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SUBMISSION TO THE ROYAL COMMISSION ON
JAPANESE CANADIAN PROPERTY

ENTERED BY THE

NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION

84 GERRARD STREET EAST, TORONTO, ONTARIO

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To the Honourable Mr. Justice Henry Irvine Bird,
of the Court of Appeal of British Columbia,
Commissioner:

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations throughout Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

The decision of the Federal Government to appoint the present Royal Commission to investigate and report on claims for property losses incurred by persons of Japanese ancestry as a result of their evacuation from the coastal areas of British Columbia during the year 1942 has been received by this Association with deep gratification. In taking such action, it is believed, the Government is moved by its desire to extend a reasonable measure of compensation wherever possible to those individuals who were called upon by the emergencies of war to assume a burden of financial sacrifice so much heavier than that borne by the national community at large. The Association accordingly has sought to co-operate at all times with the Commission in its admittedly difficult task of evaluating these losses. It has prepared and distributed claim forms, assisted where possible in the filling out of such forms, provided interpreters and information, and in general worked in close liaison with the Co-operative Committee on Japanese Canadians in Toronto.

It is not intended in this submission to consider individual claims for property losses. Rather it is proposed to outline for Your Lordship's consideration such background material and general information as appears relevant to the problem. These are discussed under the following three heads:

- (1) The economic progress achieved by the Japanese people in Canada during the half-century preceding 1942.

(2) The conditions under which the Japanese people were evacuated from the coastal areas of British Columbia during 1942.

(3) The various factors suggested for consideration in determining "fair market value" under the terms of reference of the present inquiry.

PART I

ECONOMIC PROGRESS

Immigration and Settlement

When, early in 1942 and under the grim compulsion of global war, the Federal Government finally decreed the complete removal of the Japanese Canadian minority from the British Columbia coast, it brought to a drastic and disruptive end a half-century's advance towards economic security and success. The story of the struggle of that half-century, beginning with the early arrival of eager, though bewildered young men, is an intensely human one, beneath all its political, social and economic ramifications. It cannot, of course, be related here in detail: but it is essentially the self-same history of many other immigrant groups from the Old World to the New -- a story of extravagant hopes and prospects quickly deflated by the press of unexpected reality; a gradual acceptance of and adjustment to actual conditions; a transformation from hopes of easy and quick success into the determination to build for the future; a compelling impulse to rise to higher economic and social status; and through the long process, the steady, inevitable sinking of roots deeper and deeper into the new soil. All this was as true of the Japanese immigrants as it was of those from across the Atlantic. And it is against a background such as this that the economic aspects, no less than the psychological implications, of wartime evacuation may properly be assessed.

The early migration of Japanese to Canada was a part of the general wave of emigration from Japan consequent upon the opening up of that country by American forces in 1854. By 1890 a small number of immigrants had pressed on beyond Hawaii and the American state to engage in the salmon fishing of the Fraser River. From that date the province of British Columbia itself, only two decades previously linked by its first railway to eastern Canada, entered into a period of rapid expansion and development. The great inflow of capital from

Great Britain into the Dominion reached west across the Prairies, pushing new rail lines through the mountains to the Pacific and tapping the rich resources of the coastal area -- the salmon fishing, the coal mines, the virgin forests and the rich farm lands of the Fraser Valley. This rapid development created a peak demand for manual labour, a demand which, as Young, Reid and Carrothers have pointed out, could not be met by immigrants from the remote Atlantic seaboard. The Orient alone could provide the men to do the "spade work" and between 1896 and 1908, about 26,000 immigrants came to British Columbia, often lured by the promise of high wages and the fantastic stories of great wealth. Thousands came by arrangement of the Japanese emigration companies which operated under contract from Canadian concerns. Two of the largest such concerns, W.L. Mackenzie King officially reported in 1908 in his capacity of a Royal Commissioner investigating "methods by which Oriental labourers have been induced to come to Canada," were the Wellington Colliery Company and the Canadian Pacific Railway. These are names highly suggestive of the contribution by these immigrants toward the early economic development of the Province.

Of the large number of contract workers who arrived up to 1908, however, many remained in Canada a relatively short time. Some moved on to the United States before 1901. Some had come only as seasonal workers. Many others returned to Japan in thorough disillusionment, not only with the hard fact of their economic servitude, but also dismayed by the early agitation and prejudice directed against them. For throughout this period of rapid immigration, public unrest and opposition had been growing steadily stronger. It culminated finally in the riot of 1907, which led to the first concrete restriction of Japanese immigration into Canada. This was effected by the first Gentlemen's Agreement of 1908, under which Japan agreed to permit only the following four classes of people to emigrate to Canada: (1) returning immigrants and their wives and children; (2) emigrants specially engaged by Japanese residents in Canada for bona fide personal or domestic service; (3) labourers under specifically-worded contracts

approved by the Canadian Government; and (4) immigrants brought in under contract by Japanese resident agricultural holders in Canada. A total annual quota of 400 persons was fixed for all but the first group. In 1924, the agreement was modified to reducing the quota to 150 persons. In 1928 a further limitation was introduced (extending the 150 maximum) to include the wives and children of Japanese residents in Canada within the quota limitation. The 1928 revision continued in force until the outbreak of the war, but actual immigration remained well below the limit. From 1933 to 1940 the average number of new immigrants was less than 80 in each year.

While the total volume of immigration was thus substantially limited in three important stages, an even more significant change took place in the character of this immigration. Prior to 1908 the movement to Canada had consisted, as in the earlier instance of Chinese immigration, almost entirely of adult men. But subsequent to the first agreement the number of female arrivals exceeded that of male immigrants in almost every year up to 1940. The consequences of this change are clearly reflected in the composition of the population in each census year. In 1901 the census reported 4,700 Japanese in Canada, all of whom were male; in 1921 there were 10,500 males and 5,300 females and of the total number, 4,300 were children born in Canada. By 1931, these figures had changed to 13,000 males and 9,200 females, including Canadian-born children.

These changes in the character of immigration and in the composition of the Japanese population were both reflections of, and important influences upon the economic progress of the immigrant group. Migration from Japan had begun as a transient movement of young, adult males hoping for quick and early fortune. Thousands who came to Canada remained only very briefly once they learned the actual prospect. But those who remained did so with serious intentions of permanent settlement. These intentions found concrete expression through the immigration of women and the establishment of normal family life. In turn these developments were stabilizing influences of the greatest impor-

tance. The compelling drive of family responsibilities gave full play to inherent attitudes of thrift and industry coupled with an insistent urge for economic self-improvement.

This economic advance followed a familiar pattern. First the immigrants accepted the status of unskilled workers, floating from job to job and camp to camp, receiving the lowest wages. Then came the gradual acquisition of skill and knowledge, the command of higher wages and accumulation of capital. This was followed by an initial investment in some kind of productive resources and the establishment of permanent homes. In turn, an initial investment led to further capital accumulation and investment in further capital resources. These were distributed for the most part among modern fishing boats and equipment, market gardens and small farms, urban mercantile or service businesses, and processing and manufacturing establishments of various kinds. For those who remained in the wage-earning group, there was a strong tendency to shift from the extractive and mobile stages of industry, such as the logging camps or railway section gangs, to more fixed and stable employment, such as in the pulp and paper mills or the sawmills in larger centres with wider employment opportunities, where normal homes could be established and school facilities for children obtained. In general the case histories of hundreds of Japanese Canadian families settled in Canada for over thirty years reveal the repeated story of an upward struggle for economic stability or self-sufficiency, -- an economic independence offering in some degree protection from the vagaries of employers and discriminatory policy and from complete destitution in times of economic depression. It will be of value to note some of the highlights of this occupational picture as it obtained at the time of evacuation.

Occupational Distribution

Young, Reid and Carrothers have provided us with a concise description of the economic advance of Japanese immigrants, noting particularly how the range of activities undertaken gradually expanded.

"In four decades the Japanese immigrants covered by the survey extended the range of their economic activities from six occupations in 1893 to over sixty by the end of the period. During the early years they were concentrated in industries involving heavy labour and a moderate amount of skill, such as lumbering, fishing, mining, railroading and domestic service. They gradually moved out of the occupations and industries through which they entered the economic life of the Province, into farming on the one hand, and occupations of a commercial and service nature on the other, such as clerks, proprietors of stores, restaurants and rooming houses, and business and the professions. The shift from the major industries to the commercial occupations occurred particularly in the twenties when expansion in fishing, lumbering, mining and railroading came to an end and a decline set in, partly because of the agitation and discrimination against the Japanese in these industries, but also because the Japanese like other people were seeking better conditions and a higher social status in the community."

In 1941, the Federal Department of Labor reported the following distribution of occupations applied to all Japanese Canadians gainfully employed fourteen years and more:

TABLE I OCCUPATIONAL DISTRIBUTION OF JAPANESE CANADIANS IN B.C., 1941

<u>Occupation</u>	<u>Percentage of All Japanese Canadians</u>	<u>Percentage of Total Gainfully Employed</u>
Agriculture	18.8	3.9
Fishing	16.3	15.0
Labourers (n.e.s.)	14.7	5.1
Manufacturing	13.4	2.5
Services	12.9	1.8
Trade	8.4	2.4
Lumbering	8.3	5.1
Transport & Communication	2.9	.9
Clerical	2.1	.7
Miscellaneous	2.2	--
All Occupations	100.0	2.8

Source: Canada Department of Labor, "Report on Japanese Affairs," 1944.

Agricultural Expansion

It will be noted in the foregoing table that by 1941 agriculture was the most important occupational endeavour of the Japanese Canadian group. During the previous two decades, more and more of the early immigrants had accumulated the necessary capital to purchase small land-holdings and had turned to farming as a securer means of livelihood. With limited capital resources they were unable to acquire developed farms in well-settled areas. Almost without exception they took up uncleared land lacking the advantages of location and access by main highways. But over the two decades many of these backroad, marginal holdings were built up and developed into fertile farms of high productivity, and as settlement pushed back further and further, they gained steadily in value.

