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PLEASE RETAIN
ORIGINAL ORDER

July 31st, 1943.

A. MacNamara, Esq.,
Deputy Minister,
Department of Labour,
O T T A W A, Ontario.

Attention Mr. A. Brown.

Dear Mr. MacNamara:

I beg to acknowledge receipt of your letter of July 23rd relative to request from the Committee at Kaslo.

With regard to the question of an increase in maintenance, my views have not changed from my previous correspondence and I cannot recommend any consideration being given to an increase in the maintenance rates.

Clothing is being carefully and adequately distributed.

Referring to the suggestion that they be allowed to come to Vancouver to collect personal effects which were not placed in the hands of the Custodian prior to their evacuation, you will see from my letter of July 23rd with enclosure to the Spanish Consul that this request cannot be considered.

Concerning the disposal of household effects now in the hands of the Custodian, I beg to advise that we had a meeting with Mr. Shears and Mr. Green of the Custodian's Department yesterday.

It was pointed out to them that ever since publicity appeared to the effect that the real estate of the Japanese would be disposed of we have had an increased number of requests from the Japanese to ship their personal belongings to the Interior settlements. This is simply to avoid them being disposed of by the Custodian and in the majority of cases the articles are not required for the present maintenance of the Japanese.

It was decided at the meeting that store fixtures including counters, scales, cash registers, etc., would be disposed of by public auction after being suitably advertised. After that the household furniture in the nature of beds, dressers, chest-of-drawers, tables, chairs etc., would be advertised and sold by public auction. It was further agreed that before these articles were put up for sale that our Department would be advised to this effect and if there were any Japanese who had relocated in other parts of Canada who were desirous of paying all charges including crating, freight, etc., that the Commission would consider forwarding personal goods to them if the value of such goods warranted the expenditure, having in view that freight carrying facilities of the Railways were already overtaxed with War work.

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It is obvious to us all that as these household effects are disposed of there will be quite an accumulation of kitchen utensils, dishes and small articles that were never properly identified or have since lost their identification and it will be impossible to credit any proceeds from the sale of these articles to the proper people. The suggestion was made that these articles be sold in bulk or made available to this Commission and it is proposed that we will create a number of them and ship to our Interior Housings to issue to the Welfare Department for needy cases in receipt of maintenance.

While dealing with the matter of the Custodian's Department, I understand that the farms belonging to the Japanese have been taken over by the Department of Pensions and National Health. It is presumed that a credit balance will be established with the Custodian and it is not my concern as to whether or not there is an actual transfer of funds from the Department of Pensions and National Health to the Secretary of State. However, if the Custodian has a credit on his books to any Japanese, that Japanese will be required to draw against this credit and maintain himself down to a reserve of \$320.00 for a married man plus \$50.00 for each child under 16 years of age. As to whether or not there will be actual funds on deposit with the Custodian against which this Japanese family may draw is a matter for their attention at Ottawa.

Referring to the original enquiry of this letter namely, maintenance allowance, Mr. Pammett has recently completed a tour of the Interior Housings and he will be able to give you his views in this regard.

Yours very truly,

GEORGE COLLINS,
Commissioner.

GC/DG

DEPUTY MINISTER
OF LABOUR



Ottawa, July 23, 1943.

Mr. G.C. Collins,
B.C. Security Commission,
360 Homer Street,
Vancouver, B.C.

Dear Mr. Collins:

Herewith copy of letter from External Affairs of July 21st and copies of enclosures from Japanese Central Committee, Kaslo, dated June 30th re request for transfer of baggage and request for increased allowance. We enclose copy of our letter of July 19th in reply to a similar letter from the Committee re relief which we received at the same time.

Would you be good enough to look into these two matters and let us have a reply which we can pass on to External Affairs?

Yours very truly,

A. MacNamara.

Encs.

*Received
June 30/43
J. MacNamara*



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Department of
External Affairs

Reply to be addressed to: Ottawa, July 21, 1943.
The Under-Secretary of State
for External Affairs,
Ottawa.

Our File 3363-40C

TO: The Department of Labour, Ottawa, Ontario.

SUBJECT: Japanese matters.

I enclose two memoranda from the Chairman of the Japanese Central Committee at Kaslo, one concerning transference of baggage, one concerning the rate of maintenance. These are actually in the form of letters to the Red Cross Delegate. We informed Mr. Maag, however, that we thought them more suitable for transmission to the Protecting Power, and accordingly they now come to us from the Consul General of Spain to whom an answer in due course must be sent.

I should be grateful if you would advise me what answer should be made to the Consul General.

S. Morley Scott (signed)
for Under-Secretary of State
for External Affairs.

Ottawa, July 19, 1943.

Mr. C. Furukawa,
Chairman,
Japanese Central Council,
Kobe, J.C.

Dear Sir: Re: Increase of Maintenance Allowance

The Minister has asked me to reply to your letter of June 30th on the above subject.

The representations, contained in your letter, are being forwarded to Mr. Collins, the Commissioner of Japanese Placement, for his consideration and comment.

The Department is prepared to make every reasonable provision for maintenance of persons who are unemployable due to physical disabilities or age. On the other hand, we may say that we are disappointed in the failure of many employable persons in your community to take advantage of the opportunities of employment and for re-establishment which have presented themselves in both Canada and Western Canada and which have been offered to them through the facilities of the Department.

I hope that your Council will co-operate in every way possible with our administration in lending encouragement to the employable members of your community to take advantage of the employment opportunities now offered, and in this way take the first step forward to their re-establishment as members of the community.

Yours very truly,

A. MacKenzie.

Kaslo, B.
June 30th, 1943.

Hon. Humphrey Mitchell,
Minister of Labour,
House of Commons,
Ottawa, Canada.

Dear Sir:

Re: Increase of Maintenance Allowance

The present rate of maintenance is definitely insufficient. The price of commodities is high and it is impossible to provide the family with provisions.

The sum of money received for maintenance must be spent to provide other necessities as well as food. To live a normal life, food and food alone is insufficient. Expenses for clothing and repair are required. In the following are listed necessities for livelihood:

Soap, toilet papers, tooth brush and paste, school supplies, shoe repairing, daily or weekly newspapers and various reading articles, charities (church donations etc.), cups and saucers, matches, broom, letter pads, envelopes, stamps, hair cut, tobacco, ladies toilet goods, watch repairing, pins, needles, buttons, etc. for clothing and repairing etc. It is realized that necessities as listed above, varies with different families. A minimum, however, of \$1.50 per person is required.

Example:

Family of 6 members and required expenses.

Maintenance (for 6 in family)	\$44.00
Consumable goods	9.00
Balance	<u>\$35.00</u> for food

Cost of one meal per person $\frac{\$35.00}{90 \times 6} = .06\frac{1}{2}\%$

The above has been calculated on the assumption that all clothing has been provided by the Commission for each member of the family. So far, no family is known to have received an entire supply of clothing.

More than one year has elapsed since evacuation and we have well used up any surplus clothing which we brought with us. We are now barely able to manage with whatever clothing we have. The need of clothing is, therefore, affecting all families and will become rapidly increasing with time.

In order to purchase clothing, a minimum of 50¢ per person is required. Consequently, if we subtract this amount from our food allowance, the cost of one meal is found to be less than 6¢. In a similar calculation, a family of 10 will find the cost of each meal to be 4 $\frac{1}{2}$ ¢.

The above example is ample evidence that further aid is needed, ample evidence that it is impossible to provide an existence at 4 $\frac{1}{2}$ ¢ to 6¢ per person and evidence enough to seek for higher maintenance rates.

Under circumstances as mentioned above, we, the undersigned, submit this petition before you for an increase in rates of maintenance to the least possible limit of \$2.00 extra per person monthly.

Yours truly,

Japanese Central Council,

S. Furukawa, (signed)

Chairman

Geo. Collins *326*
INTERDEPARTMENTAL COMMITTEE ON ENEMY INTERESTS IN CANADA
AND CANADIAN INTERESTS IN ENEMY OCCUPIED TERRITORIES.

Present - Messrs. Read and Scott of External Affairs,
Messrs. Brown and Pammett of Labour Department,
Messrs. McPherson and Mathieu of Custodian's
Branch, Department of Secretary of State,
Mr. Turk of Foreign Exchange Board,
Mr. McPhail of Immigration Branch, Department of
Mines and Resources,
Mr. Wardle of Surveys and Engineering Branch,
Department of Mines and Resources.

Subjects Discussed:

I. Disposition of Japanese Property in Canada

Mr. McPherson outlined the background of the present procedure and stressed the fact that his Branch was merely carrying out a decision made in January last by a Cabinet Committee to liquidate all Japanese real and household property in the interests of the Japanese themselves, because it would deteriorate rapidly otherwise.

The Rural Property Committee consists of Judge Whiteside, Mr. McClellan, Mr. McLennan, Mr. McKenzie and Mr. Yamaga (now resigned). Of the thousand Japanese farms in the Fraser Valley 89% has been rented to Mennonites, Hindus, Chinese, etc., in general a low class of tenant who does not farm satisfactorily or pay regularly.

769 of these farms were valued by field men of the Soldiers' Settlement Board at \$867,000 and by the Western Superintendent at \$837,000. After negotiations these farms have now been sold to the Director of Soldiers' Settlement for \$850,000.

Mr. Yamaga concurred in the policy of disposition of these properties, and resigned over the prices received which he considered too low.

The City Property Committee consists of Justice Smith, Alderman Jones of Vancouver and Mr. Kimura. A catalogue of this Vancouver property has been prepared and the properties are presently being offered for sale, with the concurrence of Kimura.

Up to January, 1943, no property except fishing boats and automobiles was sold without the owner's consent, but perishable goods were sold immediately they were placed in the hands of custodian in order to prevent spoiling.

In property liquidation no distinction has been made between the property of Japanese nationals, naturalized Canadians, and Canadian-born Japanese, and Mr. Read considered that it was regrettable that our approach to this problem should be on a racial basis, instead of restricting our more severe measures to Japanese nationals, as is done in the United States. Mr. Read pointed out further that in the United States no Japanese property

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was being sold, but all was stored at Government expense.

The chattels of the Japanese have been stored at the expense of the Custodian in warehouses, churches and other buildings, and fire insurance has been placed on all. Radios and cameras have been stored by the R.C.M.P., and the Cabinet Committee decided in January that these would be released to Japanese moving East of the Rockies. Chattels when requested have been shipped to Japanese outside the restricted areas at their expense, and the Custodian's agents have been made available to the British Columbia Security Commission to locate and forward chattels. The policy now, at the request of the B.C.S.C., is to refuse to ship chattels to the Interior Housing Centres, as there is no room for them there. All chattels, except articles of religious and sentimental value, are to be auctioned off as soon as possible.

Mr. McPherson in closing stated that custodian controlled all assets of internees, but not the liquid assets of other Japanese except moneys accruing when property was sold, which is being released to Japanese at \$100 per month and the B.C.S.C. Treasury Office advised accordingly.

II. Maintenance to Japanese

Mr. Wardle pointed out that during the last decade a white reliefee did not have to sell real property in order to get relief, although he had to live on his liquid assets if any. The property of the Japanese is being sold compulsorily however and the question is whether we should force them to use most of the proceeds to live on before granting relief.

Messrs. Brown and Pammett pointed out that employable Japanese, after they refused to work, were being required to live on their own assets above certain limits decided by the Commissioner of Japanese Placement, or if they had no assets to live on the charity of their friends or relatives. It was pointed out that under present labour conditions it was felt unjust to the tax payer to keep employable persons in idleness on relief in the Housing Centres, especially if they had money of their own.

Mr. Read made the following suggestions:

- (a) Japanese with capital in the hands of the Custodians producing a fair income should be required to live on this income,
- (b) Japanese able to work should be required to work.
- (c) Japanese unable to work who have a small capital producing a small income should be required to live on their income down to a certain level, which he suggested as follows:

single men,	\$260,
couple,	\$520,
children,	\$50 - \$100 each.

This amount of \$260 per adult is approximately the amount of 1,000 yen, which a Japanese being repatriated is allowed to take out of the country.

III. Compulsory Transfer and Employment

The Labour Department Officials explained that except for the actual evacuation and transfer of men to internment camps, no Japanese to date had been compulsorily transferred to

employment, although one undesirable character had been removed from Tashme and ordered to Schreiber, Ontario, under the Commissioner's powers by Order in Council P.C. 946. The point was raised concerning Japanese in highway construction camps who complained that they were forced to remain, there, and it was explained by Mr. Wardle that individuals and small groups were permitted to leave these camps for other jobs, but that no mass placements from the road camps were permitted.

As regards compulsory employment, it was pointed out that it had not yet been decided to apply the compulsory features of National Selective Service Civilian Regulations to Japanese, although they are required to follow Selective Service procedure in obtaining and leaving jobs. Employable men in the Housing Centres have been taken off work in most cases as an indirect mean of persuading them to move out to private employment, but the dependents of married men still obtain full maintenance, and compulsion has not yet been used to force these men to take outside employment in any special occupation or locality.

IV. Licensing Japanese to Purchase Land

After discussion, it was decided that it would be inadvisable to have Japanese purchase land in any part of Canada, which might inflame local prejudice. It was decided therefore that the present system should continue whereby the Department of Justice when it receives an application from a Japanese for purchase of land refers the matter for opinion to the Provincial Attorney General. Japanese may at present lease land on a yearly basis, and this is felt to be sufficient for the duration.

V. Migration of Japanese from United States to Canada

The War Relocation Authority has inquired whether Canada is prepared to allow the entrance of United States Japanese for temporary residence and employment. After discussion, a negative decision was reached, as it was felt by all concerned that our difficulties were sufficiently great in obtaining employment in Prairie and Eastern Canada for Canadian (Japanese) people.

(Sgd.) H. T. Pamnett

DOCUMENT JAP NO 14

OTTAWA, January 14, 1948

TO: HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

THE UNDERSIGNED has the honour to report as follows:

That by Order in Council P.C. 1810 of July 18, 1947, as amended by Order in Council P.C. 3737 of September 17, 1947, the Honourable Mr. Justice Henry Irvine Bird was appointed a Commissioner pursuant to the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, to inquire into the claims, described in the aforesaid Order in Council, as amended, of persons of the Japanese Race who were resident in Canada on the date of the aforesaid Order in Council.

That the Commissioner has reported that more than thirteen hundred claimants have now filed claims for hearing by the Commissioner and by reason of the fact that the claimants reside in different parts of Canada it will be necessary to hold sessions of the Commission at various places across Canada.

