

GENERAL

F.O.  
371

1946

DOMINIONS

INTELLIGENCE

File No. 102

to pp. 4021

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GENERAL

W 738

1946

DOMINIONS - INTELLIGENCE

18 JAN 1946

Registry  
Number

W 738/102/68

FROM

Dominions Office  
communicated

No.

Dated

7 Jan 1946

Received  
in Registry

18 Jan 1946

Debate on the External Affairs Estimates.  
Transmits copy of despatch no 7 of  
3rd Jan from the Office of the High Com-  
missioner, Ottawa reporting on three orders  
in-council tabled in the House in respect of  
the Japanese people in Canada.

Last Paper.

(W 735)

References.

(Print.)

(How disposed of.)

(Minutes.)

§ 6 onwards deals with an  
interesting legal question concerning  
the revocation of naturalisation.

C2.  
22/1

Mr. Bennett. 23/1  
F. E. Dept. Nov 26/1

(Action  
completed.)

28/1

(Index.)

W 738/6

Next Paper.

W 863

30471 F.O.P.



# GENERAL

23,149

## CANADIAN JAPANESE IN CANADA.

1. The total Japanese population in Canada according to the 1941 census was ~~2,500,149~~, nearly all of whom were in B.C. The largest movement of Japanese to Canada took place in the first decade of the 20th Century but numbers were continuing to arrive until 1922. The Japanese in B.C. were mainly engaged in the fish industry, market gardening and retail distribution of fruit. There had for some time been criticism of them for their ability to compete economically with Canadians owing to their low standard of living. A Gentlemen's Agreement was then reached with the Japanese and finally, in 1928, arrangements were made for a quota of 150 per year to be admitted, though this figure was never in fact reached.

Simply  
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figure  
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wrong

2. With the declaration of war on Japan on the 7th December, 1941 the Canadian Government at once interned any persons of Japanese origin who were likely to be a threat to internal security. Even before the outbreak of hostilities all persons of Japanese origin on the coast had been registered and a local Committee had been appointed to handle the problem. Largely as a result of inflammatory demands in B.C., the Federal Government took steps in January, 1942, to move all males who were Japanese citizens between the ages of 18 and 45 out of the defence zone along the West Coast. These measures were, however, felt to be inadequate and the agitation of public opinion in B.C. increased. Finally on the 26th February, 1942 the Federal Government announced a policy of complete evacuation from the coastal zone. Action was taken, under an Order-in-Council, to remove all persons of Japanese origin and no distinction in citizenship was made. For the purpose of evacuating and handling the problem a special body entitled the B.C. Security Commission was established. The Security Commission was forced to follow the policy of trying to find homes for the Japanese to be evacuated in areas where agreement could be reached with either Provincial or local authorities. The agreements made with the Provincial Governments for this purpose provided that the Federal Government would remove the Japanese, if requested, six months after the cessation of hostilities. So far only the Saskatchewan Government has given any indication that they are prepared to retain any Japanese evacuees in the Province. Numbers of Japanese evacuees were sent to sugar beet farms in Southern Alberta and in Winnipeg and to ghost towns in former mining areas. Of the 21,000 people who were evacuated about 16,000 remained in B.C. outside the defence area, while the remaining 5,000 went mainly to Alberta, Manitoba and Ontario. The Japanese were encouraged to travel to Eastern Canada, where there was shortage of labour, but not more than 3,000 eventually moved to Ontario and Quebec.

4/40

3. On the 4th August, 1944 the Prime Minister in a debate on the Department of External Affairs announced certain principles which the Government had formulated as regards the position of the Japanese in Canada. These were that:-

- (1) there should be no concentration of Japanese in British Columbia;
- (2) all disloyal persons of Japanese origin, whether British subjects, British naturalised persons, or Japanese, should be returned to Japan at the end of the war;
- (3) no immigration from Japan should be permitted after the war.

Subject to the fulfilment of these conditions, the Prime Minister said that Canada should deal justly with those Japanese who had acted loyally and who were anxious to remain in the Dominion. He added that in all these matters Canada would keep in close step with the United States. The Prime Minister indicated that a

/Judicial Commission



- 2 -

Judicial Commission would be set up to establish the loyalty of the Japanese in Canada.

4. Little action was taken in accordance with the foregoing statement of policy, but in the early months of 1945 it was arranged that a group of R.C.M.P. Officers should visit Japanese settlements to investigate whether the Japanese wished to remain in Canada or to go to Japan. It has been alleged that undue pressure was brought to bear on the Japanese in so declaring their wishes; it has also been suggested that the declarants were not fully aware of what they were signing or that, if they were, they had various somewhat involved reasons for doing so. In any case no fewer than 10,347 or nearly half the total number involved were covered by voluntary requests for repatriation. Nearly 7,000 actually signed requests, the remainder being dependents. Those signing included nearly 3,000 Japanese nationals, nearly 1,500 naturalised Canadians and nearly 2,500 Canadian born. Before the 1st September, 1945, some 200 withdrew their requests and after that date some 2000 did so.

5. On the 15th December, 1945, three Orders-in-Council were passed. The first provided that

- (i) a person over 16 years other than a Canadian national who was a national of Japan resident in Canada and who had either made a request for repatriation or been detained during the war might be deported to Japan;
- (ii) every naturalised British subject of the Japanese race over 16 years resident in Canada who had made a request for repatriation might be deported to Japan, provided he had not revoked his request before the 1st September, 1945;
- (iii) every natural born British subject of the Japanese race over 16 years who had made a request for repatriation might be deported, provided he had not revoked it in writing before an order for deportation had been made; and
- (iv) the wife and children of any person deported might be included and deported to Japan.