In taking up land for farming, the settler's first task was to cut down trees and brush to clear a spot large enough for home and garden. The original cost of the holding and the assessed value were usually low because of the poor condition of the roads and the relative abundance of wild, undeveloped land. With the digging of drains and building of irrigation systems, the gradual clearing of more and more land, the adding of auxiliary farm buildings; the farms were steadily improved. As settlement increased, roads were improved and gravelled; power and telephone services were brought in, often financed by the individual farmer; rural mail was provided; and the railway station hamlets increased in size and services.

New crops were planted and land productivity was increased from year to year as farmers instituted crop rotation and diversification, developed new methods of tillage, and improved the varieties of plants. Co-operative marketing and buying services were organized to bring better returns for produce sold and to effect savings in essential purchases. Co-operative organization was extended to processing and canning, particularly of small fruits, the most important product of many Japanese farmers; and some protection was thus provided against

the fluctuations of the market. By these methods the farmers, acting in concert, were able steadily to increase their cash income.

While rapid advance was being made in farm development, both in expanded acreage, improved crops and produce, and in better marketing facilities, most rural municipalities adopted a policy of giving every encouragement to farm improvement. As a general rule, assessed values of farms were low in the first instance, largely because the land was non-producing. They were not increased in any way commensurate with the increased productivity nor the values of the farms resulting from the improvements. Some municipalities, in fact, maintained a lower tax rate on improved land than on wild land in order to encourage such development. Thus in 1942, the Municipality of Maple Ridge had a general tax rate on improved land of 16 mills in contrast with the rate on wild land of 30 mills.

It is, of course, well known that specialization based upon intensive agriculture was a major characteristic of this period of expansion enjoyed by Japanese Canadian farmers. Forces of economic necessity and occupational aptitude had induced a strong concentration in the small fruits industry. A secondary concentration occurred in the greenhouse industry, while individual operators built up important and substantial poultry farms, market gardens and nurseries. In these particular farm avenues the Japanese farmers were aided not only by habits of unremitting industry, but also by the fact that their families of growing children in many instances had reached the age when they were able to make an all-important labour contribution to the building up of the family enterprise.

The Fishing Industry

The Japanese in Canada have had a long association with the fishing industry. The fact that they have held a relatively prominent position in this field (see Table I) has led to some strong agitation by others similarly engaged.

It should not be overlooked, however, that the entry of the Japa-

nese fisherman was a critically important factor in the development of the industry to the point where it became one of basic importance to the British Columbia economy.

It appears a historical fact that the development of the industry would have been retarded if it were not for the Japanese immigrants who brought certain valuable experience from their homeland.

At a later stage when competition became more intense and the dependence on immigrants lessened with the entry of later arrivals, a very strong movement arose to restrict the activities of the Japanese fishermen.

Successive attempts to reduce licenses to the Japanese were substantially effective, until in a period just before the war, less than 15% of licenses issued were held by fishermen of Japanese ancestry. Notwithstanding this small percentage, however, the efficiency of this particular group had developed through many years of experience and they continued to be an important factor in production.

The Japanese fishermen in the course of time had acquired the best possible types of boats and equipment, and thus at the time of evacuation their capital investment was substantial.

The increasing mechanization in the industry, over the period of several decades, for instance, had seen the transformation of oar-propelled boats to gasoline and diesel boats together with modern drums for reeling in nets. Considerable investments were made in the various kinds of nets to be used with varying conditions of season and water levels.

The fact that Japanese fishermen were faced with restrictions (not applying to other fishermen) -- such as not being allowed to move from one fishing district to another -- made it necessary for them to improve their techniques to the highest level possible, and this involved high investment for the best type of equipment.

The early fishermen were not discontented with the living quarters supplied by canneries -- such as shacks along the Steveston dykes, but as they gradually absorbed the influence of western cul-

ture and their Canadian-born and Canadian educated children grew up, they made increased efforts to improve their living conditions. Even in the unpicturesque cannery-provided houses, it became not unusual to find good quality home furnishings.

Development in the fishing industry was, of course, accompanied by boat-building, canning and processing industries which employed a considerable number of Japanese.

The Japanese are credited with the development of the herring fishing and salt herring industries.

Lumbering and Wood Products

The more important communities where the Japanese were employed in lumbering were Vancouver, New Westminster, Fraser Mills, Mission City, Woodfibre, Ocean Falls, Port Alice, Alberni, Royston, Fanny Bay and Courtenay.

There was a trend over a period of years for workers in forest products industries to move to more fixed sawmill industries in order to enable them to make homes, and secure education for their children, whereas in the earlier days they were willing to accept the lot of migratory forest workers.

This was true especially in Vancouver, New Westminster, as well as the smaller centres of Chemainus, Duncan, Port Hammond, etc. Even when the workers went into the woods for employment, they maintained homes in adjacent centres. As with the fishermen, the stimulus of Canadian-educated children made itself felt in the desire for better home furnishings and comforts for the home.

Some of the forest workers eventually became fairly large logging operators and by 1933 there were some fourteen such operators in British Columbia. The following table gives the extent of these operations:

TABLE II INVESTMENT AND ANNUAL PRODUCTION OF JAPANESE LOGGING
COMPANIES IN BRITISH COLUMBIA 1933

<u>Name of Company</u>	<u>Capital Investment</u>	<u>Annual Production</u>
Fanny Bay Logging Company	\$ 200,000	\$ 135,500
Deep Bay Logging Company	200,000	135,500
Cartwright Bay Logging Company	40,000	67,500
Highland Logging Company	20,000	35,000
Feelmore " "	10,000	54,000
Stolts " "	4,000	13,000
Taniguchi " "	15,000	40,000
Takahashi " "	500,000	570,000
Maeda " "	6,000	20,000
Uyenaka " "	25,000	60,000
Channel " "	20,000	31,500
Mission " "	8,000	23,000
	\$1,048,000	\$1,185,000

Source: Records of the Japanese Consulate, Vancouver (The Japanese Canadians by Young and Reid).

Commercial Developments

At first the Japanese immigrants looked for employment in the Province's basic industries of fishing, agriculture, lumbering and in various unskilled employment, but there was soon a trend towards settling into urban communities where they started modest retail and service establishments.

In 1931, 907 trade licenses were issued to persons of Japanese ancestry in the coastal areas.

In Vancouver, there was some publicity over the fact that a trade license was issued to one out of every ten Japanese, when the average for the city was one for every twenty-one persons, and there was some talk of restricting the number of trade licenses to Japanese.

Such a step, of course, would have been a fairly serious blow to a group who found themselves faced with restrictions in almost every field of employment into which they ventured.

The importance of the large part of these Japanese-operated

business establishments did not lie so much in the amount of business transacted or the investment represented as in the fact that they provided a livelihood for many individuals who were not fitted for any other type of employment.

The shopowners, the shoemakers, the carpenters, were often the people who had spent the more active part of their life engaged in physical labor, who had accumulated two or three thousand dollars to provide for an independent livelihood when they were no longer capable of hard work. That they found themselves turning to commercial enterprises on a small scale reflected too the lack of employment opportunities requiring less physical strength and suitable to the more elderly group into which the earlier immigrants were emerging.

These small business enterprises for the most part did provide a living, and in more cases than otherwise, represented the sole security for the family until the children were old enough to support the family. Probably because these businesses represented so much to the individual shop owners, and partially too because of their reluctance to depend on public welfare organizations, business failures were extremely rare even during the worst periods of the depression years, and very few families went on relief.

With the evacuation, this unique economic structure was broken down.

It is rather important to bear in mind when considering the valuation of the Japanese business enterprises to note two factors:

(1) These businesses had, to the Japanese, a peculiar intangible value in addition to what may be represented in financial terms -- a value, which they were required, to ignore altogether in making their claims. This intangible value lies in the fact that these small commercial enterprises were the only tangible means of security and livelihood known to its owners. They represented a goal reached after many years of toil.

(2) The years immediately before the war when the nation was

getting back on its feet after the depression seemed to have coincided with the period when a large number of Japanese enterprises had reached the stage of having become established. In other words, the generally favourable outlook for the future which the Japanese businesses faced at the time of evacuation did reflect, but is not altogether attributable to the generally increased tempo of economic activity which was beginning to make itself felt at that time.

PART II

GOVERNMENT POLICY AND THE PROPERTY PROBLEM

The Development of Evacuation Policy

The introductory section of our submission to the Royal Commission has been devoted to a summary description of the overall economic status of the Japanese minority, noting especially the development of that status and of social stability over the years. This second section is concerned with an attempt to trace the highlights of the unfolding policy introduced by the Federal Government in dealing with the repercussions on the domestic front of the disaster at Pearl Harbor, and particularly with those aspects of policy bearing directly upon the property problem.

It is, of course, well known that the prospect of the War in spreading to the Pacific Area after 1939 had caused keen concern and widespread popular agitation centered upon the 20,000 persons of Japanese ancestry settled on the British Columbia coast. The tensions and prejudice, which trace their roots back to the early history of the minority group, had once again been raised to a high pitch. So acute was the war agitation that the Federal Government late in 1940 undertook steps to ease the situation by appointment of a special committee of inquiry. In January, 1941, the Prime Minister tabled the report of the Committee which urged the importance of checking irresponsible attacks upon the Japanese in British Columbia "as an integral part of civil security and national defence." The Prime Minister announced that a special registration of all persons of Japanese origin would be immediately undertaken by the federal police as a key supervisory measure. He further announced the appointment of a small Standing Committee composed of representatives of the military, the federal police, and civic and legislative authority to advise the Government upon the developing situation. These measures, it was widely felt, contributed an important stabilizing influence not only

during the months of increasing international tension of 1941, but also during the few weeks of relative calm immediately after Pearl Harbor.

A review of the events of the critical three months up to March, 1942, however, makes it clear that the wholesale evacuation was in no wise conceived as a conscious policy from the beginning; nor were plans of any kind formulated to deal with all the ramifications of this tremendous disruption until after the decision had been forced upon the Federal Government.