That it is in the interests of justice that hearings of the Commission be expedited and by virtue of Subsection 2 of Section 11 of the Inquiries Act, Chapter Ninety-nine of the Revised Statutes of Canada, 1927, the Commissioner proposes to authorize and depute the following qualified persons to inquire into and hear the testimony of the claimants in person and of witnesses on their behalf other than those called to give expert or technical evidence at sessions of the Commission at the following places:

Kamloops, British Columbia - His Honour Judge J. Ross Archibald.

Vernon, British Columbia - - His Honour Judge J. Ross Archibald.

Grand Forks, British Columbia - His Honour Judge Eric Dawson.

Nelson, British Columbia - - - His Honour Judge Eric Dawson.

Lethbridge, Alberta - - His Honour Judge Elmer Best Feir.

Winnipeg, Manitoba - - His Honour Judge A. Gordon Buckingham.

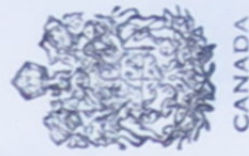
Toronto, Ontario - - - His Honour Judge Armstrong Miller.

THE UNDERSIGNED therefore has the honour to recommend that

the persons deputed be authorized to exercise the same powers which the Commissioner has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the inquiry.

Respectfully submitted,

Secretary of State



CANADA

DEPARTMENT OF VETERANS AFFAIRS

OFFICE OF THE MINISTER
OTTAWA

By hand

November 24th, 1947.

Dear Mr. Ranger,

You were kind enough to advise me of a meeting of the Cabinet Committee on Japanese problems called for Tuesday afternoon, November 25th, at which time you stated that the meeting was to deal with the revision of Orders in Council on Japanese, covering: control of movement, prohibiting of fishing licenses at the West Coast and liquidation of Japanese properties by the Custodian.

Mr. Mackenzie was advised that the meeting was to be held and I now have a wire from which in which he requests that I inform the Honourable Humphrey Mitchell, Chairman of the Committee, and yourself, that he very strongly desires that no action shall be taken on these matters until his return to Ottawa. For your information, I expect Mr. Mackenzie will return on November 30th.

Yours sincerely,

J.B. Kennedy
Joan B. Kennedy

Associate Private Secretary.

Mr. Raymond Ranger,

Secretary,
Cabinet Committee on Japanese problems,
c/o Privy Council,
Ottawa, Ont.

DEPARTMENT OF FISHERIES

OTTAWA

November 18th, 1947.



OFFICE OF THE MINISTER

SECRET

Dear Mr. Ranger,

I have your letter of November 14th relating to the granting of fishing licenses to persons of Japanese race in British Columbia, and to the more recent question of imposing similar restrictions in the Northwest Territories.

Recent request made to this department for the granting of licenses to fishermen of Japanese origin in the Territories, and referred to in my deputy's memorandum of the 24th September apparently at present concerns only a few individuals. Accordingly the urgency of the matter would hardly seem to justify any consideration of this question apart from the wider questions affecting Japanese in Canada. The wider question of course relates to the exclusion of Japanese fishermen in British Columbia as covered by Order-in-Council P.C. 251 of January 13th, 1942. This question runs far beyond matters of fisheries, involving as it does wider matters of policy, and as I understand it the Order-in-Council relating to fishermen was grouped with other orders concerning the Japanese. I would presume that the cabinet committee on Japanese questions would be considering all of these together, and since the present orders will cease to be operative on the 31st December, I presume further that the matter will be under early consideration.

It seems to me personally that there might be some merit in considering whether these various orders might not continue operative until such time as the Japanese peace treaty is finally settled. However so far as fisheries go, the Minister of Fisheries as Minister of Fisheries, while possessed of powers to grant or withhold fishing licenses, can hardly properly do so on a racial basis. His powers as Minister presumably should be related mainly to fishing purposes, the

Raymond Ranger, Esq.,
Secretary,
Cabinet Committee on Japanese Questions,
O T T A W A.

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conservation of fish species, etc. In short the matter of Japanese fishermen anywhere in Canada appears to me to be one among other matters relating to the Japanese, and this I presume will be dealt with by the cabinet committee on Japanese questions.

Yours very truly,

Milton F. Gregg

Milton F. Gregg
Minister

Doyle St. Angelo

UNIVERSITY OF TORONTO
LIBERAL ASSOCIATION

34 Ava Road,
Toronto, Canada,
June 16th, 1947.

The Right Honourable W. L. Mackenzie King,
Prime Minister,
House of Commons,
Ottawa, Canada.

Sir:

I am writing you in connection with your government's policy of discrimination against certain groups of Canadian citizens, particularly those of Japanese ancestry, on the basis of their racial origin. I am desirous of directing your attention to the conclusions contained in the accompanying brief. In the absence of a meeting of our Association, due to the dispersal of our membership in the summer months and the urgent need for action on this matter, responsibility for the views expressed must remain with the Executive of this Association. But, we are confident that they represent the unanimous opinion of our membership, as will be evident from a reference to the letters of December 16th, 1946 and February 15th and April 2nd 1947 addressed to you by this Association, as well as of thousands of Liberals throughout Canada who are deeply perturbed by the continuation of this policy.

The Rt. Hon. Ian A. Mackenzie has replied to a recent letter of ours on this subject, as follows, "in reply, I would say that this is a situation about which I happen to be better informed than most." We feel that this is no answer at all to the great weight of evidence that has accumulated to back up the ugly charge of racial discrimination being levelled against the government. We feel that as Liberals, our actions must correspond with our aims. We feel, as the Hon. Paul Martin does, that "the Liberal way is to think in terms of human rights." We feel that, if only for reasons of political expediency, it is imperative that we get back to our Liberal ideals — a generosity of mind and a readiness to recognize and uphold the just rights of other men and other groups.

The accompanying brief is not intended to be a comprehensive survey of the problem. Rather, it is a series of observations and suggestions that have engaged our attention. Because, they deal with a subject of general and vital concern, we are taking the liberty of distributing copies to Liberal Members of the House of Commons.

I have the honour to be, Sir,

Your obedient servant,

Douglas G. Anglin

Douglas G. Anglin, President

LIBERAL UNIVERSITY OF TORONTO ASSOCIATION

The Executive of the University of Toronto Liberal Association respectfully submits the following observations and conclusions on the question of racial discrimination against Canadians of Japanese origin. We earnestly hope that these opinions will recieve your full and sympathetic consideration.

I. Restrictions on Movement, Residence and Occupation

We strongly recommend that Orders-in-Council preventing Japanese-Canadian students making use of scholarships won at the University of British Columbia, and making possible the recent Yoskioka incident. The Rev. "Eddie" Yoskioka was a fellow student of ours at the University of Toronto, where he won three prizes for his theological studies. In order to go to Vancouver to be ordained, he was compelled to get a "police permit" (and a return railway fare). His father, who came to Canada in 1919 on a scholarship and who for the last eighteen years has been United Church Minister at Kelowna, B.C., was forced to submit to similar humiliating treatment in order to see his son ordained.

We stongly oppose that type of Canadian "democracy" that permits indefeasible and arbitrary restrictions on the movement, residence and means of livelihood of any group of citizens purely on the basis of race.

2. Canadian Status of Deportees

We would welcome a clear statement that those Canadians deported ("repatriated") between December 15th, 1945 and January 24th 1947, did not lose their Canadiana citizenship. Further, we are desirous that serious consideration be given to rendering the repeal of P.C. 7356 retroactive to December 15th 1945, enabling Canadian citizenship to be restored to naturalized Canadians deported (subject only to a simple request and to the conditions of the Canadian Citizenship Act).

3. Denial of Federal Franchise

We most emphatically protest against those sections of the Dominion Elections Act which (in effect) not only dis franchises Japanese- Canadians in British Columbia, but also those who were moved East. We feel that democracy is destroyed the instant we start to pick and choose among the electorate those whom we will allow to vote and those whom we will not. The " will of the people " loses all meaning if " the people " can be redefined whenever we feel like it. We therefore wish to stress to you the compelling necessity of righting these wrongs particularly as this disfranchisement is based upon the worst of all bases --- racial origin. Also, we hope you will see fit to specifically repeal that section of the Act disfranchising Japanese-Canadians moved East of the Rockies, before it lapses on July 1st.

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4. Compensation for Property Losses

We have long been aware of many cases of grave injustice in connection with the disposal of the property of Japanese-Canadians. Not only did the Government permit their property to be plundered and broken into, to deteriorate scandalously and "disappear" through neglect, but also agents of the Government sold much of the property at ridiculously low prices as has been confirmed by disclosures before the Public Accounts Committee of the House of Commons.

In our letter of December 16th 1946, we recommended that:

"3. A Commission be set up,

- a) to inquire into the manner in which the Custodian of Alien Property disposed of property of Japanese-Canadians and,
- b) to investigate complaints of injustice concerning such property disposal and to recommend compensation in the many flagrant cases of injustice."

We still feel that this is an essential first step if your pledge of "fair and just" treatment which up to now we regret to say has been ruthlessly violated, is to be implemented. Such a Commission to be effective must assist the Japanese-Canadians in every way to submit their claims for all losses directly or indirectly attributable to government policy, with the minimum of procedural obstruction and delay.

5. Implications of the United Nations Charter

We have noted with pride that Article 56 of the United Nations Charter (" The Pledge ") was an amendment submitted by Canada and adopted by the San Francisco Conference. By this Article, we pledged ourselves "to take joint and separate action" in the promotion of "universal respect for and observation of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." We are deeply perturbed that the sponsor of this pledge should be, among democratic countries, the most persistent violator of it.

6. Conclusion

The above remarks indicate our deep concern with this policy of racial discrimination and suggest certain urgent needs to right these grievous wrongs. We feel that this policy is repugnant not only to morality and justice but also to the pretensions of the Canadian Citizenship Act, our adherence to the United Nations Charter, the place of respect which we claim among the nations of the world — and to those principles of Liberal democracy which we share.

Dec. 1943 P. 6.

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

X #1. Restrictions on Movement, Residence and Occupation(a) Statement in Brief -

"We strongly recommend that Orders-in-Council preventing Japanese-Canadian students making use of scholarships won at the University of British Columbia, and making possible the recent Yoskioka incident. The Rev. "Eddie" Yoskioka was a fellow student of ours at the University of Toronto, where he won three prizes for his theological studies. In order to go to Vancouver to be ordained, he was compelled to get a "police permit" (and a return railway fare). His father, who came to Canada in 1919 on a scholarship and who for the last eighteen years has been United Church Minister at Kelowna, B.C., was forced to submit to similar humiliating treatment in order to see his son ordained.

We strongly oppose that type of Canadian "democracy" that permits indefensible and arbitrary restrictions on the movement, residence and means of livelihood of any group of citizens purely on the basis of race."

(b) Note -

Under Order in Council P.C.946 of February 5, 1943, which is continued in effect under the Continuation of Transitional Measures Act, restrictions on travel and movement by Japanese persons may be imposed by order of the Minister of Labour. At present the orders in force restrict only movement into British Columbia and travel there. There would be nothing to prevent further modification of the travel control orders now in effect without any change in the legislation.

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

X #2. Canadian Status of Deportees(a) Statement in Brief -

"We would welcome a clear statement that those Canadians deported ("repatriated") between December 15th, 1945 and January 24th 1947, did not lose their Canadian citizenship. Further, we are desirous that serious consideration be given to rendering the repeal of P.C. 7356 retroactive to December 15th, 1945, and enabling Canadian citizenship to be restored to naturalized Canadians deported (subject only to a simple request and to the conditions of the Canadian Citizenship Act)."

(b) Note -

The use of the terms "deportee" and "deported" here is not accurate. Apart from dependent children under eighteen years of age, all Japanese who left Canada did so pursuant to a written statement of desire to leave. There are at present further persons of Japanese origin wishing to leave Canada for whom it has not yet been possible to secure transportation.

Order in Council P.C. 7356, which was revoked on January 24 last, deprived of Canadian status those naturalized persons who left Canada prior to that date. There has not been any strong or general suggestion that this measure was in any sense improper. The naturalized Japanese who were affected by the order had ample opportunity for notice of its existence.

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

#3. Denial of Federal Franchise(a) Statement in Brief -

"We most emphatically protest against those sections of the Dominion Elections Act which (in effect) not only disfranchises Japanese-Canadians in British Columbia, but also those who were moved East. We feel that democracy is destroyed the instant we start to pick and choose among the electorate those whom we will allow to vote and those whom we will not. The "will of the people" loses all meaning if "the people" can be redefined whenever we feel like it. We therefore wish to stress to you the compelling necessity of righting these wrongs particularly as this disfranchisement is based upon the worst of all bases - racial origin. Also, we hope you will see fit to specifically repeal that section of the Act disfranchising Japanese-Canadians moved East of the Rockies, before it lapses on July 1st."

(b) Note -

There are two sections of the Dominion Elections Act of relevance here. Section 14(2)(1) provides that the following persons are disqualified for the federal franchise:

"Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides who did not serve in the military, naval or air forces of Canada in the war of 1914-1918, or in the war that began on the 10th day of September, 1939."

The British Columbia legislature has recently enfranchised Chinese and East Indian persons. As a result, the above section disfranchises only Japanese persons resident in British Columbia. In the Special Committee on the Elections Act, Mr. MacInnis moved on May 29 for deletion of this section.

Department of
External Affairs
Canada

Ottawa, July 12, 1943.

Reply to be addressed to:
The Under-Secretary of State
for External Affairs,
Ottawa.

TO: The Deputy Minister of Labour, Ottawa, Ont.

SUBJECT: Property of Japanese in Canada

I enclose a minute of a meeting held at this Department on June 30th, 1943, on various Japanese questions. This minute represents the impressions gained in this Department of the substance of the conversation at the meeting.

Those present were:

External Affairs: Mr. J. E. Read, Chairman
Mr. Morley Scott
Mr. C. L. Miles

Custodian of Enemy Property: Mr. G. W. McPherson

Foreign Exchange Control Board: Mr. S. Turk

Immigration: Mr. J. R. Hearndon

Labour: Mr. A. H. Brown

Mines & Resources: Mr. J. M. Wardle

In regard to item 6, a despatch has been sent to our Legation in Washington stating that persons of Japanese race would not be admitted from the United States.

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The motion was lost by 10 to 6.

The second relevant portion of the Elections Act is section 14(2)(n) which was introduced in 1945 (1944-45, Chapter 26) and which reads as follows:

"Every person residing in Canada whose racial origin is that of a country at war with Canada who, at the time of the passing of this Act, namely July 1st, 1938, and on the date of the declaration of such war, resided in a province in which on those dates a person of his racial origin was disqualified from voting at an election of a member of the Legislative Assembly of that province, and who did not serve in the naval, military or air forces of Canada in the war of 1914-1918 or in any subsequent war in which Canada may be engaged."

