommend that advertisements be inserted in numerous newspapers, including The New Canadian, calling upon the Japanese to file their claims, duly verified, and to address all such claims to the Office of the Custodian, 506 Royal Bank Building, Vancouver, B. C. This will afford the officials in the Custodian's Vancouver Office an opportunity to review files and assemble data which will be helpful to the Commission. A time limit should be fixed for the filing of such claims.

I am informed that the distribution of Japanese in Canada at November 30, 1946, was as follows:

British Columbia	6,981
Alberta	4,262
Saskatchewan	503
Manitoba	1,193
Ontario	6,617
Quebec	1,210
Nova Scotia	1
New Brunswick	10
Prince Edward Island	6
Yukon and Northwest Territories	31
Total	<u>20,814</u>

Representatives of the Japanese have indicated that they desire to be heard in centres of the different provinces, but I am of opinion that it should be left to the Commissioner to determine where such hearings are to take place.

It is very probable that thousands of claims will be filed, but very improbable that the vast majority could be substantiated in a Court of Law. The Japanese have inflated ideas as to the value of their assets and doubtless their claims will be grossly exaggerated.

It is very difficult to estimate the amount that will be required to meet the claims and defray the expenses of the Commission. At all events, it appears necessary to insert an item in the supplementary estimates in order to provide funds.

Secretary of State

POSTAGE POLICY



Postwar Restrictions on Japanese Canadians

Memorandum, Stewart Bates, Deputy Minister of Fisheries, to the Cabinet Committee on Japanese Questions, October 24, 1947, B.C.S.C. Papers, RG 36/27, Vol. 34, File 2201, P.A.C.

J.L. Ilsley, Secretary of State, to Raymond Ranger, Secretary, Cabinet Committee on Japanese Questions, November 18, 1947, B.C.S.C. Papers, RG 36/27, Vol. 34, File 2201, P.A.C.

Memorandum Re Japanese Orders Under Transitional Measures Act, J.W. Pickersgill, Assistant to the Prime Minister, to Prime Minister W.L.M. King, February 12, 1948, W.L.M. King Papers, MG26J4, Vol. 283, File 2965, C195016 - 195018, P.A.C.

These documents illustrate in the first example, the tenaciousness of prewar racism in the Fisheries Department; in the second example, the willingness of newer Cabinet ministers to change those policies; in the third example, the continuing tendency to analyse Japanese Canadian policy under separate headings of "political considerations" and "considerations of justice".

M E M O R A N D U M

Re: Request for the issuance of licenses to British subjects of other than white or native origin in the Northwest Territories.

While it had been fairly well known for a number of years that there were considerable fisheries resources in Great Slave Lake in the Northwest Territories the fisheries there had not been exploited on account of the transportation difficulties and the availability closer to market of adequate fish supplies.

Following investigations by the Fisheries Research Board confirming the fact that fish exist in commercial quantity, the McInnes Products Limited of Edmonton, Alberta, undertook operations in Great Slave Lake on a considerable scale in 1945 and have been operating there each season since that time. It may be added that the regulations permit the taking up to two and one half million pounds of whitefish and trout and one million pounds in the winter on the understanding that any portion of the summer limitation not taken may be added to the winter limitation. Summer operations have been carried on with headquarters at Gros Cap while winter operations are carried on in the Hay River area of the Lake.

The Company has been utilizing as packers, scalers, etc., a number of Canadian citizens of Japanese origin who had, prior to the war, been engaged in fishing in British Columbia. They have not, however, been carrying on any fishing operations which requires licensing.

When the Department's Chief Inspector of Fisheries at Winnipeg, who is responsible for administration in the Northwest Territories, visited that area recently, he was interviewed by a spokesman for a group of Canadian-born Japanese, a Mr. Tak Shikatani. Mr. Shikatani advised the Chief Inspector that from eight to ten Canadian-born Japanese with previous fishing experience in British Columbia would likely take advantage of any concession granted by the Department with respect to commercial fishing licenses.

By Order in Council of January 13th, 1942, P.C. 251, which was enacted under the authority of the then War Measures Act provided that no licenses should be issued to persons of Japanese racial origin and that such persons shall not be



permitted to serve on fishing vessels: This applied to British Columbia only and still continues under the special legislation of last Session.

Prior to the war the number of licenses to persons of other than white or native origin in British Columbia was restricted and the endeavour was that through the years they would be gradually reduced. This restriction was put into effect through the absolute discretion to the Minister by Section 7 of the Fisheries Act to issue or authorize to be issued leases and licenses for fisheries and/or fishing.

On account of their frugal means of living and their acceptance of long hours of work together with their fishing ability, fishermen of Japanese origin would likely make it impossible for white fishermen to compete with them if licensing privileges are granted.

At least so long as the prohibition exists on the Pacific Coast it would, in this Department's opinion, be of doubtful wisdom to grant licenses to such persons in other provinces than British Columbia.

Ottawa, Ontario,  
September 24, 1947.

Stewart Bates,  
Deputy Minister of Fisheries.





Re: Japanese orders under Transitional Measures Act.

The attached letter from Mr. Senior seems to me full of good sense. There are presumably two considerations of which account should be taken in deciding on this matter:

1. Political considerations,
2. Considerations of Justice.

Political considerations

It is argued that opinion in Vancouver is still hostile to the repeal of the orders. There is soon to be a by-election. Why not leave things alone until the election is over?

That might be a sound position if things could be left alone, but they cannot.

When the new Bill is introduced the C.C.F. will bring forward an amendment. It will be easy to devise an amendment that is in order.

To vote for the continuance of the orders will be acutely embarrassing politically to almost all Liberal Members from Manitoba and Ontario, and probably to many from Quebec and the Maritimes. (The influence of the Winnipeg Free Press and its satellites, <sup>of</sup> the Toronto Star

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and Saturday Night, to say nothing of the Churches, will all be on one side).

What about B.C.?

The attitude there has changed greatly, as the recent outcry against the action of the provincial government showed. Probably some so-called Liberals might vote Tory in the by-election. But everyone agrees it is the C.C.F. and not the Tories who are the threat in Vancouver. And it might well prove that many genuine Liberal votes would be thrown to the C.C.F. on a fundamental issue like this. ?

Moreover, everyone knows the orders must be repealed sooner or later. If action were taken now, the effect on the anti-Japanese sentiment would probably be largely gone by the time of the by-election, whereas those who feel fundamental Liberal principles have been betrayed are not so likely to forget. ?

#### Considerations of Justice

The original action in interfering with the rights of Canadian citizens exclusively because of their race could only be justified by the acute character of the war time emergency. No one can argue that the emergency still exists in this field. The only possible justification



for continuing the orders is expediency. They are a  
flagrant violation of nearly every fundamental Liberal  
principle and deeply obnoxious to hundreds and, indeed,  
thousands of the best Liberals in the country.

Therefore, it would seem that, while there may be  
arguments of a political character on both sides, even  
there the weight seems on the side of repeal. On grounds  
of justice and on the basis of fidelity to Liberal  
principles, there is only one side to the question.

WST  
12.ii.48

(Letter of C.N. SENIOR TO KING, FEB. 7, 1948 filed  
separately)  
JC.

REPRESS ORDER