The initial action of the Government was to add to its supervisory, precautionary measures. Some forty Japanese nationals were detained under the Defence of Canada regulations, most of whom were cleared and released from custody within a year's time. Under advisement of the police, the Japanese language schools and newspapers closed down voluntarily. Shortly thereafter, the special registration was made compulsory and tightened up under a new order-in-council; and policy was formalized to prohibit the operating of the fishing boats, which had already been impounded as an emergency measure.

Public opinion in its initial reaction was inclined to accept this precautionary phase as adequate, but only for a brief period; and by the middle of January the Government had evolved a more stringent, but still moderate policy. The announcement of January 14, 1942, made known the intention of the Government to undertake partial evacuation, by establishing a "protected area" from which "all enemy aliens" would be excluded. Strict surveillance of all Japanese nationals was to be continued, with added prohibitions on the use of short-wave radios and cameras. And it was proposed that the exclusion of Japanese Canadians from the Armed Forces should be continued, but provision made to set up a special Civilian Corps. In implementing this policy, the Minister of Justice on February 5, 1942, ordered all male enemy aliens of 18 to 45 years to leave the protected coastal area.

Acceptance of "partial evacuation", however, proved only momentary. By the middle of February a widespread campaign urging complete

evacuation was in full swing. Pressure was both organized and popular, and bowing before the irresistible flood a drastic change in policy was finally adopted. On February 26, Orders-in-Council were made public announcing the new situation. All prohibitions with regard to a number of special articles such as radios and cameras were extended to Canadian citizens as well. A curfew regulation was introduced confining everyone to their homes between sunset and sunrise. And every person of Japanese race, citizen and alien, male and female, young and old, was ordered "to leave the protected area forthwith."

Evacuation Movements

As previously stated the protected area was designated on January 29, 1942, and on February 5, 1942, Japanese nationals of 18 to 45 years were ordered to leave the area by April 1. On February 24 the exclusion order was revised and extended to order out all persons of Japanese ancestry forthwith. Following the exclusion order for Japanese nationals on February 5, two weeks later work camps were authorized on February 19, 1942 -- a week prior to the total exclusion order.

Except for the property of interned persons which came under Regulations Respecting Trading with the Enemy 1939, no public agency was available at this stage for the protection of Japanese property, other than fishing vessels which were subject to the divided authority of several Government agencies. When men were ordered to leave for road camps no provision was ready to care for their property. It was not until March 4, 1942, that the Custodian of Enemy Alien Property was given jurisdiction under Order-in-Council P.C. 1665. This official, however, for the first several months provided no physical facilities and confined his activities to receiving reports on property from Japanese persons as they were transported from the protected area. No advice was forthcoming as to public facilities and no central storage depots were provided. Because statements had been made that baggage was restricted to 150 pounds per adult and 75 pounds per child, al-

though in actual practice more was permitted, most of the property and belongings were left behind in homes. It had also been stated that freight and any amount in excess of the allowance would be charged to the owner.

For a large number of persons from areas outside the City of Vancouver, the removal had two stages; the first was from their homes to Hastings Park Clearing Station, and the second from the Park to Interior British Columbia. Particularly significant are the removal orders of the first stage when persons were ordered from the outlying areas of British Columbia and because of the precipitate nature of the evacuation, in the absence of public facilities they lost a large portion of their household goods and the equipment for their occupation. For example, a former resident of Hyde Creek could do nothing with his household and real property because he was given only two hours notice to vacate. Persons in Cumberland were given a week's notice to move to Hastings Park, and were told that one suitcase and one clothesbag were the only baggage allowed. A person with a rooming house was ordered to a road camp on March 29, 1942; when he refused to leave before settling his business matters, he was interned. A person from Nanaimo reports that he was ordered to Vancouver on twelve hours notice, but because this was physically impossible, he was given two days. During the interval when he was packing his belongings, a soldier followed his every movement. The only baggage he was allowed amounted to two suitcases and one clothesbag.

On March 27, 1942, a New Westminster family was given twenty-four hours notice to leave the protected area. The father and eldest son of the family were already at a road camp, consequently they experienced considerable difficulty in packing.

After reaching Kaslo a former Steveston fisherman sent for his household chattels. When he opened the crates he found that all valuable articles had been stolen.

A person from Georgetown near Prince Rupert states that he was

evacuated on very short notice and was allowed 170 pounds baggage made up entirely of items such as blankets and things for personal use which he placed in one suitcase and one clothesbag. He asked to be permitted to take his trunk with him but this was refused. After he reached Hastings Park on April 4, 1942, he asked that his trunk and remaining baggage be shipped to him. Months later in Slocan he received the trunk and three boxes but when the boxes were opened it was discovered that they were empty and the contents had been stolen.

A person from Qualicum Beach reports that on March 17, 1942 at nine o'clock in the morning he was ordered to take his family out of the area on the train leaving at eleven thirty o'clock. Because this was impossible he pleaded for an extension of twenty-four hours, which was permitted. He was able to take only his bedding with him. During the twenty-four hour period he disposed of his household goods by selling, and otherwise, as best he could at very great loss.

Another person from Qualicum Beach describes the conditions under which he surrendered his automobile in March of 1942. He was ordered on March 11 to deliver his automobile to a representative of the Custodian with the understanding that he would be re-imbursed for all expenses connected therewith. About noon the next day he joined a convoy of Japanese automobiles from Cumberland enroute to Victoria. It reached Victoria about five o'clock that afternoon whereupon registration took until ten o'clock that night. All gasoline and oil was bought by the owner and no reimbursement was made. Further complications arose because of the curfew. He had to take a taxi to the hotel, and also had to meet all expenses.

Cases such as the above were typical, and similar conditions were experienced by the Japanese in their movement from their homes and later again when they reached the interior towns. The economic loss arising from such conditions has affected all the Japanese. Men ordered to road camps, both before and after the Custodian was placed in charge of Japanese property on March 4, 1942, had no facilities for

storing their belongings. The minimum amount of baggage, which they were allowed, consisted only of bare essentials for physical survival; such as, blankets, heavy work clothing, boots, etc.; their other belongings had to be left with their families or stored with friends. Persons interned were able to take even fewer things with them; usually the clothes they wore, a towel and a toothbrush. Their other belongings also were left behind in an indefinite state. When families moved, the accumulated possessions of many years of domestic life were on their hands; with no storage facilities other than their own homes and some community buildings, their predicament was worse. It was out of the question for them to take their possessions to Hastings Park, to the interior towns, or to sugar beet farms in Alberta and Manitoba. Consequently, very little property was shipped and resulting therefrom, because of the attitudes of some sections of the public and because of the general circumstances of the period, a large proportion of these belongings were lost or stolen.

Impact of Evacuation Policy upon Property Administration

A review of the foregoing circumstances points still further to the contention made earlier that evacuation was not initiated on a broad plan nor as a permanent movement. It is only in the light of this fact that the failure of the Government to take adequate steps for the protection and preservation of property can be explained. The Government provided no facilities for the protection of property while the evacuees still remained in the protected area, other than the formality of registration. Caught unprepared, there was forced upon the Government a civilian undertaking of such magnitude and complexity that it was not able to find personnel capable of realizing all the programme entailed. Under the emergency conditions it was called upon to face, it was unable to formulate policies and procedures adequate to cope with the problems as they arose. As a consequence, there was unnecessary suffering and hardship on the part of the people and the loss of economic resources on a large scale.

There had been no previous preparation by the Custodian to include the administration of Japanese property within his organization. The first instructions given the Custodian under Orders-in-Council P.C. 1665 of March 4 and P.C. 2483 of March 27th, 1942, were to assume management and control of evacuee property "as a protective measure only." The first sign that the removal had assumed permanent aspects came with Order-in-Council P.C. 5523, on June 29, 1942, whereunder "protection only" was abandoned and powers of disposition by "sale, lease, or otherwise" of agricultural land was authorized, and again with P.C. 469 of January 19, 1943, when such powers were extended to all Japanese property within protected areas.

Further evidence of the temporary nature of the evacuation programme is given in the provisions of P.C. 3213 of April 21, 1942, where upon the recommendation of the Minister of Justice, the British Columbia Security Commission was empowered to enter agreements with the Government of any province relative to temporary placement of persons of Japanese race for the duration of the war, with the understanding that such persons were to be removed upon the termination of the state of war.

Even as recent as July, 1944, during the course of the debate on a section of the War Services Electors Bill, which deprived certain Japanese Canadians of the franchise for the war period, the Prime Minister in the House of Commons stated that the franchise was denied because the Japanese Canadians were moved as a temporary measure and were to be returned at the end of the war.

From these official statements, the removal would have to be viewed as an undertaking similar to the evacuation of civilians from other war zones and it would not be unreasonable to expect that evacuated persons would be permitted to return to their homes as soon as permitted by military exigency. For this reason, persons spent the short time available storing their personal property, often without crating, in their attics, basements, rooms, barns, etc., and in some

instances did no more than lock the windows and doors as they left. Where quarters were rented, persons without storage space often had to resort to quick sales or to leaving their goods in community halls, temples, churches and schools. Because proper public facilities were not provided, and because they had to resort to makeshift arrangements for storing possessions, the change in policy from temporary removal to permanent resettlement has made a very high percentage of loss inevitable.

Evacuation Programme gave Opportunity for Economic Profiteering

Where occupations had both White and Japanese persons, unfortunately a division on racial lines was promoted as a matter of historical tradition and each group eyed the other as competitor. This was the case in fishing, small fruit growing, and in the small retail trades. It was clearly evident to White groups that a competitive advantage could be gained by making use of war hysteria to eliminate the Japanese entirely from certain occupations. They would benefit from higher prices, the result of reduced supply caused by the removal of the Japanese from the industry and steadily increasing demand for products and services from improved economic conditions.