On May 22 the Special Committee agreed that this section should be deleted. The reference in the brief to automatic termination of this section on July 1, would seem to be in error.

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

#4. Compensation for Property Losses(a) Statement in Brief -

"We have long been aware of many cases of grave injustice in connection with the disposal of the property of Japanese-Canadians. Not only did the Government permit their property to be plundered and broken into, to deteriorate scandalously and "disappear" through neglect, but also agents of the Government sold much of the property at ridiculously low prices as has been confirmed by disclosures before the Public Accounts Committee of the House of Commons.

In our letter of December 16, 1946, we recommended that:

- "3. A Commission be set up,
a) to inquire into the manner in which the Custodian of Alien Property disposed of property of Japanese-Canadians and,
b) to investigate complaints of injustice concerning such property disposal and to recommend compensation in the many flagrant cases of injustice."

We still feel that this is an essential first step if your pledge of "fair and just" treatment which up to now we regret to say has been ruthlessly violated, is to be implemented. Such a Commission to be effective must assist the Japanese-Canadians in every way to submit their claims for all losses directly or indirectly attributable to government policy, with the minimum of procedural obstruction and delay".

(b) Note -

On January 24 last the Prime Minister gave the following statement to the press:

- 2 -

"With respect to the property of persons of Japanese origin who were removed from the Pacific coast, and whose property was sold by the Custodian, the government is of the opinion that the sales were made at a fair price. In all cases a complete appraisal was made before disposition. The total of the prices secured is greater in aggregate than the total appraisal value. To ensure, however, the fair treatment promised in 1944, the government is prepared in cases where it can be shown that a sale was made at less than a fair market value to remedy the injustice."

No further announcement has been made as to the implementation of the policy.

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

#5. Implications of the United Nations Charter(a) Statement in Brief -

"We have noted with pride that Article 56 of the United Nations Charter ("The Pledge") was an amendment submitted by Canada and adopted by the San Francisco Conference. By this Article, we pledged ourselves "to take joint and separate action" in the promotion of "universal respect for and observation of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." We are deeply perturbed that the sponsor of this pledge should be, among democratic countries, the most persistent violator of it."

(b) Note -

Jackson

Jackson
Report

Brief of the University of Toronto Liberal Association

(Submitted under letter of June 16 to the
Prime Minister)

#6. Conclusion

(a) Statement in Brief -

The above remarks indicate our deep concern with this policy of racial discrimination and suggest certain urgent needs to right these grievous wrongs. We feel that this policy is repugnant not only to morality and justice but also to the pretensions of the Canadian Citizenship Act, our adherence to the United Nations Charter, the place of respect which we claim among the nations of the world - and to those principles of Liberal democracy which we share.

(b) Note -

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In respect to item 5, I attach a copy of a letter which has been sent to the Deputy Minister of Justice.

In respect to item 1, and other property matters a despatch to the Consul General of Spain will be framed by this Department, submitted to Mr. McPherson and if approved by the Assistant Deputy Custodian, sent forward.

Morley Scott (signed)
for the Under-Secretary of State
for External Affairs.

1. DISPOSITION OF PERSONAL PROPERTY AND HOUSEHOLD GOODS

1. Position of Personal Property

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

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

2. Real Property

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

3. Property of Repatriates

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

II. RELIEF

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

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

III. COMPULSORY EMPLOYMENT

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

IV. COMPULSORY MOVEMENT

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

V. LICENCES TO HOLD LAND

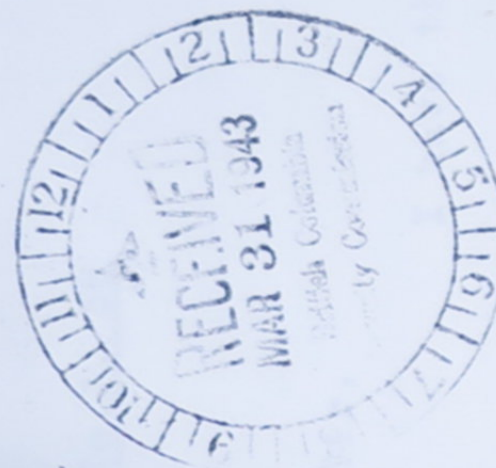
There was an exchange of views. Labour was inclined to favour the granting of licences, but the general opinion was against it. It was recognized that it was not a point for External Affairs to decide.

VI. MIGRATION OF JAPANESE

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

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DEPUTY MINISTER
OF LABOUR



Ottawa, March 27, 1943.

Commissioner George Collins,
British Columbia Security Commission,
Marine Building,
Vancouver, B.C.

Dear Mr. Collins,-

I attach for your information copy of
reply by External Affairs to the Spanish Consul General
regarding Japanese protests against alleged mistreatment
of Japanese Nationals in Canada.

The reply is, in my opinion, an excellent
one.

Yours very truly,

A. MacNamara
A. MacNamara.

Enc.

C O P Y

DEPARTMENT EXTERNAL AFFAIRS

No.J. 58

Ottawa, March 22, 1943.

Sir,

I have the honour to refer to your despatch No. 2 J2 of January 4th, 1943, conveying a protest from the Japanese Government against alleged mistreatment of Japanese nationals in Canada.

At the time this despatch was received, an officer of this Department, accompanying the Delegate in Canada of the International Red Cross Committee, was making a tour of the Japanese settlements in the West. A similar trip was in prospect shortly afterwards for your Consul in Vancouver, Mr. de Kobbe. I deferred answering your despatch until the reports of these various officers to their respective principals had been received. Mr. de Kobbe has now finished his trip and I do not doubt that he has sent you a full report of it.

The Government of Canada fully believes that the best way to answer complaints against the treatment of Japanese nationals in this country is to ensure that the Japanese Government receives reliable reports based on the investigations of impartial persons. The reports sent to Japan by you, as representative of the Protecting Power, are of course what must be chiefly relied upon to present the truth to the Japanese Government. You were good enough to send to this Department a copy of the report which you wrote after your own visit to the Western

The Consul General of Spain
in charge of Japanese interest,
Sun Life Building,
MONTREAL, P.Q.

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settlements last summer and I presume you have from time to time sent despatches on particular subjects. It is a cause of deep regret and some surprise to the Government of Canada that these reports seem to have had so little effect upon the degree of understanding of the situation in Canada which the Japanese Government, judging by their protest, appear to possess. You will, perhaps, permit me to make a request in this connection. Would it be possible for you to ascertain whether, in fact, the Government of Japan has acknowledged the receipt of the report of your Western trip which you sent to your Government at Madrid in the summer of 1942. It is presumed that the representative of the Spanish Government in Tokyo could easily make this enquiry if the information does not exist in Madrid.

I turn now specifically to the Japanese protest contained in your despatch No. 2/J2. The substantial truth in this despatch is that Japanese nationals in Canada were compulsorily removed from the so-called "protected area" near the Pacific Coast. This was an area susceptible to attack by the enemy and as an ordinary military precaution, it was necessary to remove nationals of enemy countries. There is no need to apologize for this procedure, common to all countries in wartime.

The picture given in the Japanese protest of the method of evacuation and the treatment of evacuated Japanese, is substantially untrue. Physical force was not used in the evacuation, revolvers were not pointed at the Japanese, nor was any form of firearm or other weapon employed. It is true that for the first few weeks, the accommodation in the work camps was less comfortable than it now is. But it was never of a lower standard than that prevailing in work camps generally in this country. Workmen in Canada, for many years, have been accustomed to living for short periods, not only in conditions similar to those in which the Japanese first lived, but indeed in the very bunk cars, of standard construction, used by the Japanese there. These cars

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are still being used by the Occidental construction crews across Canada; there are cars in which the men have their sleeping quarters and there are cook-house cars where their meals are served. For short periods of occupancy, these cars are not uncomfortable. As you are aware, they were soon replaced by more substantial and permanent quarters which Mr. de Kobbe must have seen.

At no time was there lack of medical care and attention for the Japanese. It is impossible, from the nature of things, to have a doctor in each small construction unit but doctors visit the units whenever necessary, and dental and medical care is always available.

The food served to the Japanese is of the same high quality as that given to occidental construction crews. There is no good reason why persons paid for working should not pay for their meals and the amount charged for the meals is, in fact, less than their cost price. Nor is there any reason why Japanese in good employment should not contribute toward the upkeep of their families. The system of requiring Japanese in road camps to assign money to their families rests on a sound principle and it is proposed to continue it.

As to the allegation that Japanese are compelled either to work or to be interned, nothing could be more contrary to facts. Your representative must have seen hundreds of families in the Japanese settlements, no one member of which was working, and yet all of whom were being supported from Government funds.

I am confident that the results of your investigation and those of Mr. de Kobbe and Mr. de Yturraldi will have convinced you of the fairness with which the Government of Canada treats Japanese nationals within this country. These standards have been retained partly from natural motives of humanity, partly from the desire to secure for our people in the hands of the Japanese similar standards of comfort.

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It is for this reason that I am especially anxious that the Japanese Government should be given a true picture of the situation in Canada.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) H. H. Wrong

For the Under Secretary of State
for External Affairs.



CONSULATE OF SWITZERLAND
VANCOUVER

FOR THE PROVINCE OF BRITISH COLUMBIA
AND YUKON TERRITORY

VANCOUVER, CANADA September 11, 1945
402 PENDER STREET WEST

REFERENCE: OUR FILE 3/9 Japanese Interests
YOUR FILE

TELEPHONE: PACIFIC 4020

CONSULTATION HOURS: 10 TO 12:30; 2 TO 3



Department of Labour
Japanese Section,
Dick Building
Vancouver, B.C.

Attention: Mr. T. Pickersgil

Dear Sir,

Kindly take note that as of September 6th, 1945,
the Consulate of Switzerland in Vancouver has taken over as
protecting Power for Japanese Interests in British Columbia.

Henceforth, please address all communications to the
Consulate of Switzerland, 402 West Pender Street, Vancouver, B.C.

Very truly yours

CONSULATE OF SWITZERLAND

Consul.

On est prié de joindre à toute demande l'affranchissement pour la réponse.
Mit allen Anfragen ist man gebeten Porto beizufügen.

Ottawa, July 9, 1946.

A. MacNamara, Esq.,
Deputy Minister of Labour,
O t t a w a.

Dear Mr. MacNamara:

I am enclosing herewith a large number of mimeographed form letters which have been received recently from various Japanese persons covering mimeographed schedules that purport to set out claims by individuals against the government of Canada. As you will note, the claims cover almost every possible type of loss sustained through movement from the homes of the Japanese to the interior settlements.

Possibly these will have come to your attention already and, if so, I should be interested to know whether you have any idea of their source and what organization is behind these submissions.

Yours sincerely,

(R. G. Robertson),
Secretary.

February , 1946.

Rt. Hon. J. Mackenzie King,
Prime Minister of Canada,
to whom it may concern,
Ottawa, Canada.

We, Japanese Repatriates of Slocan District, sincerely believe that as a result of coercive evacuation from the Pacific Coast, thereby resulting in considerable financial loss to the affected people, a great deal of consideration should be forthcoming from the government of the Dominion of Canada.

Ever since the outbreak of the Pacific war, we have been treated unfairly and undemocratically, the Germans and the Italians, however, were immune from such treatment. Even the Canadian-born and the naturalized Canadians were removed from the same area, the direct consequence of this government policy was quite obvious. The family life was temporarily disrupted, we were forced to live for months in an unsatisfactory and crowded Manning Hall at Hastings Park in Vancouver. It is quite alien to what extent these people received the blow psychologically, apart from this, the financial loss sustained by each family was considerable, but to ascertain to what extent it is quite impossible. Before leaving the coast, a great portion of household effects and personal belongings were either unwillingly relinquished or reluctantly sold at a loss, but, for those who are old or who are approaching old age, this action, though unfortunately unavoidable, has resulted in a financial uneasiness to such an extent that the possibility of the re-establishment of their former financial status seems quite dim.

On the solemn promise that the property handed over to the Custodian would be safeguarded in the interest of the owner, the complete faith, but unfortunately, this pledge was not kept. Both the moveable and the immovable properties were sold by the Custodian without the consent of the owner, at a third or one-third or one-fourth of their current value. Hence, no one can doubt in the least the profound disappointment and grief arising from such injustice. Furthermore the unemployed and those unable to work in the Interior Housing Settlement had to live on what money the Custodian handed over to them from the forced sale of their property.

It is now quite evident that a great majority of the evacuees' were stripped of all financial assets.

In the name of those who are going to Japan voluntarily or involuntarily in the very near future to re-establish themselves there, we, Japanese Repatriates of Slocan District, do hereby humbly petition that the enormous financial loss sustained by the Japanese people as a result of this forced evacuation from the coast be indemnified by the government of the Dominion of Canada.

We trust this entreaty on the good faith of His Majesty's Government and on the benevolence of the Canadian people.

Signature

Toshiaki Kikuchi

Address (Pre-Evacuation) Port Hamond, B. C.

Nationalized

Canadian Born

Name Ukitsu, Taichi Reg. No. 11273

Present Abode

Mekayamaken Hikakagun Hiizakimura

50 Holly Ave., Lemon Creek
B. C.

Land value reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

House Value reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Value of furnitures and implements
reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Value of machines reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Value of fishing implements reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Value of fishing boats reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Value of automobiles or trucks
reported to the Custodian

Value of compulsive sale

Difference claiming as compensation

Difference of one year's income
(present and before the evacuation) \$480.00

Etc.

Loss owing to evacuation (furniture) \$40.00

Loss owing to evacuation (working time) \$1170.00

Signature

Taichi

PRIVY COUNCIL OFFICE
OTTAWA

January 9, 1947

Dear Sir:

Attached is a copy of Order in Council P.C. 5355 of December 30th, 1946. This, in fact, is a re-enactment, with amendments, of "The Statutory Orders and Regulations Order, 1947", which was originally made and established by Order in Council P.C. 4876 of November 26th, 1946.

Of the various amendments embodied in the new Order, the most important is contained in Section 6(a) which now provides for the publication of a consolidation of all Statutory Orders and Regulations in effect on the 31st day of December, 1947. Thus, the first consolidation of Statutory Orders and Regulations will be published one year later than was contemplated in the initial Order in Council (P.C. 4876).

For your convenience, I have summarized hereunder, some of the more important points to be kept in mind with reference to the various requirements of P.C. 5355.