During the summer^{of} 1942 and 1943, certain White persons who had taken over Japanese berry farms for the season on short leases or purchase, organized the Berry Growers Protective Association and applied to the Government for a subsidy at a time when berry prices were their highest since the first World War. This is an example of the attitude of some sections of the general population at that time. Not content with reaping the benefit from the toil of Japanese berry farmers they wanted to live off the general taxpayer as well. In other fields, it has been freely reported that many articles were pilfered from fishing vessels while impounded. Skiffs and life-boats were stolen, net houses were broken into and nets, gear and equipment stolen or damaged. Automobiles left at designated points were stripped of tools and even inner tubes and tires were replaced by those of poorer quality.

The Custodian's policy to liquidate the holdings of persons of Japanese ancestry without reserve by public auction methods eliminated any possibility of the conditions required for a fair market value being applied. By no interpretation could the seller be classed as a willing seller; moreover, the sales being part of government policy of liquidation were, in effect, compulsory and were to be carried out regardless of price. The only willing person under the circumstances was the buyer who saw that all material conditions were fully weighted in his favour and he was in a position to take full advantage of them. Under the circumstances normal competitive bidding would be discouraged, and sales would be completed at abnormally low prices. The sale price by the Custodian could not, therefore, be regarded as the fair market price.

Problems in Property Management and Liquidation

It is apparent that under the foregoing conditions, Government policy in management and disposal of property did not give adequate and sufficient protection to the owners' interests. The primary function of a custodian is to conserve the assets of the owners. In this case it may be stated that this first function, due to the particular circumstances which obtained, was not successfully fulfilled. Aside from property sold directly by owners prior to the establishing of the Custodian's office, much property which should have been the responsibility of the Custodian was not adequately protected. In regard to household goods and movable property left in the homes before and after the Custodian assumed responsibility, insufficient protection was the cause of large quantities of valuable possessions being lost. In the sale of automobiles, unnecessary depreciation resulted from mishandling and lack of proper care. In addition, sale by auction without reserve, under conditions of forced liquidation, resulted in low-bidding and low prices. Boats and gear also received similar treatment in sales. Real property, businesses and equipment suffered a similar fate for the same reasons.

Some of the most serious examples of property loss and destruction are recorded in the reports of the auditors of the Custodian. They are now a matter of public record. The Proceedings of the Public Accounts Committee, May 8 to June 26, 1947, furnish further information on losses and damage to property.

The auditors for the Custodian, P. S. Ross and Sons, in their report of October 20, 1943, state:

"We understand that many requests have been received from evacuees to have shipped to them at their present address certain articles which, in some cases, have necessitated the unpacking of a carton or other container in order to locate the particular thing or things requested. We were also informed that storage places have on a number of occasions been broken into and containers ransacked, and as a result the belongings of one evacuee mixed with those of another, thus destroying means of identification of ownership with the office records"

Mr. Mathieu, assistant deputy custodian states in his report of January 15, 1947 (page 39):

"It is also true that a certain type of citizen considered the abandoned homes of evacuees an opportunity to engage in theft and vandalism which were in evidence in many cases before our field men or agents had an opportunity of taking charge .

"Even in the better class districts this was in evidence and perhaps an outstanding example may be given in connection with the property owned by the former Japanese consul in the Shaughnessy district of Vancouver. This house was under the control of the protective powers until the capitulation of Japan.

"At the time the property was handed over to us in December, 1945, Mr. K. W. Wright, counsel to the Custodian, and Mr. F. G. Shears, director of our Vancouver office, inspected these premises with Mr. Baeschlin, representing the Swiss government. Every piece of plumbing had been removed, light fixtures and switches had been disconnected and taken away and even leaded glass doors and windows had been taken from their frames and were missing. This had occurred in one of the best districts of Vancouver and according to representatives of both the Spanish and Swiss authorities, the house had been broken into time after time even although it was boarded up after each depredation.

"Our own experience in regard to buildings which had been used for storage was somewhat similar to that of the Japanese consul's house. Breakings-in were frequent, entrance being made in some cases by the use of fire escapes, through windows which were boarded up or covered with a grill or through basement doors.

"It may be of interest to record that a building on East Hastings Street, registered in the name of a Japanese association and which certain Japanese had filled with chattels, was left by them in the care of Messrs. Norris and McLennan. Upon request for the shipment, through the Security Commission, of some of the contents of this building, we requested Mr. McLennan to accompany one of

our staff to the building for the purpose of selecting the goods required for shipment. Finding it impossible to open the front door, access was made through a rear entrance when it was discovered that thieves had entered by the front door and had then barred it from the inside with planks. The place had been ransacked, lids of boxes torn off and the entire contents scattered over the floor....."

Although these reports are undoubtedly familiar to Your Lordship, the above quotations are given at length because of their importance. It was partly as a result of the above information to Members of Parliament that the whole matter was referred to the Public Accounts Committee which undertook a thorough investigation of the terms under which Fraser Valley farm lands were sold to the Veterans Land Administration. This investigation revealed that agricultural lands were evaluated following Order-in-Council P.C. 5523 of June 29, 1942, at \$ 911,156.00, and sold for \$ 893,390.00 in the face of assessment values which totalled \$ 1,250,000.00. It is submitted that as a general practice in this area, assessed value is a determination selected for taxation purposes. In some cases, they were below original cost and in most cases certainly far below market value. Although this was a general policy in most municipalities the Veterans Land appraisals were 2 per cent and assessed values were as much as 40 per cent, above sale price.

The Proceedings of the Public Accounts Committee, May 12, 1947, at page 114, show that the spot valuations of the Advisory Committee to the Custodian of May, 1943, compared with assessed value and Soldier Settlement valuation for seventeen properties, as follows:

Soldier Settlement valuation	\$ 28,232.00
Assessed value	\$ 31,119.00
Advisory Committee valuation	\$ 43,100.00

The Advisory Committee valuations for the seventeen properties in this instance were 39 per cent above assessed value and 53 per cent above Soldier Settlement valuation. This will indicate that Soldier Settlement valuations were far too low.

On page 115 of the Proceedings, a list of forty-three properties

withdrawn from the Veterans Land Administration offer until matters of title were cleared, and subsequently advertised and sold by the Custodian, is given as follows:

Veterans Land Administration appraisal	\$ 39,571.00
Veterans Land Administration offer	\$ 38,876.00
Custodian appraisal	\$ 73,312.00
Custodian sale price	\$ 82,183.50

It is noted that the Custodian appraisal was 90 per cent and sale price was 112 per cent above the offer made by the Veterans Land Administration. This would indicate further that the Veterans Land Administration transaction was not made on the basis of free trading and fair market price. Therefore it is submitted that prices received from the sale of these farm lands should be examined with this condition in mind.

Furthermore, when the final offer from the Veterans Land Administration was lower than appraised value, all amounts were uniformly scaled down without attention to individual cases. In view of this administrative action, it cannot be stated that either the Advisory Committee to the Custodian, or the Custodian, had proceeded in the sale with a view to getting the owners a fair market price when entertaining offers from the Veterans Land Administration. Accruing losses to Japanese owners would, therefore, be substantial, and legitimate claims before the Commissioner will be for sizeable amounts.

Even in the case cited above, there is no indication that the \$ 82,000.00 total figure, the selling price of the Custodian was the fair market price. It is re-emphasized that the circumstances surrounding these cases would encourage low-bidding. Compulsory sales over the protest of owners would allow buyers to withhold high offers and yet acquire the desired property.

Sales of this type are unprecedented; there was no recourse to arbitration, nor any appeal to the courts as provided under the War Measures Act in cases of expropriation by the Crown.

PART III

EVALUATION OF PROPERTY

It is not intended here to discuss at length the technical legal aspects of the terms of reference of the Royal Commission, which it is felt, will be adequately and fairly dealt with by Your Lordship with the assistance of Counsel for the claimants and for the Government. We realize that the task of evaluating the losses suffered by the claimants is an extremely difficult one, requiring infinite patience and skill, and above all an appreciation of the human and economic aspects of this unprecedented forced movement. This work is not made easier by the emergency nature of the evacuation as described above or by the fact that six years or more have now elapsed since that time and that the claimants are now scattered in almost every province of the Dominion.

It is felt that the determination of "fair market value" under the terms of reference is an economic problem as well as a legal one, involving consideration of such factors as original cost, replacement cost, prospective earning power, general price levels, and the existence or non-existence of an open market free from compulsion. In order, therefore, that every claimant can be treated fairly we respectfully urge that as a minimum condition the factors set out below should be considered, depending on the type of property for which a claim is made.

(1) Urban Real Estate - Land

- a. Sales realization from adjacent parcels sold freely at about the same time.
- b. Assessed value of the specific parcel adjusted by the average relation of assessed value to the sale price for comparable parcels in the same or comparable locality.
- c. Earning value assuming the parcel is to be developed to the highest usefulness possible in its location.
- d. If the land is occupied by old buildings, the fact that present earnings may not be a good criterion of probable future earnings when the old buildings are replaced with

modern structures, perhaps designed for more appropriate uses from the point of view of the land location.

- e. Trend of market value of adjacent land as reflection of environment factors on probable future earnings.

(2) Urban Real Estate - Buildings

- a. Assessed value of buildings adjusted by the average relation of assessed value to the sale price of comparable buildings in the same or comparable locality.
- b. Original cost and replacement cost of buildings.
- c. Earning value based on past experience and prospects in the future.
- d. Evaluation of other pertinent factors such as exceptionally favourable leases, working capital employed in administration of building, nearby developments which affect the value, etc.

(3) Farms

- a. General level of farm values from recent sales records of comparable farms in same locality.
- b. Original cost, depreciation, and replacement cost of buildings and other fixed improvements.
- c. A farm being both a productive unit and a home, a number of special factors to be given careful consideration in each individual case: e.g.,
 - i. kind of crops that can be grown advantageously on the soil.
 - ii. extent to which fertility of the soil has been depleted or built up.
 - iii. character of road system serving the farm.
 - iv. accessibility of markets for each possible crop.
 - v. annual rainfall or source and cost of irrigation water.
 - vi. nature and abundance of water for stock and domestic use.
 - vii. adequacy of natural and artificial drainage.
 - viii. character and adequacy of fences.
 - ix. accessibility or approach of rural electric lines.
 - x. aesthetic setting of the farm home.
 - xi. annual tax rate.
 - xii. social character of the neighbourhood.
 - xiii. educational facilities available.
 - xiv. alternative uses to which all or part of the farm could be put.

xv possibility of future revenue producing activities of importance, such as site for waterfront development, highway, powerline, tourist resort, etc.