1. The Statutory Orders and Regulations Order, 1947, provides that, on and after the 1st of January, 1947, the Canada Gazette shall be published in two parts, Part I to contain all orders, rules or regulations "of a legislative character or of an administrative character having general effect or imposing a penalty", whether made by the Governor in Council, a Minister, of the Crown, a department, board, agency or official having statutory authority so to do. The Order further provides for the publication of a consolidation of all such orders, rules and regulations every five years, the first consolidation to appear as soon as possible after the 31st day of January, 1948.
2. Sections 3 and 6(a) of the Order stipulate that the responsibility for filing current orders, rules and regulations as they are made, and consolidations before the 31st of January, 1948, rests with the Minister, department, board, agency or officer having authority to make, or to administer such orders, rules and regulations.

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3. It is frequently difficult to decide whether or not a given rule or regulation is, in fact, "of a legislative character, etc". For this reason, and in order to achieve that uniformity which is essential to the success of this publication, there has been appointed an Advisory Committee on Statutory Orders and Regulations to which all such border-line cases will be referred for review and decision in consultation with the department or agency concerned. In addition, as soon as possible before the 31st of December, 1947, all departments, boards, agencies, etc., affected by P.C. 5355, should submit to the Committee all consolidations, or at least a complete list of all consolidations intended for publication. This Advisory Committee is composed of the following:

A. D. P. Heeney, (Chairman)
Clerk of the Privy Council;

J.F. MacNeill,
Parliamentary Counsel;

D.H.W. Henry,
Department of Justice; and

Paul Pelletier, (Secretary)
Privy Council Office.

All communications to the Advisory Committee should be addressed to the Secretary.

4. It should be emphasized that all consolidations before being filed with this office for inclusion in "Statutory Orders and Regulations, Consolidation, 1947", should be revised with the utmost care from the legal as well as the drafting point of view. In this connection "office consolidations" cannot be accepted. All consolidations will require to be re-enacted by competent authorities before publication. Every precaution should also be taken to ensure that all orders, rules and regulations are filed, even those which may have fallen into disuse although still in effect.

5. Your attention is particularly drawn to Section 3 of the Order which reads, in part: "... every Minister of the Crown, department... shall, forthwith upon the making of any such order, rule or regulation, transmit three certified copies thereof (two in English and one in French) to the Clerk of the Privy Council". Section 6(a) reads, in part: "... every Minister of the Crown, department... shall transmit to the Clerk of the Privy Council a certified consolidation, in English and in French, of all such orders,

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minutes, rules or regulations as are in effect on the 31st day of December, 1947..." The onus for filing French texts with this office therefore rests with the department, board, etc., whence the order originates. This is extremely important since Section 7 provides that Statutory Orders and Regulations shall be published on the second and fourth Wednesday of each month in English and in French. If the above requirements are not complied with, this office may be compelled to withhold publication of rules and regulations in English pending receipt of the French texts.

6. In exceptional cases where immediate publication is of the essence, it will be possible to have published Extras of the Canada Gazette, Part II, much in the same manner as Extras of the Gazette have been issued in the past. Anything appearing as an Extra will be reprinted in a subsequent regular bi-monthly issue.

Yours sincerely,

A. D. P. Heeney,
Clerk of the Privy Council.

P.C. 5355

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 30th day of DECEMBER, 1946.

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS "The Statutory Orders and Regulations Order, 1947" was made by Order in Council P.C. 4876 of November 26th, 1946;

AND WHEREAS it is deemed advisable to amend certain provisions of the said Order;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable W.L. Mackenzie King, the Prime Minister, is pleased to order as follows:

1. That "The Statutory Orders and Regulations Order, 1947", made by Order in Council P.C. 4876 of November 26th, 1946, be revoked; and

2. That the following Order be made and established pursuant to the provisions of Section 30 of the Public Printing and Stationery Act, Chapter 162, R.S.C. 1927:-

ORDER

1. This Order may be cited as "The Statutory Orders and Regulations Order, 1947".

2. After the first day of January, 1947, the Canada Gazette shall be published in two Parts. Part I shall be entitled "General" and shall contain generally the matter which prior to the said date was published in the Canada Gazette excepting the matter to be published in Part II as hereinafter set out. Part II shall be published separately under the title "Statutory Orders and Regulations" and shall contain such proclamations, orders, rules and regulations as are mentioned in Section 4 hereunder. All proclamations shall continue to be published in Part I and those proclamations falling within the meaning of Section 4 hereof shall also be published in Part II.

3. On and after the First day of January, 1947, every Minister of the Crown, department, board, agency or officer having authority to make any order, rule or regulation of a legislative character or of an administrative character having general effect or imposing a penalty, shall, forthwith upon the making of any such order, rule or regulation, transmit three certified copies thereof (two in English and one in French) to the Clerk of the Privy Council.

....

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4. A registry shall be maintained in the Privy Council Office in which shall be filed certified copies of:
- (a) all proclamations and all orders, rules and regulations of the Governor in Council, including Minutes of Council and of Treasury Board, of a legislative character or of an administrative character having general effect or imposing a penalty;
 - (b) all orders, rules and regulations of a legislative character or of an administrative character having general effect or imposing a penalty, made by Ministers of the Crown;
 - (c) all orders, rules and regulations of a legislative character or of an administrative character having general effect or imposing a penalty, made by a government department, board, agency or officer who may have authority to make such enactments; and
 - (d) such other orders, rules and regulations, not included above, as may be determined, from time to time, by the Governor in Council.
5. Such proclamations, orders, rules and regulations as are required by Section 4 above to be registered shall, upon being so registered, be compiled and edited by the Clerk of the Privy Council and printed and published by the King's Printer in accordance with the provisions of Section 7 hereunder.
6. (a) On or before the 31st day of January, 1948, every Minister of the Crown, department, board, agency or officer having authority to make or to administer any order, minute, rule or regulation within the meaning of Section 4 above, shall transmit to the Clerk of the Privy Council a certified consolidation, in English and in French, of all such orders, minutes, rules or regulations as are in effect on the 31st day of December, 1947, and the Clerk of the Privy Council shall thereupon compile and edit and the King's Printer shall print and publish all such consolidations under the title "Statutory Orders and Regulations, Consolidation, 1947", provided that all consolidations of orders, minutes, rules and regulations within the meaning of Section 4(a) above so transmitted to the Clerk of the Privy Council shall be submitted to the Governor in Council for approval prior to publication.
- (b) A like consolidation of Statutory Orders and Regulations shall be published every five years or at such other interval as may be determined by the Governor in Council.

.....

7. Part II of the Canada Gazette, entitled "Statutory Orders and Regulations", shall be published regularly by the King's Printer, on the second and fourth Wednesday of each month, in a form analogous to that of the Statutes of Canada and in separate editions in the English and French languages. It shall be distributed, without cost, to Provincial Attorneys-General and to such other persons as may from time to time be entitled to receive copies of the Statutes of Canada, and copies may be sold to the general public upon such conditions as to cost as may be determined by the King's Printer.

A.D.P. Heeney,

Clerk of the Privy Council.

COPY

E, LANE, GUILD & SHEPPARD
Barristers and Solicitors

703 Rogers Building

Vancouver, B.C.

February 4th, 1946.

T.B. Pickersgill, Esq.,
Commissioner for Japanese Placement,
360 Homer Street,
VANCOUVER, B.C.

Dear Sir:-

Re: Habeas Corpus Proceedings

You have asked whether Habeas Corpus proceedings would be available to individual Japanese who are being deported pursuant to P.C. 7355, notwithstanding the Judgment of the Supreme Court of Canada (expected shortly) shall hold that this Order-in-Council is valid. We understand that you will arrange for shipping space and assign thereto individual Japanese, some time in advance of the day of sailing, and shortly before the day of sailing those Japanese who will have been assigned thereto will be taken in charge and conducted to the vessel. It is quite evident that Habeas Corpus proceedings, if available, by postponing hearings and by appeal could prevent a Japanese from sailing at the time originally assigned, and such processes if issued in considerable number could completely disrupt your plans and prevent your using the shipping space for which you had contracted.

If the expected Judgment of the Supreme Court of Canada do hold that Order-in-Council valid that Judgment would not in itself exclude Habeas Corpus proceedings by the individual Japanese under deportation; there still remains a triable issue as to "legality of detention" of each individual Japanese complaining of deportation. In the King vs. Secretary of State for Home Affairs, ex.p. Budd (1942) 111 L.J. K.B. page 475 the Court had to consider the validity of a detention under an order made by the Home Secretary pursuant to a Regulation relating to Members of the British Union of Fascists; Lord Greene, M.R. at page 478 said that the Court might in a Habeas Corpus proceedings enquire into the "facts which are relevant to the issue before the Court, namely the legality of the detention. It is clear that there may be many matters into which the Court can and will enquire under the Section if occasion arises - for example, the bona fides of the Secretary of State, the genuineness of the detention order itself, and the identity of the applicant with the person referred to in the order." Under that principle we might expect that similar issues would be raised in Habeas Corpus proceedings under this order P.C. 7355, namely

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T.B. Pickersgill, Esq.,

whether each particular Japanese being deported is of the Japanese race at all, and further whether he, being of that race, comes within the regulations permitting deportation. Whether such enquiry could be excluded and Habeas Corpus proceedings rendered not available must depend upon the effect of Section 9 of P.C. 7355 which states as follows:-

"9. Any person for whom an order for deportation is made and who is detained pending deportation or who is placed under restraint in the course of deportation by virtue of any order or measure made or taken under Section 4 of this Order shall, while so detained or restrained, be deemed to be in legal custody."

and in particular the effect to be assigned to the concluding words, namely "deemed to be in legal custody."

We are of the opinion that such Section 9 does not preclude an enquiry into the various issues suggested by the Budd case. You will observe that the Section does not state that any person who is detained is to be deemed in legal custody, but the Section is much more restrictive in that the Section refers to "any person for whom an order for deportation is made".... by virtue of any order or measure made or taken under Section 4 of this Order.. The qualifications of "any person" would suggest that it still remains open for the Court to enquire:-

1. Whether an order for deportation for that particular Japanese has been made at all and if so that would include an enquiry as to whether the Order has in fact been made by the Minister of Labour, and

2. Whether the Order is pursuant to Section 4 of the Order-in-Council; that again requires a finding of whether the person so detained is of the Japanese race, and if so whether he comes within the provisions of that Order-in-Council permitting the deportation, that is whether he made a valid request for repatriation, or whether he has been detained within Clause 2 (b). Until these matters have been found against the applicant you cannot tell whether he is the person who is to be deemed "to be in legal custody."

No doubt the Court would require before issuing a writ of Habeas Corpus some facts which would indicate that the detention was unlawful, but assuming the particular Japanese is prepared to swear to facts which would indicate that he had signed a request for repatriation under circumstances which made that request invalid then it would in our opinion be open to the Court to issue the Writ and to enquire into the validity of that request for repatriation. We therefore conclude that the concluding words, namely "deemed to be in legal custody" do not preclude habeas corpus proceedings.

- 3 -

We have endeavoured to find a decision upon the effect of those concluding words (Sec. 9) and although those words are to be found in the Regulation under consideration in Liversidge vs. Anderson (1941) 110 L.J. K.B. 724 their effect in Habeas Corpus proceedings was not decided and we have been unable to find any judgment which holds such words do preclude Habeas Corpus proceedings. In the absence of such authority we are of the opinion that such concluding words would be read restrictively as we have suggested and would still permit an enquiry as to the sufficiency of the return insofar as to determine whether the person under detention is one of the persons so defined under Sec. 9 of this Order-in-Council. In other words, that this presumption would not preclude the Court enquiring on the return of the Writ as to whether the person so detained was of the Japanese race and liable to deportation.

Yours truly,

LOCKE, LANE, GUILD & SHEPPARD,

Per: F.A.S.

FAS/EB

Department of Labour
TOP SECRET
4 1946
DRAFT LETTER
YOUR HANDLE
YOUR COMMENTS
SEE FILE FOR ME

Ottawa, March 4th, 1946.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
Ottawa, Ontario.

Dear Mr. Mitchell:

The report of the Special Cabinet Committee on repatriation and re-location of persons of Japanese race of which you are Chairman, was submitted at a meeting of the Cabinet held on Saturday morning last, March 2nd.

After some discussion of the Committee's recommendations, as set out in Cabinet Document 164 (of which you have a copy) it was agreed that decision thereon be deferred until you were present. Meantime, the Prime Minister felt that you should see Mr. Mackenzie and inform him of the course which the Committee recommended should be followed. You will recall that the Committee's recommendations were as follows:

- (a) the Government facilitate an appeal to the Privy Council;
- (b) pending the outcome of the appeal, the Government repatriate only those persons of Japanese race who still desired to be returned to Japan;
- (c) the Government continue to seek the dispersal of Japanese to all parts of Canada;
- (d) the establishment of a Commission of Appeal be deferred pending decision on the appeal to the Privy Council, it being understood that the Government would reconsider the terms of reference

-2-

of this Commission in the light of
this decision.

Yours sincerely,

A. D. P. Heeney
Secretary to the Cabinet.

SECRET

MEMORANDUM FOR MR. WOOD:

Re: Repatriation of Japanese

The Cabinet discussed, this morning, the nature of a statement which could be made by the Minister of Labour in the House, today or tomorrow, on repatriation.

It was decided that the Cabinet decision of September 19th provided adequate material for Mr. Mitchell's statement at the present time. Mr. Brown is working on a draft statement and Mr. Mitchell agrees that you should collaborate with him and clear the draft with the Cabinet Committee (Mackenzie and Robertson) before 3 p.m. today.

I have not informed Brown - please do this.

With respect to requests for review of applications for repatriation (para. 2(a) of Cabinet Conclusions), the Prime Minister felt that where coercion was alleged or established, provision should be made for review of cases. In this respect, the Minister's statement should, therefore, be pretty general, leaving the door open to review on a pretty broad basis.

A.D.P.H.

November 20th, 1945.

Ottawa, November 20, 1945.

At various times during the war, groups of persons of the Japanese race have indicated that it was their desire to go to Japan.

In the early part of 1945, a survey was made to ascertain how many there were who desired to be repatriated to Japan and on a purely voluntary basis, all persons of the Japanese race who could readily be located were requested to indicate their wishes in this respect. No coercion or force or any pressure of any nature was used--on the contrary, every precaution was taken to see that there could be no basis for a charge of coercion.

There is a total of 10,347 involved in the voluntary declarations for repatriation. Of this number, 6,844 actually signed requests--the remainder are dependent children under sixteen years of age of those who signed. There were 2,923 Japanese Nationals, 1,461 Naturalized Canadians and 2,460 Canadian-born who signed. Of the 10,347 involved in the requests, more than 70% were residing in the Interior Housing Settlements in British Columbia when the survey was undertaken.

Up to September 1, 1945, the date of the signing of the Japanese surrender, only a very insignificant number had applied to revoke these requests. Since September 1, 1945, applications for revocation have reached us in considerable numbers.

As the first step in the repatriation of this group, the Government decided that it was necessary to obtain the advice of General MacArthur, the Supreme Allied Commander in Japan, as to when he would be prepared to receive these repatriates and we have been advised that General MacArthur is prepared to accept these repatriates whenever shipping arrangements can be completed for the transportation of these people to Japan.

The Government is of the opinion that, in general, ^{Japanese Nationals} all persons who have requested repatriation, providing they are not Canadian citizens, should be repatriated because it is quite

- 2 -

clear that their loyalty is to Japan rather than to Canada.

Coming to the question of Canadian citizens, the Government is of the opinion that any Canadian citizen who applied for repatriation but who subsequently changed his decision prior to the Japanese surrender, September 1, 1945, should be allowed to revoke his application for repatriation.

In regard to Canadian-born who may have applied to revoke their application for repatriation subsequent to the Japanese surrender, September 1st, 1945, it is proposed to review these cases.

No coercion was exercised, nevertheless, allegations have been made that such is the case and these allegations will be investigated.

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

S E C R E T

MEMORANDUM TO THE CABINET:

RE JAPANESE DEPORTATION POLICY

In accordance with the decision of Cabinet the Cabinet Committee appointed to consider the repatriation and relocation of persons of the Japanese race met on Wednesday, February 27th, to consider future action in light of the Supreme Court decision.

The Minister of Labour reviewed a memorandum which had been prepared and distributed to members of the Committee in which it was suggested that the following principles should govern the issue of deportation orders:

- (a) husbands and wives will not be separated by forced deportation measures except in instances where domestic relations of a man and wife have already been broken up in which case each will be dealt with as a single individual.
- (b) Canadian born persons will not be deported against their wishes.

Mr. Mitchell suggested three possible courses of action:

- (1) that the appeal to the Privy Council be proceeded with if the parties so desire and that the hearing be expedited. In the meantime, that we content ourselves with making preliminary arrangements and if possible by despatching Japanese Nationals who have no minor children and voluntary repatriates.
- (2) that those who are interesting themselves in the case be told of the principles that the government proposes to follow in not separating husbands and wives and not deporting Canadian born persons against their wishes. If this policy were accepted reference to the Privy Council would then become unnecessary.
- (3) To proceed with deportation within the limits of the Supreme Court decision and notwithstanding that an appeal is taken.

The Committee was advised that Mr. Brewin who acted as Junior Counsel on behalf of the Japanese in the recent reference before the Supreme Court had asked whether it would be possible for a delegation of six or seven persons representing the Committee to discuss the Japanese question with the government. The delegation would particularly wish to raise the following points:

- (1) In view of the difference of opinion in the Supreme Court judgments the Japanese orders should be withdrawn and the matter dropped.
- (2) Failing an abandonment of the orders they would regard it as satisfactory solution if the government would agree that all those who are subject to deportation and who are not willing to go should have the right to have their cases heard by the Loyalty Commission which is to be established.

- 2
- (3) If there is to be no change in government policy the Committee would like to have assurance that the matter would not be proceeded with pending the outcome of an appeal to the Privy Council.

Officials of the Department of Labour charged with the responsibility of administering Japanese affairs pointed out that under the Supreme Court decisions approximately 7,000 Japanese could be legally deported but that this would mean separating parents from their children. If, however, the government decided that families should not be broken up the number to be deported might be reduced to approximately 1,500.

The Committee after lengthy discussion decided to make the following recommendations to Cabinet:

- (1) That the government facilitate an appeal to the Privy Council.
- (2) Pending the outcome of the appeal the government would repatriate only those who still expressed a desire to be returned to Japan.
- (3) The government would proceed with efforts at dispersal of Japanese to all parts of Canada other than the Pacific Coast.
- (4) The setting up of a Commission of Appeal would be deferred until the decision of the Privy Council had been announced and the government would reconsider the terms of reference of this Commission in the light of Privy Council decision.

Privy Council Office,
February 27th, 1946.

A.D.P. Heeney,
Secretary to Cabinet.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE

PLEASE REFER

TO
FILE NO. J-175

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
April 23, 1947

Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
315 East Block,
Ottawa, Ontario

Re: Claims of Japanese Evacuees

Dear Mr. Ranger:

Confirming our telephone conversation, I enclose herewith copy of communication addressed to the Under-Secretary of State by the Deputy Minister of Justice, under date of 22nd instant, together with draft Order in Council, as amended.

Yours very truly,

K. W. WRIGHT

COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

COPY

EAD/CM

Please Address

THE DEPUTY MINISTER OF JUSTICE

Ottawa

Ottawa

April 22, 1947

URGENT
BY HAND

152189

I have to refer to my letter of April 1st enclosing a draft Report to Council for the appointment of a Commissioner under Part I of the Inquiries Act to investigate claims made by persons of the Japanese race in respect of the disposition of their property.

In that draft I had set out the various types of claims as a schedule to the Order and I understand now that the only claims to be considered are those set out in items 2 and 4 (a) of that schedule.

I have been asked to prepare a revision of the draft I previously sent to you and accordingly I have the following suggestions to make:

- (1) Strike out the second last recital and substitute the following:

"That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian.

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

- (2) Strike out the first recommendation and substitute the following:

"1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian pursuant to the above mentioned Orders was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof".

- (3) As an alternative to (2) above substitute the following:

"1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that, by reason of the failure of the Custodian to exercise reasonable care in the management or disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof".

- (4) Strike out the schedule.

The Under-Secretary of State,

O T T A W A

"F. P. Varcoe"

Deputy Minister

2025 RELEASE UNDER THE ATIA

D R A F T

2025 RELEASE UNDER THE ATIA

OTTAWA, April 1947

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to report as follows:

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

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

That by Order in Council P.C. 6247 of July 20, 1942, it was provided that all vessels and equipment not disposed of by the committee established by the said Order in Council of January 13, 1942, should on and after the first day of August, 1942, be vested in and be subject to the control of the Custodian.

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

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

The undersigned, therefore, has the honour to recommend:

1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian pursuant to the above mentioned Orders was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian appointed by the owner thereof.

ALTERNATIVE TO CLAUSE (1) ABOVE

1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, chapter ninety-nine of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that, by reason of the failure of the Custodian to exercise reasonable care in the management or disposition of the real and personal property vested in the Custodian pursuant to the above mentioned Orders, the amount received by him for such property was less than the market value thereof at the time of the evacuation of the owner, but no inquiry shall be made into claims in respect of any property for any loss that arose while the property was under the custody, control or management of any person, other than the Custodian, appointed by the owner thereof.
2. That the Commissioner shall examine into each claim and make a report to the Governor in Council advising as to the amount of compensation that in his opinion would be fair and reasonable.
3. That the Commissioner shall give public notice in such manner as he deems advisable of the time for the filing of claims and for the hearing of evidence

- 3 -

and that all claims shall be in writing, verified by statutory declaration and filed in the office of the Custodian at Vancouver, British Columbia.

4. That the Commissioner be authorized to engage the services of such counsel, technical advisers or other experts, clerks, reporters and assistants as he may deem necessary or advisable.

5. That the expenses of and incidental to the said inquiry be paid out of moneys appropriated by Parliament.

Respectfully submitted,

Secretary of State

SECRETMemorandum for Mr. A. D. P. Heeney:

I note from the agenda for Cabinet for Wednesday that the question of Japanese claims is going to be brought up. In this connection I do not think that the draft Order in Council which has been prepared precisely sets forth the alternatives that were decided on at the meeting of Cabinet Committee. To carry out the intention of the Committee I think the alternative to Clause 1 should read as follows:

"1. That the Honourable be appointed a Commissioner pursuant to the Inquiries Act, Chap. 99 of the Revised Statutes of Canada, 1927, to inquire into claims of any person of the Japanese race, who was resident in Canada on the day of this Order, that the amount received by him for real and personal property vested in the Custodian was less than the market value thereof at the time of sale or that, by reason of the failure of the Custodian to exercise reasonable care in the custody of personal property which had been left in his control, it had been stolen or suffered deterioration or destruction, but no inquiry"

The main point is that this alternative was to be a limitation of claims to differences between sale price and market price at the time of sale, plus claims for loss or deterioration in personal property due to negligence.

R. G. R.

29th April, 1947.

RGR:McK

Copy sent to Mr. Heeney in his file

PRIVY COUNCIL OFFICE

MEMORANDUM

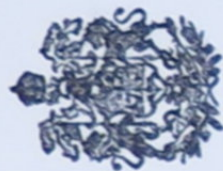
For Mr. Ranger:

Re: Japanese claims

Mr. Mitchell said to me this morning that he would like to go ahead in Cabinet on Wednesday with the question of disposition of claims by persons of Japanese race. You may be able to clear the alternative proposals either by having your Cabinet Committee meet tomorrow or (if that cannot be arranged) by having it passed individually by the Ministers in advance of the Cabinet meeting.

In any event, I am putting the item on Wednesday's agenda which is going out this afternoon. Presumably the other Japanese questions will have to stand until after your Committee has gone into them.

*of 18 April 1947
to April 28th, 1947
for of*



CANADA

PRIVY COUNCIL OFFICE

Ottawa, April 18, 1947.

CABINET SECRETARIAT

MEMORANDUM

I wish to advise that, by decision of the Cabinet, on April 17, 1947, the Cabinet Committee on Japanese Problems and the Cabinet Committee on Claims by Japanese Evacuees have been replaced by a reconstituted Committee on Japanese Questions composed of the following Ministers:

Minister of Labour (Chairman)
Minister of Veterans Affairs
Minister of Justice (the Solicitor General as alternate)
Secretary of State
Minister of Mines and Resources
Minister of Fisheries
Minister of Finance (for consideration of financial problems involved)

Raymond Ranger,
Secretary,
Cabinet Committee
on Japanese Questions.

A G E N D A

Special Meeting held 10 A.M. January 23, 1947, in Mr.
R. G. Robertson's Office, East Block.

To prepare and submit recommendations in
order to implement the following cabinet decisions January
21, 1947, re Japanese problems.

1. To prepare Order-in-Council revoking all orders in
Council affecting Japanese except in the following
ones where authority has to be retained for:
 - a. Financial assistance for voluntary repatriates
(P.C. 7355 December 15, 1945).
 - b. Control of movement in Canada (P.C. 946 February
5, 1943).
 - c. Prohibition to issue fishing licenses to fish
off British Columbia (P.C. 251 January 13, 1942).
 - d. Liquidation and distribution of properties situated
in the former protected areas of B.C.
2. To authorize payment for compensation for undue loss
on liquidation of properties.
3. To prepare a statement for the press.

Mr. A. H. Brown ✓
Mr. R.G. Robertson ✓
Mr. D.W. Mundell ✓
Mr. D.H.W. Henry ✓
Mr. K.W. Wright ✓
W. P. J. O'Meara, K.C. Asst.
R. Ranger ✓

Labour
Prime Minister's Office

Justice
Counsel to Custodian
Under Secretary of State & Advisory Counsel

DEPARTMENT OF LABOUR

Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1946, be pleased to order that Order in Council P.C. 946 dated February 5, 1943, be amended, in respect of the provisions thereof herein-after mentioned, as follows:

1. Paragraph (a) of subsection (1) of section one be revoked.
2. Paragraphs (1) and (v) of subsection (1) of section three be revoked.
3. Paragraph (viii) of subsection (1) of section three be amended,
 - (a) by striking out the words "the conduct, activities or discipline of" where they appear therein;
 - (b) by striking out the words "and may by order" where they appear therein and substituting therefor the word "to"; and
 - (c) by striking out the words
"from engaging in any activities,
employment or business or in
any specified activities,
employment or business in Canada"
and the words
"or from associating or communicating with any persons"
where they appear therein and by inserting the word "or" before the words "from residing" where they appear therein.
4. Sections three A and three B be revoked.
5. Section nine be revoked.

- 2 -

6. Section ten be amended by striking out the following words where they appear therein:
"and any such agreement may provide that any such persons will be removed from such Province upon the termination of the state of war now existing between Canada and Japan".
7. Sections eleven, twelve and fifteen be revoked.
8. Section sixteen be amended by striking out the following words where they appear therein:
"to carry out measures deemed necessary in consequence of the existence of a state of war" and substituting the words "for such purposes".
9. Section seventeen be revoked.

Respectfully submitted,

Minister of Labour.

Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that Your Excellency in Council, under the authority of The National Emergency Transitional Powers Act, 1945, be pleased to make the following order:

1. The following Orders in Council are hereby revoked, namely:
 - P.C. 9760 of December 16, 1941
 - P.C. 9761 of December 16, 1941
 - P.C. 1348 of February 19, 1942 as amended
 - P.C. 10773 of November 26, 1942
 - P.C. 7357 of December 15, 1945
 - P.C. 7356 of December 15, 1945

Respectfully submitted,

Minister of Labour.

Ottawa, 23rd January, 1947.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL:

The undersigned has the honour to recommend that, under the authority of the National Emergency Transitional Powers Act, 1945, Your Excellency in Council be pleased to order that Order in Council P.C. 6247 of July 20, 1942, and Order in Council P.C. 469 of January 19, 1943, be revoked, except the paragraph of Order in Council P.C. 469, aforesaid, which reads as follows:

"Wherever, under Orders in Council under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell, or otherwise dispose of such property; and for the purpose of such liquidation, sale or other disposition the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply mutatis mutandis as if the property belonged to an enemy within the meaning of the said Consolidated Regulations".

Respectfully submitted,

Secretary of State.

PRIVY COUNCIL OFFICE

MEMORANDUM

MR. HEENEY

RE: CABINET DOCUMENT NO. 366, RE REPORT FROM
CABINET COMMITTEE ON JAPANESE PROBLEMS

The Minister of Veterans Affairs has brought my attention to the second paragraph of Cabinet Document No. 366 in connection with the rescinding of the existing orders to regulate the issue of fishing licences to Japanese.

Mr. Mackenzie would like sub-paragraph (a) to be changed to read as follows:

"(a) that the second part of Administrative Order No. 2, issued February 19, 1944, by the Minister of Labour and relating to fishing by persons of Japanese race in any inland waters in the Province of British Columbia, be rescinded; and"

I am attaching herewith for your information copy of Administrative Order No. 2.

I understand that Mr. Mackenzie will not be present at today's Cabinet Meeting.

Raymond Ranger.

14-1-47

PRIVY COUNCIL OFFICE

MEMORANDUM

ADMINISTRATIVE ORDER NO. 2 ISSUED BY
MINISTER OF LABOUR, DATED FEB. 19, 1944

No person of the Japanese race shall fish for or take fish by any means whatsoever from any Pacific coastal waters of Canada or any inland waters in the Province of British Columbia without first having obtained a written permit therefor from the Commissioner of Japanese Placement.