(4) Business Enterprises

- a. Original cost and replacement cost of physical assets (buildings, machinery, equipment and land).
- b. Historical and reproduction preliminary-expense value: This includes the fair capital allowance for the necessary expenses incurred in the organization and promotion of the enterprise.
- c. Going-concern value: The element of value in an assembled and established business doing business and earning money, in comparison with one not thus advanced. The value element is the present worth of the near-future earnings of the going plant during the period required to duplicate the enterprise and place it in operation.
- d. Goodwill value: This is something different from going-concern value. It was succinctly stated by Lord Eldon in 1810 as "the probability that the old customers will resort to the old place". The unit of measurement of goodwill value is one-year's purchase of the excess of the profits of the business over reasonable interest on the fair value of the property. The number of years by which the unit value is multiplied in individual cases depends on the kind of business involved.
- e. Other intangibles: These may include favourable leases, contracts, options, trade secrets, trade names, patent rights, copyrights, etc. where they are present.

(5) Fishing Vessels and Gear

About the same list of possible elements of value exist as noted above for other business enterprises. In addition, a factor of great importance in 1942-43 was the practical impossibility of replacing these physical assets under the existing conditions of very short supply.

(6) Automobiles, Radios, Cameras, and Firearms

- a. Replacement cost.
- b. W.P.T.B. price ceilings.

(7) Household Chattels and Other Personal Property

- a. Replacement cost.
- b. Intrinsic and sentimental value not replaceable.

PART IV

CONCLUSION

This submission has been concerned with drawing to the attention of Your Lordship certain background material which we believe is directly relevant to the issue under consideration by your Commission. It would appear that in spite of careful, painstaking investigation and deliberation, many practical and imponderable difficulties stand in the way of achieving a precision of just and reasonable awards. In the alternative, we respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited.

The first part of our submission has sketched the historical background of Japanese immigration into Canada, noting the conditions of their early arrival and employment in this country. In common with most immigrant groups, their's was a struggle over the years to establish economic security. In this struggle they were motivated not merely by individual self-interest, but even more important by the fact that the immigration of women had brought about a fairly balanced population and a family structure was rapidly built up. Homes were necessary for families. And growing numbers of immigrant fathers sought stability of income and employment, as well as a necessary advance in economic status. In general this provided a strong motivating force to accumulate savings and to establish self-owned enterprises whenever possible.

By the end of the first four decades of the century, the immigrants from Japan, first generation fathers and mothers, were reaching an established status in years, and large numbers of their Canadian-born children were achieving maturity. These joined the ranks of productive workers, and family income in the years immediately preceding the evacuation of 1942 increased rapidly. Increased income led in turn both to acquisition of durable consumer goods such as home furnishings,

radios, electrical appliances, automobiles and chattels, which Canadian-educated children looked upon as necessities; and to increased investment in capital goods such as improved housing, larger farm acreage, farm equipment, expanded commercial premises, and fishing vessels and gear. An overall conclusion was that the standard of living of the immigrant group was rising rapidly, not only because of improved economic conditions, but also because of the advancing productivity of the people themselves.

The second part of our submission has reviewed the course of evacuation policy, noting particularly how the problem of property management and subsequent disposal was thus influenced. The first programme adopted by the Federal Government was a moderate one, contemplating the exclusion from the "protected area" only of male enemy aliens between the ages of 18 and 45 years. But public pressure led over the course of a brief six weeks to the adoption of far more extreme measures, the carrying out of which imposed an extremely heavy burden upon unprepared administrative agencies of the Government. Particularly was this true of the Custodian's Office which was suddenly called upon to provide for the effective management and control of all the real and personal property of 21,000 people scattered up and down several hundred miles of British Columbia coastline. Moreover, when wholesale evacuation was first initiated, it was not looked upon as a permanent movement. For this reason neither the evacuees themselves, nor the Government itself, realized that extensive precautions were necessary for the protection and preservation of their property.

Not least of all the actual mechanics of the evacuation contributed to extensive losses. In many cases only very brief notice to move was given, necessitating hasty and precipitate action. With no storage facilities, and with restrictions on baggage permitted for transport out of the protected zone, large quantities of personal property was stored under makeshift arrangements. Possessions could

not be taken to the Hastings Park Clearing Station in Vancouver, to the Interior Towns, to sugar beet farms, road camps or internment camps, but often had to be left behind to an indefinite future. The overall picture was one of a large group of people engulfed in a crisis beyond their control. Confusion, rumour and counter rumour, doubt and dismay were acute psychological characteristics which precluded rational behavior. The Government itself was unable to offer adequate mechanical facilities to meet the confusion of the emergency situation, or to give needed encouragement and advice.

However, concerned the Custodian's Office actually was in protecting evacuee property, substantial losses were inherent in the entire situation. Reports of the auditors for the Custodian indicate that theft and vandalism of the property were not uncommon in the City of Vancouver. It is likewise indicated that real and personal property in the outlying areas and isolated camps, as well as in the farming areas of the Fraser Valley were subject to equal, if not greater, destruction and theft. In the actual process of liquidation, a wholly abnormal and unprecedented situation was created. When goods and chattels were sold at continuing public auctions, it was clear that the normal conditions of free trading did not apply. Because it was known that liquidation would be effected without reserve, bidding could not be described as competitive, and auctioneers, working on a commission basis with minimum prices, tended to seek rapid disposal of goods in large quantities rather than adequate unit prices. The Proceedings of the Public Accounts Committee contain information which indicates that transactions between the Custodian and the Veterans Land Administration in regard to Fraser Valley farm lands were not resolved on a basis of "fair market value." Nor can the wholesale liquidation of a large number of urban holdings within a short space of time be regarded as a normal procedure guaranteed to maintain the property rights of the owners.

In the third section of our submission, we have attempted respectfully to suggest to Your Lordship some of the considerations

entering into the problem of valuation as being of concern to the evacuee claimants. It would appear that many relevant questions, including prospective earning power, are involved in the determination of value. Conditions and approaches differ with the different classes of property, compelling a wide economic review. The needs of property valuation are, we most earnestly submit, of a very broad nature which find their parallel in the comprehensive appraisal of all the many varied factors involved in wartime evacuation.

Respectfully submitted,

THOMAS K. SHOYAMA, President,

GEORGE TANAKA, Executive Secretary,

National Japanese Canadian Citizens
Association,

84 Gerrard Street East, Toronto 2, Ont.

November twelfth, Nineteen hundred and forty-eight.

COPY

T. UMEZUKI
THE NEW CANADIAN
479 QUEEN ST. WEST
TORONTO, 2-B, ONT.

OCT 12 1950

Ottawa,
October 5,
1950.

George Tanaka, Esq.,
National Executive Secretary,
Japanese Canadian Citizens Association,
National Headquarters,
61 College Street,
Toronto 2, Ontario.

Dear Mr. Tanaka:

Your letter of September 23, with the accompanying brief on behalf of the Japanese Canadian Citizens Association, was brought to my attention on my return to Ottawa.

The government appointed a Royal Commission to enquire into the claims of the Japanese Canadians and to ascertain what would be fair and just under all the circumstances to the Japanese Canadians and to the Canadian public generally. The Commission recommended that a certain sum of money be paid to the claimants. The government has concurred in the recommendations and money has been made available to meet the claims. In carrying out the recommendations of Mr. Justice Bird we feel we have discharged our obligations both to the Japanese Canadians and to the general public.

Yours sincerely,

(signed) Louis St. Laurent

IF UNDELIVERED RETURN TO

LEW S. HEIN
THE GREAT-WEST LIFE ASSURANCE CO.
AT POINT OF MAILING

66 KING ST. WEST TORONTO ONT

Handwritten Japanese text on the left margin, including the characters '人に五' (to person five) and '政治' (politics).

OCT 14 1950

『政府は責任をはたした』

市協のブリーフに對する首相の返事

九月廿三日付で全加市協からオタワ政府のサンロラン首相に宛て提出した賠償問題に關するブリーフに對し首相は十月五日付で市協に返事をよこしたが、それには「政府は有らゆる事情の下に於て日系人とカナダ人一般にとつて公平正義であるべきことをたしかめるためにローヤルコミッションを任命して調査させ、その進言に基いて賠償を支拂うことになつたので政府としては日系人とカナダ人一般に對する責務をこれによつて果たしたものと考える」という意味のことが書いてある。市協は次

求で認められている分に對しては二五パーセントを先拂いすること
という提議があつて可決され政府にこれを實行させるため賠償法案の修正運動等は反差委員會に一任することになつた。尙米國側では二万四千人の移動者から總額一億三千万弗にのぼる賠償要求が提出されていて、此のうち六千件は千弗以下であり平均は五千弗内外、十万弗以上の分は七七件である

一人に五百弗づつ

總移動の辨償金支給を要求する案

【シカゴ發】先般當市で開かれた全米市協の大會では反差委員會の正岡主事から米國側の立退き損害賠償問題の経過について報告があり、現在のやり方では賠償事務が完了するのに十年以上かかるであろうと説明されたが、市協の全國委員會から

移動者にして一九四二年

二月十九日現在で十八歳以上の者には五百弗、十二歳から十八歳までの者には百弗を辨償金として支給する
△移動者にして賠償要求をしなかつた者も總移動により少くとも五百弗は損害を受けているので右の要求を受けることが出来る
△現在提出してある賠償要

求で認められている分に對しては二五パーセントを先拂いすること
という提議があつて可決され政府にこれを實行させるため賠償法案の修正運動等は反差委員會に一任することになつた。尙米國側では二万四千人の移動者から總額一億三千万弗にのぼる賠償要求が提出されていて、此のうち六千件は千弗以下であり平均は五千弗内外、十万弗以上の分は七七件である

COPY

Japanese Canadian

TELEPHONE: PLAZA 1253



CITIZENS ASSOCIATION

NATIONAL HEADQUARTERS:

~~84 GERRARD ST. E.~~, TORONTO 2, ONTARIO

61 College Street

T. UMEZUKI
THE NEW CANADIAN
479 QUEEN ST. WEST
TORONTO, 2-B, ONT.

September 23rd, 1950.