SECRET

Ottawa, Ontario,
January 20, 1947.

MEMORANDUM FOR MR. HEENEY

RE: CABINET DOCUMENT NO. 366 - REPORT FROM
CABINET COMMITTEE ON JAPANESE PROBLEMS

With reference to Mr. Mackenzie's suggestion of amending sub-paragraph (a) of paragraph 2 of Cabinet Document No. 366, Order-in-Council P.C. 251, January 13, 1942, (copy attached), prohibits the issuing of fishing licences to fish in or off British Columbia to persons of Japanese racial origin, and also prohibits these persons to serve on fishing vessels. Therefore, if Administrative Order No. 2, February 19, 1944, issued by the Minister of Labour, is revoked, there still remains a prohibition to issue fishing licences in or off British Columbia to persons of Japanese racial origin.

Order-in-Council P.C. 251 was passed on the recommendation of the Minister of Fisheries, and under the authority of the War Measures Act and, consequently, will lapse on March 31, 1947, unless its life is extended by authority to be provided in the proposed bill to extend for one year the "National Emergency Transitional Powers Act". Therefore, if Cabinet decides that persons of Japanese racial origin should not be allowed to fish in the coastal waters of British Columbia, I would suggest that necessary action to amend P.C. 251 and extend its life, should be taken by the Minister of Fisheries.

Raymond Ranger.

BR/FF
Enc.

*in L.V. type selection
dept of Fisheries
local 6103*

DEPARTMENT OF LABOUR

OTTAWA. January 14, 1947.

MEMORANDUM to: Mr. A. MacNamara,
Deputy Minister.

The present Ministerial Order prohibits the issue of fishing licenses to Japanese to fish in either coastal or inland waters of Canada. The amended minute proposed by Mr. Ranger by inference would leave the order in effect in so far as it relates to fishing in coastal waters. The Department wishes to rescind the order entirely and thus restore to the Dominion and Provincial fisheries authorities the regulation of their authority over fishing licenses and permits.

The decision of the Sub-Committee of the Cabinet, as I understand it, was to this latter effect.



A. H. Brown.

MEMORANDUM: Mr. MacNamara:

The draft Minutes of the Cabinet Committee on Japanese problems relating to fishing licenses, read as follows:

"Mr. Mitchell reviewed the situation regarding issuance of fishing licenses to Japanese in British Columbia and recommended:

- (a) That existing orders issued by the Minister of Labour to regulate the issue of fishing licenses to Japanese be rescinded and
- (b) That authority for granting such fishing licenses be left to the Federal Department of Fisheries and the Provincial Government."

The Minister of Veterans Affairs has brought my attention to this question and has suggested that same should read as follows:

- "(a) That the second part of Administrative Order No. 2 issued February 19, 1944, by the Minister of Labour and relating to fishing by persons of the Japanese race in any inland waters in the Province of British Columbia, be rescinded; and
- (b) That authority for granting such fishing licenses be left to the Federal Department of Fisheries and the Provincial Government."

May I have your concurrence on this resolution please, so that Cabinet Commitment No. 366 regarding report from Cabinet Committee on Japanese problems may be amended accordingly.

Raymond Ranger.

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE
PLEASE REFER
TO
FILE NO. J 174

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
April 11, 1947

Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
East Block,
Ottawa, Ontario

Re: Japanese Associations & Societies

Dear Mr. Ranger:

Confirming our telephone conversation, I enclose herewith
copy of communication addressed to Mr. Varcoe, Deputy Minister of
Justice, under date of January 10, 1947, together with copy of
Mr. Varcoe's reply, dated January 24, 1947.

Yours very truly,

K. W. WRIGHT

COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

COPY

DTM/TC

Please Address
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA January 24th, 1947

K. W. Wright, Esq., Counsel to the Custodian,
Department of the Secretary of State, Ottawa

151845
Re: Japanese Associations and Societies
Your File No. J-71

I acknowledge your letter of January 10th and the enclosure therein mentioned.

I understand from you that, with the exception of the first, third and seventh parcels listed by you, in all cases the property is vested in an association or other body that is incorporated. I am of opinion that Order in Council P.C. 1665, of March 4, 1942, as amended, is not applicable to vest the property of such a corporation in the Custodian. In my opinion, the Order in Council is applicable only in respect of property belonging to a natural person.

I am further of opinion that the National Emergency Transitional Powers Act, 1945, does not authorize the Governor in Council to make an order or regulation vesting the property of these associations in the Custodian.

With reference to the first, third and seventh parcels referred to by you, I note that these are vested in trustees who are persons of the Japanese race. I am of opinion that the titles held by the Japanese trustees are vested in the Custodian subject to the interests of the beneficiaries under the trusts therein.

"F. P. Varcoe"

Deputy Minister

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
January 10, 1947

J-71

F. P. Varcoe, Esq., D.C.,
Deputy Minister of Justice,
Department of Justice,
Justice Building,
Ottawa, Ontario

Re: Japanese Associations and Societies

Dear Mr. Varcoe:

You will recall that Orders in Council P.C. 1665, dated March 4, 1942, as amended by P.C. 2483, dated March 27, 1942, and P.C. 469, dated January 19, 1943, empowered the Custodian to administer assets of persons of the Japanese Race evacuated from the Protected Area of British Columbia.

Mr. F. G. Shears, Director of the Custodian's Office in Vancouver, has submitted a list of properties owned by Japanese Organizations, which are situated in the Protected Area of British Columbia, and the question of the application of the above Orders to such Japanese Associations and Societies is a matter upon which the Custodian would appreciate your advice.

The Director indicates that it is desirable to proceed with the liquidation of approximately 20 parcels, registered as aforesaid, but states that Mr. Sheppard of the firm of Messrs. Locke, Lane, Guild & Sheppard of Vancouver, is of opinion that the Orders in Council are not wide enough and should be amended by extending authority to a Japanese Company, Association or Society. It does not appear that under the National Emergency Transitional Powers Act (1945) we may do more than continue or discontinue measures adopted during the war, which leaves us in the position of having to rely on the Orders in Council as they now stand.

You will note from the enclosed that the properties listed are owned by Japanese.

Will you be kind enough to let us have your opinion as early as convenient.

Thanking you for your co-operation in this matter, we are,

Yours very truly,

K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF

CANADA
DEPARTMENT OF THE SECRETARY OF STATE
OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE
PLEASE REFER
TO
FILE NO. J-172

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
April 28, 1947

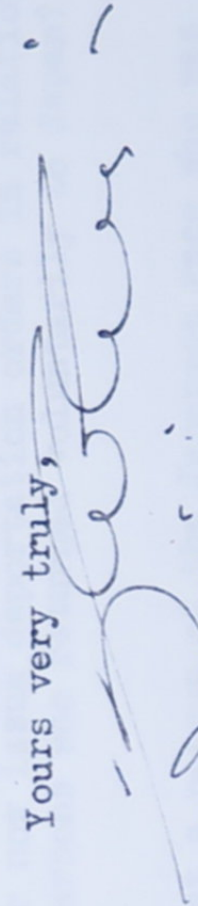
Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
315 East Block,
Ottawa, Ontario

Re: Deportation of Japanese

Dear Mr. Ranger:

In accordance with your request, I enclose herewith ten copies of communication addressed to the Deputy Minister of Justice by the Under-Secretary of State, under date of January 16, 1947, and Mr. Varcoe's reply, dated April 21, 1947.

Yours very truly,



K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

COPY

FPV:BB

Please address
The Deputy Minister of Justice
Ottawa

OTTAWA, April 21, 1947

The Under-Secretary of State
O T T A W A

152268

RE: Deportation of Japanese

I regret the delay in replying to your letter of January 16th last in this connection. You request my opinion on two questions, namely,

- (1) May a person of the Japanese race who voluntarily went to Japan, whether naturalized or born in Canada, be refused admission to Canada?
 - (2) May the Minister of Labour now issue deportation orders in relation to naturalized Japanese persons who returned voluntarily to Japan?
- I am of opinion that a person of the Japanese race who was naturalized as a British subject in Canada and who was removed or sent from Canada to Japan pursuant to arrangements made under Order in Council P.C. 7355 following a request for repatriation which remained unrevoked on September 1, 1945, is a person who has been "deported" within the meaning of that term as used in Order in Council P.C. 7355 and, also, as used in Order in Council P.C. 7356 of the same date, which must, in my opinion, be read together with the first-mentioned Order in Council. Such person, in my opinion, has no right of entry into Canada. A person of the Japanese race who was born in Canada, however, has such a right of entry.

In view of the amendments made in Order in Council P.C. 7355 by Order in Council P.C. 268, of January 23, 1947, the Minister of Labour cannot now issue an order for the deportation of persons of the Japanese race, and the answer to your second question is, therefore, in the negative.

(Sgd.) "F. P. Varcoe"

Deputy Minister

Ottawa, Ontario.
January 16, 1947.

F.P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Department of Justice,
Ottawa, Ontario.

Re: Repatriation of Japanese

Dear Mr. Varcoe:

Under Order in Council P.C. 7356, dated the 15th December, 1945, it is provided that any person, who, being a British subject by naturalization, is deported from Canada under the provisions of Order in Council P.C. 7355, dated the 15th December, 1945, shall suffer loss of his Canadian status. This Order in Council does not affect the Canadian nationality of persons born in Canada, and it appears that there will be a number of Japanese persons of Canadian birth in Japan who will be Canadian citizens.

The future policy on status of Canadian born Japanese in Japan was discussed at a meeting of the Cabinet Committee on Japanese Problems held in the Privy Council Office on the 13th ultimo, and at that time it was agreed that the relevant legal issues should be submitted to you for opinion.

The Committee has been advised that numerous requests have been received from Canadian Japanese who were repatriated to Japan, indicating their desire to return to Canada, and one question to be decided is whether or not permission may be refused.

Your opinion is also sought in connection with the right of return of naturalized Canadians of Japanese origin who have been repatriated. It should be pointed out that naturalized Japanese returned voluntarily and that the Minister of Labour did not issue deportation orders pursuant to Order in Council P.C. 7355. If those who returned voluntarily have not lost Canadian status, would it now be in order for the Minister of Labour to issue deportation orders in respect to these individuals, and in such event would the provisions of Order in Council P.C. 7356 apply?

The enclosed four dockets, covering cases of Japanese who renounced allegiance and were repatriated to Japan, were sent to me by the Department of Labour and are self-explanatory.

Thanking you for your co-operation, I am,

Yours sincerely,

A.H. COLEMAN,
Under-Secretary of State of Canada.

Department of Labour

NATIONAL WAR LABOUR BOARD

MEMORANDUM to Mr. A. MacNanara

OTTAWA.

February 6, 1947

Re: Restrictions on Japanese

My knowledge of the Jap problem in Canada is not sufficient to enable me, with any reasonable degree of competence, to express an opinion on the subject.

In view of the effective control over Japan generally, common sense seems to dictate that control over Japs in Canada should be limited accordingly as public opinion has expressed itself. It seems as though the people of British Columbia are the only ones who are still concerned over the Japs. In the circumstances it would seem logical to limit control over Japs in that province and also those who wish to enter British Columbia. I suggest, however, that the control should not be made to apply to Japs who served in the Armed Forces of Canada, or to those who were born in Canada. I do not think that it would be politically expedient to continue to regulate the lives of the people in the last mentioned groups in the manner indicated by existing regulations.

On page 2 of Mr. Brown's memorandum, three items are noted. I believe that items 1 and 3 are reasonable, provided they are limited to the B.C. area. I suggest that item 2 is not necessary. In place of that item there might be a provision to the effect that no Japanese presently residing in any of the other provinces of Canada, may enter the province of British Columbia without a permit.

C.A.L.

C.A.L. Murchison,
Chairman.

Ottawa, May 10, 1947.

A. H. Brown, Esq.,
Departmental Solicitor,
Department of Labour,
O t t a w a.

Dear Mr. Brown:

I am enclosing herewith a copy of a letter dated April 6th addressed to the Prime Minister, which has now been received, requesting permission for a number of repatriated persons of Japanese race to return to Canada. This is the first letter of this sort that we have received, but it will, no doubt, be followed by many more of the same type in the near future.

Any reply to the letter - even a routine acknowledgment - raises certain obvious difficulties. In the circumstances, it seems to me that the best thing might be to withhold any reply until the matter of procedure in cases such as this can be discussed at the next meeting of the Cabinet Committee.

Yours sincerely,

(R. G. Robertson),
Secretary.

c/o Mr. Seichi Uenobu,
Hiroshima Prefecture,
Asa-gun, Muri-son,
Azanabara, Japan.
April, 6th, 1947.

Rt. Hon. W.L. Mackenzie King,
Prime Minister of Canada,
And Minister of External Affairs,
Ottawa, Canada.

Dear Sir:-

On behalf of my two younger brothers, Yoskinobu Kawaguchi, age 15, Masao Kawaguchi age 16, and also my mother Itsuno Kawaguchi and I, Mamoru Kawaguchi age 24, wish to take venture to solicit a favour of a testimonial from you. A favour we gratefully wish to request is that we so desirably wish to process of repatriation to Canada, and to retain our national status as Canadian.

Please allow me to lay before you the following justification of procedure:-

We arrived in Japan on the 13th of August 1946 from Vancouver, British Columbia by means of under deportation. Our coming to this strange country of Japan was more or less a great mistake. It all happened like this, our mother did not wish to come to Japan, truthfully, but her other son 28 years of age who came along together with us was the only one who wanted to come to Japan which I have not mentioned his name in this letter.

Just because of this son wanted to come our mother naturally did not wanted to interfere with his affair more than she had to, although, mother did not wanted to let him come to Japan by himself as she feared it may cause him a lot of trouble when he arrives in Japan because it was his first trip to this country and there is no house of our's except our cousin's resident so she more or less brought him here. Of course mother will take the youngest sons with her but my situation was different. I came to Japan was because of my mother, and I thought it will be very hard for my elder brother to support his mother and his two youngest brothers so I somehow pitifully tagged along with them.

We are Canadian born and we educated and lived on the

- 2 -

Canadian way of living never had seen Japan before in our life except than our mother, and so the reason why our desire to return to our native country is quite true.

Our mother lived in Canada for forty years never had return to her country in those years, and she was a naturalized Canadian. We, mother and all were all true to the Canadian government while we were there and we served our every possible effort to the government even during the war with Japan. You may refer that to our brothers and sisters who are still in Canada, and they are honestly serving the Canadian rights and our mother and ourselves are so desirably wish to rejoin them.