The Right Honourable Louis St. Laurent,
Prime Minister,
Parliament Buildings,
OTTAWA, Canada.

Dear Mr. Prime Minister:

The National Japanese Canadian Citizens Association which fully represents Canadian citizens of Japanese ancestry, wishes, in the first place, to express its gratitude to your Government for the granting of awards to Japanese Canadian claimants as recommended by the Royal Commission Enquiry.

The Association, which has on several occasions in the past brought to the attention of the Government matters which were of grave concern to its members in respect to Federal restrictive measures, desires to bring to the attention of the Government the reasons upon which it is felt there still remains many injustices and hardship against Japanese Canadians arising from their forceful removal from British Columbia in 1942.

The attached submission is therefore respectfully tendered with due regard to the basic confidence the people of Canada have in their Government to remedy any injustices.

May we receive your consideration to our submission.

Respectfully yours,

George Tanaka,
National Executive Secretary.

GT:yo
Enc.

T. UMEZUKI
THE NEW CANADIAN
479 QUEEN ST. WEST
TORONTO, 2-B, ONT.

SUBMISSION TO THE PRIME MINISTER
AND MEMBERS OF THE GOVERNMENT

IN THE MATTER OF
JAPANESE CANADIAN ECONOMIC LOSSES
ARISING FROM EVACUATION

ENTERED BY THE
NATIONAL JAPANESE CANADIAN CITIZENS ASSOCIATION
61 COLLEGE STREET, TORONTO 2, ONTARIO

the Right Honourable Louis St. Laurent, Prime Minister,
and Honourable Members of the
Government of Canada.

This submission is made by the National Japanese Canadian Citizens' Association and its component chapter organizations in the provinces of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. This national body was founded by a conference of representatives of various Japanese Canadian organizations through Canada on September 2, 1947. It has as its primary aims the protection of the economic and social welfare of persons of Japanese ancestry in the Dominion and the development of a truly democratic society wherein fundamental rights and liberties are preserved for all citizens.

After Pearl Harbour in December, 1941, it was deemed expedient to evacuate all persons of the Japanese race from the Pacific Coast of Canada. It was considered to be essential to carry out this task with the least possible delay. Some 22,000 persons were evacuated within 6 months. Being an emergency measure, emergency methods had to be employed.

The B. C. Security Commission was vested with the responsibility of the physical removal of this mass of persons. The immensity of the task and the haste required left little room for the protection of individual rights and humanitarian consideration.

To the Secretary of State, acting as Custodian, fell the onerous and difficult task of protecting the personal chattels and real property of the evacuated population from vandalism, depreciation and destruction. The task was difficult by reason of:

- (a) the necessity to hurriedly organize a large staff;
- (b) the removal on short notice of families, particularly

- from remote and isolated areas, without adequate provision for recording or protecting their property;
- (c) the strong anti-Japanese attitude in the community which lowered the moral barriers to condone theft, destruction and exploitation in acquiring assets;
 - (d) the panic of uncertainty amongst the evacuees which influenced them to overlook the taking of many precautions for the protection of their property which might have assisted in its preservation.

Prior to evacuation these persons were allowed to dispose of their own assets. In certain cases they were encouraged by the Custodian to do so. However, being under notice to evacuate, many improvident sales were made, and all such sales were as if made on a forced liquidation and were not free sales in a normal market. Heavy losses were sustained. Exploitation was rampant and the Government by various Orders-in-Council recognized the need for protective action. P.C. 288 of January 13, 1942 creating the Japanese Fishing Vessels Disposal Committee, recognized the need for protection from duress in the sale of vessels. However, other types of property were sold at heavy sacrifices.

Once evacuated, all property of evacuees were vested in the Custodian except cash and securities and until August, 1942, vessels. At first it was the intention of the Government to preserve the property of these hapless people. In good faith and in reliance upon this frequently stated policy of the Government and the Custodian,

many persons left their properties in his care. In this expectation, many persons after leaving their belongings, if they had time, did not make full inventories. In the same expectation, the Custodian's field men often made only general inventories when they were able to get around to the property. They, too, worked under haste and pressure.

After a year's experience with the impossible task of protecting all this property, the Government changed its policy to one of "orderly liquidation". In the meantime vandalism, theft and depreciation had had their toll. Had this policy been established at the time of evacuation and had time permitted, the Japanese could have made full inventories and obtained valuations of their property. However, orderly the liquidation of all of the property of 22,000 people to the last kitchen chair may be, such a sale, it is submitted, must remain a liquidation. The essential difference in price between a liquidation and voluntary sale is universal knowledge. Such sales are the happy hunting ground of bargain seekers, dealers and speculators.

As indicated above, vessels at first did not vest in the Custodian. It was decided at the outset to sell these as rapidly as possible to avoid depreciation and to get them into use in the essential fishing industry. That the boats were damaged in their collection and early detention by the navy has been recognized by the Government. However, compensation for damage and missing essential gear was paid to the purchaser. The market was flooded by the dump-

ing of these boats in a 7 month period. The unsold boats vested in the Custodian in August, 1942.

Recognizing that injustices had been done, the Government in mid-year, 1947, after study of the problem by the Public Accounts Committee of the House of Commons, set up a Commission under the Public Inquiries Act to determine the losses suffered and to recommend just and equitable awards therefore. The operative portion of the Orders-in-Council, P.C. 1810 of July 13, 1947 and P.C. 3737 of September 17, 1947 read as follows as amended:

"That the Honourable Mr. Justice Henry Irvine Bird be appointed a Commissioner to inquire into the following claims, namely:-

- (a) that real and personal property vested in the Custodian was disposed of by the Custodian for less than the fair market value thereof at the time of sale
- (b) that personal property vested in the Custodian was lost, destroyed or stolen while in the possession or under the control of the Custodian or some person appointed by him."

Mr. Justice Bird, a Judge of the British Columbia Court of Appeal, was appointed Commissioner. The Commission held hearings and discussions for over two years and the Commissioner has reported his findings.

With respect to the Bird Commission and the awards recommended by the Commissioner, having regard to the immensity and difficulty of the problem, we believe the vast majority of the persons of Japanese ancestry in Canada regard these awards as a measure of rough justice within the limited terms of reference.

We respectfully submit, however, that the people of Canada will fall far short of providing "reasonable and just compensation" to evacuees if that compensation is limited to the results of the enquiry. This submission is based upon the following considerations:

1. The Difficulty Caused by Limited Scope of Terms of Reference -

(a) Fair Market value was to be determined as at date of sale, thus:

- (i) Deterioration, in some cases admitted by the Crown to be extensive, and not caused through any fault of claimant, had the effect of reducing the award.
- (ii) Properties which were tenanted at date of sale, by reason of eviction freezing orders, brought less than they would had the claimant been in occupation. This factor was excluded by the terms of reference. However the properties were only tenanted because of evacuation and the evacuees were urged by the Government to rent and if they did not do so the Custodian rented the property himself.
- (iii) Depression of market value by reason of towns or areas becoming substantially 'ghost towns' resulting from evacuation of Japanese.

(b) Loss of goodwill of business was excluded from the terms of reference. For the most part the goodwill of business disappeared when the owner was evacuated. In many cases

tenancies of premises in which businesses were carried on were terminated leaving only the equipment and stock-in-trade to sell. In some cases the Custodian sold the business premises and the chattels separately.

- (c) Exclusion of losses on accounts receivable. Evacuees could not themselves collect these accounts by force of law. The Custodian did not, except in a very few cases, employ any collection agency or legal counsel, as a result, a very large number of these accounts were never collected and are now uncollectable.
- (d) By requiring that the property must have been sold by the Custodian the terms of reference excluded:
 - (i) Forced sales by individuals made in the panic of evacuation, despite the fact that the Custodian encouraged sales of businesses particularly.
 - (ii) Sales of vessels through the Japanese Fishing Vessels Disposal Committee concurred in by the claimants only because any further delay would mean rapid depreciation to the vessels. (Report of Royal Commission on Japanese Property, page 42, par. 2 re rejection of claims, & page 44, par. 3.)
- (e) Failure to provide for losses incidental to evacuation in addition to the sale of property such as has been provided by Act of Congress in the U.S.A.

2. The Difficulty of Strict Legal Proof of Value -

- (a) On all types of property after 6 or 7 years have elapsed. (Report of Royal Commission on Japanese Property, page 38, par. 3)

- (b) By reason of extensive alterations and /or deterioration to real property.
- (c) By reason of the inability to have appraisers examine personal property lost or sold.
- (d) By reason of inadequate records by the claimant due to:
(Report of Royal Commission on Japanese Property, re Custodian's administration, page 12, par. 1).

- (i) The assurance given by the police and the Custodian that his property would be protected. Many of the evacuees therefore did not make detailed inventories of all chattels or have any valuations made on property. A large amount of vandalism occurred in many cases before the Custodian took physical possession.

- (ii) The Custodian often did not take detailed inventories until quite late for the same reason.

- (iii) In outlying places particularly, the claimants were given very short notice of removal and did not have time to carefully inventory property.

- (iv) In many cases, records and evidence of value of property were left on the premises and never recovered, being discarded by the Custodian's field men as unsaleable.

- (e) By reason of wide dispersion of claimants, counsel have not been able to consult fully with their clients.

- (f) The unwillingness of many persons to give evidence or take part in the proceedings - a problem common to all public enquiries.

3. Proposals -

In the light of the circumstances we have recounted we propose to the Government that over and above the awards made by the Commissioner within the terms of reference, further compensation should be allowed fully to remedy the injustices suffered by the claimants.

- (a) A percentage of Sale Price allowance on all real properties sold subject to rental regulations.
- (b) A percentage of Sale Price allowance on all real properties to cover depreciation.
- (c) A percentage of Sale Price allowance for goodwill on all businesses subject to sale.
- (d) Percentage of all uncollected accounts receivable.
- (e) Establishment of an adjustment agency to adjust losses on forced sales on claims filed within 12 months with an appeal to the Attorney General for Canada.
- (f) A grant of monies to each adult evacuee to compensate for general losses.
- (g) Interest on all awards from date of sale.
- (g) Adjustments on Real Property not sold to Veterans Land Administration where no special award at a rate equal to the percentage which the average special award bears to the average sale price of properties on which special awards were made.

4. Conclusion -

This submission has been concerned with drawing to your Government's attention issues which are relevant under the Royal Commission inquiry on Japanese property and issues which were completely excluded or given little attention due to the inadequate terms of reference of the Inquiry.

We tender as an appendix to this submission, the Association's submission to the Royal Commission on Japanese Canadian Property, dealing with the broad aspects of the evacuation property losses and the deeply human and significant experience of a people in Canada which no Canadian citizen would bear without the utmost sense of grave injustice.

We therefore respectfully suggest a broad appreciation of all the circumstances which shaped the problem into its present form is fully merited, if it is the intent of your Government to provide for a measure of justice which is equal to the standards of a truly democratic, Canadian way of life.

Respectfully submitted,

HAROLD A. HIROSE, President,

GEORGE TANAKA, Executive Secretary,
National Japanese Canadian Citizens
Association,

61 College Street, Toronto 2, Ontario.

September twenty-second, Nineteen hundred and fifty.

M E M O R A N D U M

IMMIGRATION PROBLEMS OF THE CANADIAN CITIZENS OF INDIAN ORIGIN

Indian immigrants first entered Canada in 1904. They were almost all Sikhs, mainly from three districts of the Punjab - Hoshiapur, Jullandar and Ludhiana.

However, from 1908, a series of Orders-in-Council were passed which in effect prohibited any further immigration from India.

According to the census figures of 1911, the Indian population in Canada consisted of 5,438. The vast majority of them were settled in the Province of British Columbia on the West Coast.

With the exception of a few on compassionate grounds, even their wives and children were not permitted to enter Canada until 1932, with the result that many of them returned to India and the Indian population steadily declined until at the 1941 census, there remained only 1465.

The Orders-in-Council "prohibited the landing in Canada of any immigrant who had come to Canada otherwise than by continuous journey from the country of origin. The reasons given were that the Indian immigrants were considered unsuitable having regard to the climatic, industrial, social, educational, labour or other conditions or requirements of Canada, or because such immigrants were deemed undesirable owing to their peculiar customs, habits, modes of life and methods of holding property and because of their probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their entry."

None of these Orders-in-Council directly mentioned that Indians should be excluded from Canada, but these orders accomplished the work of exclusion just the same due to the "direct passage clause," as at that time there was no direct passage from India to Canada. The attempt of the Indians to test the validity of the "direct passage clause" in the case of the Komagata Maru, culminated in a disaster, leaving a sad legacy of bad feeling between the two countries.

Although the Orders-in-Council were designed to exclude Asian peoples, the Japanese and Chinese were allowed to enter Canada more or less freely up to 1939. Regardless of the fact that Indians were British subjects, they were more discriminated against than the Japanese and Chinese.

The result of these injustices was reflected in the census figures of 1951, which showed the Chinese population as 32,528, the Japanese as 21,663 and the Indians as 1,752.

However, in spite of all these difficulties and discriminations, the Indian community has made steady progress and today their record in Canada compares favorably with that of other immigrant groups in Canada of other racial origins.

In the first place, one of their greatest contributions has been in the development, as pioneers, of the two basic industries of British Columbia, namely lumbering and agriculture. They have not only supplied capable and skilled labour, but they have invested millions of dollars in these two industries. Their success as primary producers has been generally acknowledged. Therefore, from the economic point of view their service has been of great value to the country.

In regard to their assimilation into the life and progress of Canada, it is a well-known fact that, although they come from a different cultural environment, they have adjusted themselves to their new surroundings successfully. They all speak English, although the barrier of language was even more difficult for them to overcome than for many of the European immigrants. Their children have become completely Canadianized and take full advantage of the educational opportunities offered by Canada. As a matter of fact in comparing the various immigrant groups the following information is worthy of note.

The 1941 Dominion Census Report shows the population of British Columbia and the number of persons who have had thirteen years, or more, of schooling by racial origin. It is instructive to compare three sections of Canada's population in relation to this criterion to cultural advancement. The first group, for convenience, can be

called the "British" group comprising those of English, Irish, Scotch and others of British origin; the second, the "European" group, including those of French, Austrian, Belgian, Czech, Slovak, German, Hungarian, Italian, Polish, Russian and others of European origin; the third, the "Oriental", embracing those of Chinese, Japanese, Hindu and others of such origin.

Of the British Columbia residents of British origin, 7.17 per cent had thirteen, or more, years of schooling, 2.11 percent of those of European origin had thirteen or more years of schooling, as did 2.18 percent of those of Oriental origin. Judged by this standard, the British group is more than three times as well educated as the European. Having regard to the lingual, cultural and economic handicaps which the European group must overcome, that disparity is not in the least surprising. What is surprising, in the sense of figures, is that the Oriental group, particularly the Indians, should have reached the same level - indeed, a slightly higher level than the European group. Therefore, culturally their ability to become assimilated has been proved beyond a doubt.

As regards their standards of citizenship, the Indian community has proved its worthiness insofar as they have been law-abiding and peaceable. The report of the Commissioner of Police of British Columbia will amply demonstrate that of the various groups having inmates in the penitentiary for major crimes, the Indians show a smaller ratio of the population than other racial groups. A similar situation exists in the matter of juvenile delinquency. Added to this is the fact that they are thrifty, hard-working, reliable and steadfast at their work. Not a single Indian is in receipt of public aid.

The Indians not only played a part in the economic development of the country, but they have also contributed to the social welfare of the community at large. Their contributions to hospitals, the Red Cross and other community activities are well-known. Not only in peacetime have they obeyed the laws of their adopted land as becomes good citizens, but in the first and second world wars they volunteered to serve in the armed forces, particularly in the last

war. A number of their young men joined the Air Force and Army and many of them worked in the various war industries. Despite their small number, they contributed generously to the various war loans, particularly Victory Loan VI, to which they subscribed half a million dollars. These facts show that the Indians have fully identified themselves with Canada in its progress and development and have proved their worth as good citizens.

The people and government of British Columbia, where almost all of the Indians are domiciled, at one time viewed them with a prejudiced outlook. However, in later years, because of their undoubted contributions to the welfare of the country, public opinion, and through it the attitude of the government, has completely changed as is shown by the significant events of 1947.

On April 2, 1947, the Legislature of British Columbia unanimously granted the provincial franchise to the Indians. In the same year, on September 15, the Convention of the Union of British Columbia Municipalities also unanimously recommended to the government that the municipal franchise be extended to the Indians. Moreover Vancouver, which operates under a separate charter, and where many Indians live, also made a similar unanimous recommendation and these recommendations were implemented by the B. C. Legislature.

The legal status of the Indian community has been further strengthened by the passing of the Canadian Citizenship Act of 1946, which confers upon them, as upon others, full Canadian citizenship. The original members of the Indian community are British subjects by birth, and are now full Canadian citizens, and with the establishment of India as a member of the Commonwealth, they have their origin in a fellow member of that great association of free nations.

The present problem of the Indian community in Canada is, that despite the fact that they are Canadian citizens, they are denied certain rights regarding the admission of their close relations, which are accorded to other Canadian citizens of European origin. As in the case of other Canadians of Asian origin, the Indians are allowed to bring from India only their wives and unmarried children

under 21. If they desire to bring other relations such as father, mother, brother, nephews etc., they are required to apply for their admission through the quota of 150 persons allotted to India, of which 50 places have been given to the Indians domiciled here to enable them to bring the above-mentioned relations.

This quota is allocated as follows:

- (a) 10 - Spouses of legal residents (not citizens of Canada)
- (b) 10 - Single children, over the age of 21, of Canadian citizens.
- (c) 10 - Fiance (e)s of Canadian citizens.
- (d) 10 - Parents, Single brothers and Single sisters of Canadian citizens.
- (e) 10 - Persons whose admission would contribute to the economic and/or cultural wellbeing of the Canadian people or persons whose admission is advisable on compassionate grounds.

Under Category (e) there need be no relationship to the applicant in Canada.

This year 500 applications have been submitted to the Canadian Immigration Department for consideration. Out of this number, only 50 will receive a favourable reply. The remainder may have to wait many years before they will be able to bring in their relations.

In view of these facts the Indian community in Canada intend to make representations to the Government of Canada in order to obtain equal immigration rights regarding the admission of their relatives, as are enjoyed by other Canadians of European origin.

Therefore, our main objects in this representation are as follows:

1. Admission of such relations as father, mother, brother, sister, nephew, niece and adopted children of Canadian citizens of Indian origin, as a matter of right as in the case of other Canadian citizens of European origin, instead of the above categories of relations being admitted as at present through the small quota of 50 persons per year.
2. The following decision of the Canadian Government made in 1948 should be restored instead of being included in

the quota.

"The Government has decided, however, that sympathetic consideration will be given to applications for the admission to Canada of persons from India who fall within the following categories:

- (a) Young seeking to enter Canada for the immediate purpose of marrying girls of Indian racial origin legally resident in this country; and,
 - (b) Relatives of persons of Indian racial origin legally resident in Canada when the said Canadian residents have reached an advanced age and require assistance not otherwise available in the management of their properties in this country."
3. Any new Indian immigrant should be allowed to bring in his wife and minor children immediately after legal landing as in the case of other European immigrants, instead of having to wait for five years for the admission of his family.
4. In those few cases where Indians have married a second wife in India according to Hindu Law, due to the fact that the first wife deserted them or was unwilling to join them in Canada, the Canadian Government should permit the entry of their second wife instead of applying the Canadian law in this respect.
5. There are now in Canada a few Indians who entered the country as temporary visitors and who now desire to establish permanent status; the Government should allow them legal landing if the case so merits it.