I will be very much appreciate if our mother and I could reestablish our Canadian citizenship and be able to become a real Canadian once more.

On behalf of our family I thank you ever so much in accepting our request and we greatly appreciate your very kindness in exerting great interest towards us.

Yours sincerely,

Mamora Kawaguchi.

RR
OFFICE OF THE PRIME MINISTER
MEMORANDUM
what is the position?

M. Kennedy:

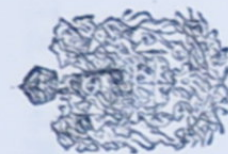
DND

- reference my memo of
Feb. 26 on this.

If the matter has not
yet come up in Cabinet, you
may feel that it should be
brought forward in the light of
Mackenzie's letter. The thing
will almost certainly come up
in the debate on Mackenzie's
Bill for continuation of the
controls.

[Signature]

22/11/47.



CANADA

MINISTER OF VETERANS AFFAIRS

OTTAWA, March 11, 1947.

Dear Mr. Robertson,-

You wrote me on February 26th, enclosing exchange of correspondence in regard to Mr. S.A. Cato.

The whole question has been discussed with the other B.C. Liberal Members, who are, I fear, opposed to such a move as being an indication of further intrusion into the security zone.

Yours sincerely,

R.G. Robertson, Esq.,
Secretary to the Prime Minister
of Canada,

O t t a w a.

Copy for information of Mr. Elliott

3

OTTAWA, March 11, 1947.

Dear Mr. Robertson,

You wrote me on February 26th, enclosing exchange of correspondence in regard to Mr. S.A. Cato.

The whole question has been discussed with the other B.C. Liberal Members, who are, I fear, opposed to such a move as being an indication of further intrusion into the security zone.

Yours sincerely,

"Ian A. Mackenzie"

R.G. Robertson, Esq.,
Secretary to the Prime Minister
of Canada,

O t t a w a.

Ottawa, February 28, 1947.

My dear Colleague:

I have just received a file from the Prime Minister's Office.

You wrote me on February 11th in this connection.

Mr. S.A.Cato wants settlement under the Veterans' Land Act.

You are opposed.

You have received a copy of a communication from the Prime Minister's Office and I shall be glad to have the benefit of your opinion.

There are so few of these Japanese veterans that I would be inclined to grant them the privilege of returning to British Columbia if they wish and also give them the other privileges as veterans. It does not seem to me that anyone could seriously object.

Yours sincerely,

Honourable Ian A Mackenzie,
Minister of Veterans Affairs,
O t t a w a.

PRIVY COUNCIL OFFICE

MEMORANDUM

February 27th, 1947.

For Mr. Ranger:

Permission to ex-Servicemen of
Japanese origin to reside in
British Columbia protected area.

Please note the attached correspondence which is self explanatory; follow up with Labour and Veterans Affairs, seeing that we get copies of replies sent to P.M.'s office with a view to preparing explanatory note for Cabinet in due course.

I am sending a copy of this note to Mr. Halliday for Cabinet B.F.

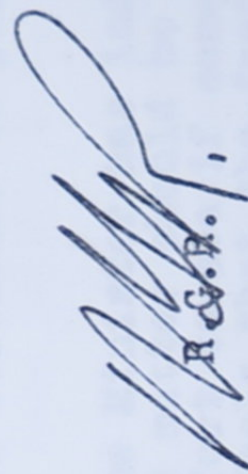
A. D. P. H.

Memorandum for Mr. Heeney.

Attached are copies of letters dated January 31st and February 4th, and February 21st and February 25th, between this office and the Citizens' Rehabilitation Council of Greater Vancouver. The correspondence involves the question of giving permission to reside in the protected area of British Columbia to a Canadian veteran of Japanese origin, Mr. S.A. Cato. Also enclosed is a copy of a letter of today's date which is being sent to the Minister of Veterans Affairs. An identical letter is being sent to the Minister of Labour.

The Prime Minister has indicated that he would wish to have this matter brought up in Council for consideration.

February 26th, 1947.


R.G.H. 1.

Ottawa, 26th February, 1947.

Right Honourable Ian Mackenzie,
Minister of Veterans Affairs,
Ottawa, Canada.

Dear Mr. Mackenzie:

The Prime Minister has asked me to send you the enclosed copies of an exchange of letters dated February 21 and February 25 between himself and the President of the Citizens' Rehabilitation Council of Greater Vancouver. It deals with the case of Mr. S.A. Cato, earlier communications on which were forwarded to you on February 4th.

The Prime Minister has indicated that he feels that this matter should be discussed in Council in an effort to see if something cannot be done. He feels that the fact that it involves veterans and that there are so few veterans of Japanese origin gives the matter a special character.

At Mr. King's direction I am forwarding copies of the correspondence to Mr. Heeney. A letter identical with this one is being sent to the Minister of Labour, Mr. Mitchell.

Yours sincerely,

(R.G. Robertson)
Secretary.

Office of the Prime Minister
Canada

Ottawa, 25th February, 1947.

O.L. Erickson, Esq.,
President,
Citizens' Rehabilitation Council
of Greater Vancouver,
700 West Georgia Street,
Vancouver, B.C.

Dear Mr. Erickson:

I duly received your letter of February 21st written on behalf of the Executive of the Citizens' Rehabilitation Council of Greater Vancouver, with regard to the case of Mr. S.A. Cato.

The representations of the Council with regard to permission for Japanese persons who served in the armed forces of Canada to reside in the protected area of British Columbia will be given careful consideration.

Yours sincerely,

W.L. Mackenzie King.

Citizens'
Rehabilitation
Council
of Greater Vancouver

700 West Georgia St.

February 21st, 1947.

The Right Honourable W.L. McKenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

Dear Sir: re S.A. Cato

We wrote you on the 31st of January drawing attention to the fact that this Canadian veterans of Japanese origin with a very distinguished war record had been refused a small holding under the Veterans' Land Act. A letter in reply was received from your Secretary informing us that this matter had been turned over to the Minister of Labour for his attention, he being directly responsible in the matter.

Subsequently we had a letter from the Right Honourable Ian Mackenzie, Minister of Veterans' Affairs, pointing out that the provisions of the existing regulations did not permit of Japanese residing permanently in the security zone unless a special exception is worked out.

The Executive of this Council respectfully request that consideration be given not only to this man but to all Japanese who have served in His Majesty's forces and have thereby established their moral right to all the privileges of citizenship. We would again refer to the fact that this is in accordance with the principal laid down following World War I in respect to Japanese serving in Canadian forces and that the Canadian Citizenship Act, which came into force on January 1st, affords to all veterans of World War II special consideration.

We respectfully submit that these men who have served in the armed forces be granted permission

- 2 -

to live in any part of the Dominion they so desire, that they be granted this citizenship right, and that they be afforded all the rights and privileges of full Canadian citizenship, irrespective of racial origin. We believe that this will be in accordance with your own public statements from time to time and we respectfully present this for your early consideration.

Yours very truly,

(sgd.) O.L. Erickson,

O.L. Erickson,
President.

Office of the Prime Minister

Canada

Ottawa, February 4, 1947.

A. W. Cowley, Esq.,
Executive Director,
Citizens' Rehabilitation Council
of Greater Vancouver,
700 West Georgia Street,
Vancouver, B.C.

Dear Sir:

I should like to acknowledge your letter of January 31st addressed to the Prime Minister concerning the refusal of a small holding under the Veterans' Land Act to Mr. S.A. Cato.

In view of the fact that you state that this matter relates to the question of a permit to reside in the coastal area, your letter is being brought to the attention of the Minister of Labour, who is the Minister directly concerned with matters of this character.

Yours sincerely,

G.J. Matte,
Private Secretary.

RGR:MCK

CITIZENS'
REHABILITATION
COUNCIL
OF GREATER VANCOUVER

700 West Georgia St.

31 January 1947.

The Right Honourable W.L. McKenzie King,
Prime Minister of Canada,
Ottawa, Ontario.

Dear Sir:

Re: S.A. Cato,
c/o Mrs. T. Flaherty, R.R. 2,
New Westminster, B.C.

It has been drawn to the attention of the Citizens' Rehabilitation Council that a Canadian veteran of Japanese origin, with a very distinguished war service, has been refused a small holding under the Veterans' Land Act in the vicinity of Vancouver, due to his racial origin.

The Veterans' Land Act Administration informed us that they were unable to accept his application until he had received a permanent permit to reside in the coast area.

We respectfully request that his application be immediately ratified, as this would be in accordance with the principle laid down after World War I when Japanese serving in the Army received the same treatment as any other Canadians. The Canadian citizenship Act which came into force January 1st accords veterans of World War 2 special consideration, and it is the opinion of this Council that this man is included in this category. We are certain that the Government desires to accord to all men who served overseas and demonstrated their loyalty by offering themselves should be afforded all the rights and privileges of full Canadian citizenship irrespective of their racial origin.

We respectfully present this for your consideration.

Yours very truly,

(sgd.) A.W. Cowley
A.W. Cowley,
Executive Director.

AWC:LH

A. R. Menzies - LP

Ottawa, June 16, 1947

Dear Mr. Jolliffe:

I should like to refer to your letter of May 26th (your file No. B34647) regarding the desire of Mr. C. Konishi, that his Canadian-born children, Kikue and Hisae, return to Canada. I note the statement in the last paragraph of your letter that these children are re-admissible to Canada as a matter of right and that you wish the appropriate official in Japan to be informed respecting the status of the children.

So far as we are aware, this is the first case in which Canadian-born Japanese have been declared to be re-admissible to Canada as a matter of right. While there can be no doubt about this status under the present Immigration Act, I think that the decision to give this information out is of such importance that it would be desirable to wait until the Cabinet Committee on Japanese Problems has had an opportunity to review the whole question of re-entry into Canada of persons of Japanese origin claiming Canadian citizenship and Japanese subjects claiming domicile in Canada. As you know, a paper covering this whole matter was prepared some time ago in this Department and submitted to your department for observations. It will come up for discussion when the Cabinet Committee on Japanese Problems meets again. We are hopeful that a meeting will be called in the not-too-distant future. In the meantime, we will not take further action on your letter under reference.

I am sending a copy of this letter to the Secretary to the Cabinet.

Yours sincerely,

L.P. Menzies
Under-Secretary of State
for External Affairs.

2
R.A. L. Jolliffe,
The Director of Immigration,
Dept. of Mines and Resources,
Ottawa, Canada.

COPY

FILE NO. B.34647

DEPARTMENT OF MINES AND RESOURCES
IMMIGRATION BRANCH

Ottawa, May 26th, 1947

In triplicate

Under-Secretary of State for External Affairs, Ottawa.

One, Chojiro Konishi, a Japanese national, residing in Hamilton, Ontario, applied for the re-entry to Canada from Japan of his two Canadian-born children. The children are Kikue Konishi, born Langley Prairie, B.C., June 13th, 1932, and Hisae Konishi, born Vancouver, B.C., March 12th, 1931.

The children proceeded to Japan with their mother in the year 1939. Mrs. Konishi returned to Canada in May, 1943, but left the two girls with their grandmother, Drin Tamai, at Tukuik, Mikat-gun, Kawanishi, Japan.

The settlement arrangements at this end are satisfactory and provided the children have not become aliens while abroad, they are re-admissible to Canada as a matter of right. We have not been furnished with information respecting the transportation arrangements in respect to this case but I would ask you to advise the appropriate official in Japan respecting the status of the children.

(Sgd. A.L. Jolliffe)

A. L. Jolliffe,
Director.

A. R. Menzies - LP

Ottawa, July 15, 1947

④

MEMORANDUM FOR MR. R. RANGER, Privy Council Office

Return to Canada of Aiko Oue

As you indicated over the telephone the other day, that there was a possibility of the Cabinet Committee on Japanese Problems being called together in the not-too-distant future, I am returning the letters from former Company Sergeant Major Oue regarding the return to Canada of his sister Aiko, who has been in Japan for the last ten years, which you were good enough to forward to me under cover of your memo of May 28th.

This is an excellent example of the type of application, which is being received in our Liaison Mission in Tokyo. I think it might well be mentioned in the discussions of the Cabinet Committee on Japanese Problems when our paper is being considered.

However, I do not think it necessary to circulate copies of this correspondence to other members of the Committee.

AR Menzies

DEPARTMENT OF LABOUR

MEMORANDUM to Mr. R. Ranger,
Room 174.
OTTAWA, May 27, 1947.

I am enclosing copy of correspondence received by the Minister of Justice from one S. Oue of Vernon, B.C., with reference to the repatriation of his sister from Japan. This has been referred to Mr. Mitchell for consideration.

I think that this case might be discussed when the Japanese Committee of the Cabinet meet again to deal with the issues which have been raised by the Department of External Affairs on the repatriation of Japanese.

Enc.

A. H. Brown.

C
O
F
Y

Office of Minister of Justice

Ottawa, 23rd May, 1947.

Dear Mr. Greene,-

Please note the attached letter from Mr. S. Oue, of Vernon, B.C., about which I was speaking to you over the telephone this afternoon. It has not been acknowledged here and it would be appreciated if you would see that a reply goes forward to him.

Yours very truly,

A. L. Wickwire
Private Secretary

G. G. Greene, Esq.,
Private Secretary to
The Minister of Labour,
O t t a w a.

C O P Y
c/o Mr. Ogasawara,
RR #3,
Vernon, B.C.,
20 May 47.

Minister of Justice,
Ottawa, Ontario.

Dear Honourable Minister:

Subject: Repatriation

Your suggestion will be appreciated as to the best possible method and procedure in making application for repatriation of my sister, AIKO OUE, from Japan to Canada.

I am a Canadian of Japanese origin and have just returned to Canada after being a Company Sgt-Major in the Canadian Army and attached for 18 months to the British Army in the Far East.

During my service with the British Army, I took part in the occupation of Japan and while there, received many opportunities to see my sister who is now living in Japan.

My sister is 24 years of age, single and went to Japan about ten years ago. She was sent to Japan when my mother died and father had to look after the business. She still has her Canadian Birth Certificate, has seven years of schooling in a recognized Canadian school in Vancouver, and at no time has denounced her citizenship. She is finding life in Japan extremely difficult and her one wish to me before I left Japan was to do everything I possibly can to return her to Canada.

While in Japan, I have written to Dr. Norman, Canadian Legation, Tokyo, and have taken the liberty of filing application for repatriation to the Legation in Tokyo.

I can guarantee that she will in no way be a burden to Canada and her return fare to Canada will, naturally, be paid by me.

Any suggestion for the speediest return of my sister will be most appreciated and thanking you in advance.

Yours respectfully,

S. OUE. (sgd.)

COPY

Document JAP 5

EAD/CM

DEPARTMENT OF JUSTICE, CANADA

Ottawa April 1, 1947

152189

Your File No. J-175

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

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

Encl.

"F. P. Varcoe"

Deputy Minister

The Under Secretary of State

- O T T A W A

DEPARTMENT OF LABOUR

MEMORANDUM to Mr. MacNamara.

OTTAWA, February 1, 1947.

Re: Travel Restrictions on Japanese

The present movement control order made by the Minister of Labour under P.C. 946 provides:

- (1) No entry into the former protected area of B.C. without a travel permit.
- (2) No travel a distance of over 50 miles in B.C. without a permit.
- (3) No change of residence in B.C. without a permit.
- (4) No absence from place of residence for more than 8 days in B.C. without a permit.
- (5) No change of residence outside of B.C. without a permit.
- (6) No travel across provincial boundaries without a permit.
- (7) No absence from place of residence for more than 30 days without a permit.

Discharged members of the Armed Forces are excepted from the foregoing provisions except No. (1) entry into the protected area in B.C.

Since undoubtedly there will be some drive for the lifting of these restrictions, I think we should revise the Order to make it look as reasonable as possible. Mr. MacKinnon recommends:

- (1) Restrictions be confined to persons now in British Columbia or persons desiring to enter British Columbia.
- (2) That these restrictions do not apply to Japanese who are discharged members of the Forces.

...2

- 2 -

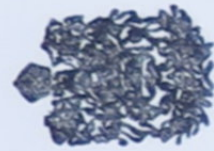
Mr. MacKinnon's views as to the restrictions which should be retained in B.C. are as follows:

- (1) No Japanese to enter or remain in the former coastal protected area except upon permit.
- (2) No Japanese to change his place of residence without a permit.
- (3) No Japanese to travel a distance of more than fifty miles without a permit.

I am somewhat doubtful of the necessity for retaining control of movement beyond a fifty-mile radius but MacKinnon feels that this should be retained in view of complaints of movement into the Okanagan area and other points in B.C.

I agree with MacKinnon's views on the above. My only point of hesitation is whether we should attempt to retain control over changes of residence outside B.C., involving movement from one municipality to another. However, from a practical point of view, I doubt if the provision has any substantial value and I would consider its enforcement would, in the case of a Japanese-Canadian in Ontario, be virtually impossible.


A. H. Brown.



CANADA

DEPARTMENT OF LABOUR

JAPANESE DIVISION

DEPARTMENT

FEB 1 1947

OF LABOUR

360 Homer Street,

VANCOUVER, B.C.

AIR MAIL

30th January 1947

A. H. Brown, Esq.,
Assistant to the Deputy Minister of Labour,
O T T A W A.

Re: Travel Restrictions on Japanese

I have just received your letter of January 28th which would have crossed in the mails with my letter of the same date in respect to the same subject.

The main difference between your thought and my recommendation is the retention of control over change in residence in those provinces other than British Columbia.

It seems to me that the only people in Canada who wish to maintain control over the movements of Japanese are certain people in the province of British Columbia. That being the case, if we are going to retain some control, why do we extend that control beyond British Columbia? Why should we penalize the persons of Japanese origin who, in co-operation with us, have moved out of British Columbia and who have no intention of returning? Why should we for instance, in effect say to the persons of Japanese origin in Ontario ---- "We are still going to retain control of your movements in Ontario because the people of British Columbia demand it. We know there is no call in Ontario for this sort of restriction over your movements insofar as change of residence is concerned but the people in British Columbia want this restriction effective in their province so we are going to put it in effect here."

The demand for this legislation obviously emanates from British Columbia. Alright, then let us confine the restrictions to those persons of Japanese origin now in British Columbia and to those persons who are to enter British Columbia. If we are going to have any restrictions, I would go a little further than you suggest for British Columbia. I would retain the fifty mile travelling limit provision in that province. I have in mind the fact that at the moment we have requests from Kelowna to take Japanese out of that area. We also have objections from other points in British Columbia against any further numbers entering their areas.

Insofar as registration cards are concerned, I would also limit this requirement to persons of Japanese origin

- 2 -

now in British Columbia and to those persons desiring to enter British Columbia. If we continue our requirements that young Canadian born Japanese in the province of Ontario for example require registration cards, I am fearful that we will meet with open defiance from a group who up to date have been most co-operative.

Insofar as restrictions on the purchase of property is concerned, I would also limit this to the province of British Columbia.

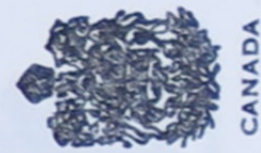
I would further repeat my recommendation that we exempt from all the restrictions all persons of Japanese origin who were enlisted in our Armed Forces.

On receipt of your reply to my letter of January 28th and this letter I will discuss the matter with the Superintendent of the Royal Canadian Mounted Police at Vancouver as requested in your letter and will then forward to you a suggested draft revision.

The reason that the Royal Canadian Mounted Police will advise continuation of the registration cards is to ensure successful prosecutions.

J. F. MacKinnon

J. F. MacKINNON.



CANADA

DEPARTMENT OF LABOUR
JAPANESE DIVISION

360 Homer Street,

VANCOUVER, B.C.

AIR MAIL

28th January 1947

Doctor Arthur MacNamara,
Deputy Minister of Labour,
OTTAWA.

According to the recent announcement in the press, the restriction on movement of persons of Japanese origin is to be continued.

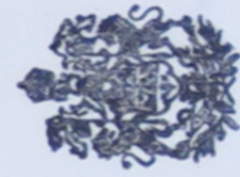
Unless present restrictions are modified, the announcement means that, notwithstanding the Citizenship Act, it remains illegal for a native born Canadian of Japanese origin to change his residence even across the street unless he has secured a permit from the Royal Canadian Mounted Police. It means too that it remains illegal for one of these Canadian born Japanese to cross any Provincial boundary unless he has secured a travel permit from the Royal Canadian Mounted Police. Native born Canadians who enlisted in the Armed Forces are subject to these restrictions and it remains illegal for them to visit within one hundred miles of Vancouver unless a permit has been secured from the Royal Canadian Mounted Police.

May I respectfully but none the less strongly urge that if any restrictions are to be retained they be modified as follows -- --

1. Confine the restrictions to those persons of Japanese origin now in British Columbia and to those persons desiring to enter British Columbia.
2. Exempt from the restrictions all persons of Japanese origin who were enlisted in our Armed services.

As far as the actual results are concerned, there will be very little difference in the distribution of the Japanese population regardless of whether you use the present restrictions or the emasculated control which I have recommended and it would appear to me that the Minister would be in a much happier position defending this greatly reduced control than he would be if defending the restrictions presently in effect.

J. F. MacKINNON.



CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Ottawa, March 21, 1947.

The Honourable Humphrey Mitchell, M.P.,
Minister of Labour,
O t t a w a.

Dear Mr. Mitchell:

Attached is a copy of a Resolution passed at the annual general meeting of the Provincial Command (B.C.) of the Army, Navy and Air Force Veterans in Canada, in regard to the return of Japanese to the protected coastal area.

This Resolution was passed to this office by the Right Honourable I. A. Mackenzie, Minister of Veterans Affairs, and is forwarded to you for your information and whatever action you may deem advisable.

Yours sincerely,

A.D.P. Heeney,
Clerk of the Privy Council.

Encl.

No. 2 - East Vancouver Unit No. 68
Re: Japanese

WHEREAS the responsible citizens of British Columbia view with grave concern the imminent repeal of War legislation restricting the movements of Japanese within Canada, with the probability that these people will soon be infiltrating into the Coastal Areas of this Province, classified as Defence Districts;

AND WHEREAS the return of this centrally-controlled dual citizenship foreign bloc will operate as an insidious menace to all citizens of this area, particularly to our War Veterans now seeking re-establishment in farming, fruitgrowing, fishing and small businesses, and on their past record the presence of these people in our midst, whether Canadian-born, naturalized or otherwise, is equally objectionable.

BE IT THEREFORE RESOLVED by this Provincial Command of the ARMY NAVY AND AIR FORCE VETERANS IN CANADA, in Annual Meeting assembled, that the Federal Government be urged to extend the present restrictive measure for a further term of ten years, after which probationary period the position of the Japanese in Canada might again be reviewed.

AND that copies of this resolution be forwarded to the Right Honourable W.I. Mackenzie King, Prime Minister of Canada, the Right Honourable Ian A. Mackenzie, P.C., K.C., Minister of Veterans Affairs; British Columbia members of Parliament, Honourable John Hart, Premier of British Columbia; The Honourable Gordon S. Wismer, K.C., Attorney-General of British Columbia.

It was regularly moved and seconded that the foregoing resolution be adopted.

CARRIED

Ottawa, March 25th, 1947.

The Honourable Brooke Claxton, K.C., M.P.,
Minister of National Defence,
Ottawa, Ontario.

Dear Mr. Claxton:

With reference to your personal note to me of March 21st, the attached brief memorandum indicates the present position regarding students of Japanese origin in the restricted area of British Columbia. I should think that a direct enquiry should be made of the Department of Labour as to their intentions regarding undergraduate and students.

You will note that the whole question of the restricted area is to come up for consideration at the next meeting of the Cabinet Committee on Japanese problems. I shall be glad to see that you are informed of the result.

Yours sincerely,

A. D. P. Heeney
Secretary to the Cabinet.

Ottawa, 25th March, 1947.

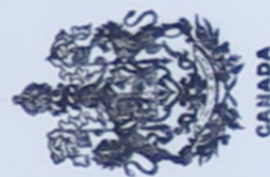
MEMORANDUM FOR MR. HEENEY

What Mr. Claxton refers to as a "defence zone" is actually the old wartime "protected areas" which were authorized by Defence of Canada Regulations, 1942. Although all relevant sections of the Defence of Canada Regulations have since been cancelled, the West Coast protected area, approximately one hundred miles wide, has been continued as a "restricted area" by the Minister of Labour under authority of Order in Council P.C. 946 of February 5, 1943. By this Order in Council the Minister of Labour is given control over the movement and change of residence of persons of Japanese origin in Canada.

Under the authority of the above Order in Council, Mr. Mitchell has issued several Travel Orders, the latest being Order No. 4 of which a copy is attached. You will note that Section 2A of the Order provides that no person of Japanese race shall enter or remain in the coastal area unless such person has first obtained a Travel Permit in writing.

Mr. Pammett of the Japanese Division, Department of Labour, informs me that this whole question will be up shortly for consideration by the Cabinet Committee on Japanese problems. Mr. Ranger is away ill at the moment and I have been unable to confirm this with him.

P.P.



CANADA

MINISTER OF NATIONAL DEFENCE

Ottawa, Ontario,
March 21, 1947.

A. D. P. Heeney, Esq.,
Secretary to the Cabinet,
East Block,
O t t a w a.

Dear Arnold,

Henry Angus spoke to me yesterday about an Order-in-Council passed in February, 1942 establishing the defence zone of one hundred miles inland from the Pacific Coast. He says that this is keeping students of Japanese origin, who have been in Canada for three generations, from attending the University of British Columbia.

I would be glad if you could let me know if such an order exists and if it should be changed.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'B. H. H.' or similar, written in a cursive style.

Secret



CANADA

PRIVY COUNCIL OFFICE

CABINET SECRETARIAT

Ottawa, January 15th, 1948

The Honourable Humphrey Mitchell,
Minister of Labour,
O T T A W A

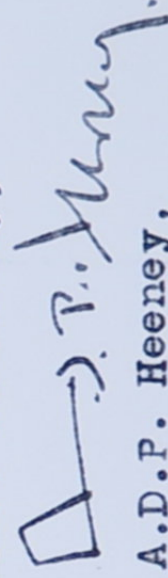
Dear Mr. Mitchell:

In connection with your meeting this morning on Japanese Questions, you will recall that at the Cabinet meeting Tuesday, January 13th, in respect to the report of the Solicitor General on Emergency Legislation, it was agreed:

(1) (a) that the Cabinet Committee on Japanese Questions consider the advisability of allowing all Orders in Council relating to the Japanese to lapse on March 31st, with the exception of those required by the Custodian of Enemy Property for fulfilment of his responsibilities in relation to settlement of Japanese properties;

(b) that the Custodian prepare, for consideration, draft legislation to replace the above Orders pending final decision on their retention.

Yours sincerely,



A.D.P. Heeney,
Secretary to the Cabinet

CANADA

DEPARTMENT OF THE SECRETARY OF STATE

OFFICE OF THE CUSTODIAN

ADDRESS ALL
COMMUNICATIONS
TO THE
CUSTODIAN'S OFFICE
PLEASE REFER
TO
FILE NO. J-175

Victoria Bldg., 7 O'Connor St.,
Ottawa, Ontario
January 14, 1948

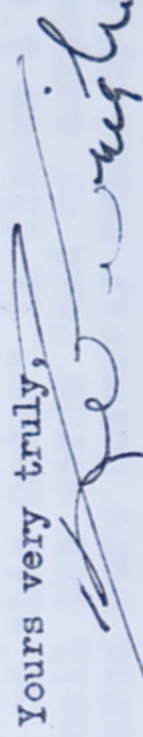
Raymond Ranger, Esq.,
Secretary,
Privy Council Office,
Room 317,
East Block,
Ottawa, Ontario

Dear Mr. Ranger:

With reference to our telephone conversation of today,
I enclose herewith fifteen copies of each of the following recom-
mendations to His Excellency The Governor General in Council:

1. Order amending the terms of reference contained in Order in
Council P.C. 1810 of July 18, 1947, as amended.
2. Order recommending that the deputies appointed by the
Commissioner be authorized to exercise the powers of the
Commissioner.

Yours very truly,



K. W. WRIGHT
COUNSEL TO THE CUSTODIAN

KWW/JF
Encl.

Document JAP N° 13

OTTAWA, January 14, 1949

TO: HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL

THE UNDERSIGNED has the honour to report as follows:

After further consideration of the Order in Council P.C. 1810 of July 18th, 1947, as amended by Order in Council P.C. 3737 of September 17th, 1947, providing for an inquiry into the claims of persons of the Japanese race resident in Canada, and evacuated from the coast of British Columbia as a war measure, he is of opinion that the terms of reference should be extended to include claims of corporations of which the majority of the shares were formerly owned by such persons.

THE UNDERSIGNED recommends that the terms of reference contained in Order in Council P.C. 1810 aforesaid, as amended by Order in Council P.C. 3737, be further amended by inserting after the words "at the date of this Order" in Clause 1 on Page 2 of the aforesaid Order in Council the words "and of corporations of which the majority of the shares were formerly owned by such persons".

Respectfully submitted,

Secretary of State