We trust that the Canadian Government will give sympathetic consideration to our representations because:

- (a) The Indian community of this country is one of the smallest racial groups in Canada.
- (b) Their racial origin stems from a country which is a fellow member of the British Commonwealth of Nations.
- (c) The Indian community have proved themselves worthy citizens and have contributed greatly to the economic development of the country.
- (d) Being united with the remainder of their families would have a beneficial effect from a sociological point

of view and strengthen their roots in the country of their adoption.

Any assistance which may be rendered for the solution of these above-mentioned problems will be deeply appreciated by the whole Indian community in Canada.

Submitted on behalf of the Indian Community in Canada:

D. P. Pandia

Kapoor Singh

Naina Singh

Kehar Singh Gill

Ajab Singh Sangha

Karam Singh

Meetow Singh

Dated at Vancouver, B. C. this 27th day of September 1954.

A BRIEF

*concerning Immigration Laws
(and Citizenship Act)*

for presentation to

HONOURABLE J. W. PICKERSGILL

*Minister of Citizenship and Immigration
Ottawa, Ont., Canada*



by the

Chinese Benevolent
Association

May, 1955

The Honourable J. W. Pickersgill,
Minister of Citizenship and Immigration,
Ottawa.

Sir:

Thank you for the privilege of appearing before you. The Chinese Benevolent Association wishes to extend its warmest greetings to yourself and your staff.

You are probably already acquainted with many aspects of the important role Canada's Chinese community has played in the development of our country.

A BRIEF

CONCERNING IMMIGRATION LAWS (AND CITIZENSHIP LAWS)

for presentation to

**THE HONOURABLE J. W. PICKERSGILL,
MINISTER OF CITIZENSHIP AND IMMIGRATION,
OTTAWA, ONTARIO, CANADA**

Thus, from the very beginning of their history in Canada, the Chinese have contributed greatly to the national welfare.

After the railway was completed, and the builders admitted that this vital task could not have been accomplished without cheap Chinese labor, our people never allowed themselves to become a financial problem for their adopted country. Having no knowledge of the language, differing in physical appearance and customs, it was impossible for them to earn their living like most Canadians.

The only solution was for them to accept the difficult, menial jobs

PRESENTED BY

**Mr. Wong Foon Sien, President and Special Representative of
the Chinese Benevolent Association on behalf of the Association.**

The Chinese community has come a long way since those difficult early years. Chinese are accepted in Canada now as part of the community.

MAY, 1955.

Our people own millions of dollars worth of property. Their standard of living has been vastly improved and is now on a level with their Occidental neighbors.

They have educated their children and sent many of them into the arts and sciences.

We recall these points only to point out that Chinese Canadians have never shirked their responsibilities in this country. They have taken advantage of its opportunities and become an important part of the Canadian cultural pattern.

Racial discrimination used to be one of the major problems the Chinese in Canada had to face. Looking back, it is not difficult to understand why there was some discrimination. The Chinese, their language, and way of life were so

To:

The Honourable J. W. Pickersgill,
Minister of Citizenship and Immigration,
Ottawa.

Sir:

Thank you for the privilege of appearing before you. The Chinese Benevolent Association wishes to extend its warmest greetings to yourself and your staff.

You are probably already acquainted with many aspects of the important role Canada's Chinese community has played in the development of our country, but we would like, before proceeding with our brief, to refresh your memory on a few of these points.

The first Chinese came to Canada to pan for gold on the Fraser River in 1858 but it was not until the building of the Canadian Pacific Railway through the Rockies ²³ 34 years later that any important numbers came to this country.

Thus, from the very beginning of their history in Canada, the Chinese have contributed greatly to the national welfare.

After the railway was completed, and the builders admitted that this vital task could not have been accomplished without cheap Chinese labor, our people never allowed themselves to become a financial problem for their adopted country. Having no knowledge of the language, differing in physical appearance and customs, it was impossible for them to earn their living like most Canadians.

The only solution was for them to accept the difficult, menial jobs that most other people would not do. They went into coal mining, logging, cooking, washing and household chores.

The Chinese community has come a long way since those difficult early years. Chinese are accepted in Canada now as part of the community scene. Our people own millions of dollars worth of property. Their standard of living has been vastly improved and is now on a level with their Occidental neighbors. They have educated their children and sent many of them into the arts and sciences.

We recall these points only to point out that Chinese Canadians have never shirked their responsibilities in this country. They have taken advantage of its opportunities and become an important part of the Canadian cultural pattern.

Racial discrimination used to be one of the worst problems the Chinese in Canada had to face. Looking back, it is not difficult to understand why there was some discrimination. The Chinese, their language, and way of life were so

completely alien to anything the Canadian public had encountered to that time, it is perhaps not surprising that they did not accept them immediately as equals.

But whatever the causes, racial discrimination has always been a bitter burden for the Chinese. It took many years before the racial barriers crumbled, allowing the Chinese to enjoy complete social intercourse with their fellow-Canadians.

Racial discrimination is just an ugly memory for most Chinese now. But it has left a legacy in the statutes of Canada which still rates us as second-class citizens under the immigration regulations.

These regulations were drafted at a time when it was feared that waves of Chinese immigration would flood Canada with Orientals. In 1890, every Chinese entering Canada was forced to pay a \$50 head tax. This tax was raised to \$100 in 1901 and to \$500 in 1904.

In 1923, the Chinese Immigration Act was passed, barring Chinese from entering Canada altogether.

Order-in-council PC2115 was passed in 1930 which allowed only children of Chinese under the age of 18 to enter Canada.

But the most damaging and discriminatory legislation of all, from the Chinese view, was order-in-council PC1378, passed in 1931, which forbid Chinese from becoming Canadian citizens. We are the only nationality which has been denied this important privilege.

Many of these discriminatory regulations have been repealed or changed so that the Chinese now occupy a much more favorable position as regards immigration.

Both the Chinese Immigration Act and PC 1378 were abolished in 1947, permitting some Chinese to come to Canada. From 1947 to 1954, various regulations were relaxed to allow the wife or spouse and married children of Chinese Canadians to immigrate.

This partly opened the door for the "flood" of Oriental immigration which was feared by the authorities for so many years. The number which actually did immigrate was 11,000. We do not think this is a very high percentage of Canada's total immigration which was 1,150,000 in that period.

The Chinese Immigration Act, which to us was a monstrous piece of legislation, separated thousands of Chinese in Canada from their families with no hope of a reunion for a period of 24 years.

These Chinese, a people whose society has always been based on the family unit, were involuntarily separated from their wives and children. It is difficult to reconcile this action with the democratic ideal of the Canadian government and people.

Although the regulations are considerably relaxed now, our people are still suffering reverses in our fight for equal immigration rights.

On December 28, 1953, the Supreme Court of Canada ruled that children of second wives of Chinese Canadians should be allowed to join their fathers in this country. The decision was promptly overruled by a new order-in-council passed on June 30, 1954.

In 1951, I pleaded with Mr. Harris, the then Minister of Immigration, to allow entry for unmarried children of Chinese Canadians between the ages of 21 and 25 on compassionate grounds. This was allowed at the time, but stopped by a new ruling dated March 12, 1955.

These reverses in our struggle have handicapped us seriously in our struggle for equal immigration rights.

It is very late now to try to repair the damage which has been wrought on Chinese families through what we consider to be unfair regulations. Most of these families have been broken up through long separation or the principals have died.

We feel, therefore, that we are not imposing either on Canadian hospitality or the original concept of the Chinese immigration regulations in asking the favors we now seek.

Although PC 2115 has been changed to PC (1953-859), its original character is still evident.

A relatively small number of families could still find happiness through reunion if this order-in-council were rescinded altogether. If this cannot be done, we would ask that the following classifications be permitted to immigrate to Canada:

Fathers, mothers, unmarried brothers, sisters or grandchildren if the parents are deceased, of Canadian citizens of Chinese origin.

A few words of explanation will show that there are only a small number of people who would be able to take advantage of the immigration privilege, even if the regulations were amended along these lines.

Fathers and mothers of Chinese Canadians who could come to Canada are so few as to be negligible. Most of them are dead or much too old to

attempt the trip.

The unmarried brothers and sisters category is also very small, because most Chinese Canadians are middle-aged or older and their near relatives are married.

The largest category for which we seek immigration rights is the grandchildren of Chinese Canadian citizens whose parents are deceased. Our best estimates show that there are not more than 2000 who could be eligible in this classification.

However, it would be a great boon to aging Chinese Canadians if they could bring these youngsters to Canada to give them the advantages of the better standard of living and way of life here. Not only would this make up in part for the sacrifice these men have made in being separated from their families so long, but it would provide Canada with a fine new type of Chinese citizen who would rapidly assimilate the culture and traditions of this country.

We do not think it has ever been the desire of the Canadian government or people to eliminate the Chinese entirely from the Canadian scene, despite the discriminatory nature of past immigration regulations. We feel that our long struggle for recognition as part of the Canadian community and our contributions to the Canadian way of life have been recognized.

We would respectfully point out that the total Chinese population of Canada has decreased considerably in the past few years as a result of the former immigration regulations. It is expected to decline even more as the older Chinese pass on. If we are to maintain some semblance of our status quo, there must be some addition to the younger Chinese population from outside sources.

Chinese Canadians can give their young grandchildren so many advantages in this country, it would be a great pity if they were denied the opportunity. They are more than willing to furnish transportation and guarantee that their wards will not become a public charge for five years, as the law requires.

We hope that you will consider this request favorably and thank you for anything you may be able to do.