6. The second Order-in-Council provided for the revocation of the status of British subject or Canadian national in the case of persons deported to Japan who were British subjects by naturalisation (but there is no similar provision for persons who are British subjects by birth).

7. The third Order-in-Council provided for the setting up of a Commission of three persons to enquire into the activities, loyalty and extent of co-operation with the Canadian Government during the war of Japanese nationals and naturalised persons of the Japanese race.

8. Largely as the result of pressure from a private body, the Co-operative Committee on Japanese-Canadians, and similar organisations, the three Orders were referred to the Supreme Court for a ruling. The judges were unanimous in the opinion that the Government had the power under the War Measures Act to pass Orders-in-Council relating to the deportation of Japanese-Canadians. The Chief Justice and two of the judges were of the opinion that the Orders as passed were wholly intra vires; four of the judges were of the opinion that the section of the Order dealing with the deportation of wives and children was ultra vires. In a reservation, one of the judges added that he found the Orders were ultra vires insofar as they authorised deportation of naturalised British subjects who did not wish to leave Canada and insofar as they prevented them from withdrawing consent to go to Japan. The Co-operative Committee have announced that they propose to appeal against this ruling to the Privy Council.



9. There is undoubtedly strong feeling in B.C. against the return of Japanese-Canadians to their former places of residence and it is clear that considerable pressure has been brought to bear on the Government in particular the Japanese Repatriation League (formerly the White Canada League) with headquarters at Vancouver has been active in advocating the deportation from Canada of all persons of Japanese descent. On the other hand there has been considerable criticism in the press of the Government's policy as set out in the Orders-in-Council. The Toronto Globe and Mail, for example, says that the judgement of the Supreme Court makes it clear that the ill-conceived Orders should be revoked forthwith. The Vancouver Daily Province says that the judgement may have tragic consequences for everyone of the 10,000 to 15,000 people liable to deportation, but that the consequences may be tragic for all Canadians if they do not take steps to protect themselves against the withdrawal of certain rights which are vital and fundamental and should be sacred. The Toronto Daily Star in an article entitled "What is that of the Nazis and concludes "a deep sense of shame is growing in Canada". The Winnipeg Free Press has similarly observed that the Government, by its Order-in-Councils, makes a mockery of Canadian citizenship. But the foremost and most persistent critic of the Government's policy has been the Toronto weekly "Saturday Night". In addition to the arguments about the value of Canadian citizenship, "Saturday Night" has attacked the constitutionality of the Government's action in issuing the three Orders-in-Council of the 15th December, 1945. Their criticism is based on the grounds that, in the original bill to confer emergency powers on the Federal Government after the expiry of the War Measures Act, there was a provision for granting to the Federal Government power to control "entry into Canada, expulsion and deportation, and revocation of nationality". This provision was deleted from the revised bill as reintroduced by the Federal Government and as finally passed by the House of Commons on the 7th December under the title of the National Emergency Powers Act. Shortly after the passing of this Act and on the very eve of the adjournment of Parliament, the Orders-in-Council referred to above were issued under the authority contained in the War Measures Act which was due to expire a bare two weeks later. It has been indicated that the opposition are likely to question the Government when Parliament reassembles on the propriety of this action.

P.S. The Prime Minister announced on the 13th March that the Government had decided to suspend action under the three Orders-in-Council pending a decision by the Privy Council. He stated that the Canadian Government would facilitate any appeal to the Privy Council. Mr. King added that the Department of Labour would proceed with arrangements to assist any Japanese who wished to leave Canada to do so at an early date, but that no families would be sent unless both the husband and the wife expressed a desire to go to Japan.



Reference No. 9578/US

In the compliments of the  
Under Secretary of State for Dominion Affairs

Dominions Office,  
2 Park Street,  
W.1.

Date 3.5.46

3764 102 68  
Reg. J. D. B. m. 28 3 4

Office of the High Commissioner  
for the United Kingdom,  
Earncliffe,  
Ottawa.

25th April, 1946.

It has just been pointed out to me that  
a stupid error occurs in the enclosure to the  
High Commissioner's despatch No. 103 of the  
14th March about the Canadian Japanese in Canada.  
In the first sentence it is stated that the figure  
of Japanese in 1941 was 2,300,149. This should  
of course read 23,149.

Yours ever,

J. J. S. GARNER

R. A. Wiseman, Esq., C.M.G.,  
Dominions Office.  
London, S.W. 1.

RB.

15/4/46



Office of the High Commissioner  
for the United Kingdom,  
Earncliffe,  
Ottawa.

25th April, 1946.

Dear Wiseman,

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Yours ever,

J. J. S. GARNER

R. A. Wiseman, Esq., C.M.G.,  
Dominions Office.  
London, S.W. 1.

RB.



Rec'd in  
D.O. 7/1/46.

OFFICE OF THE HIGH COMMISSIONER FOR  
THE UNITED KINGDOM,  
EARNSCLOTTE,  
OTTAWA

Enter  
(Rec'd 10/1)

No. 7

3rd January, 1946

Rec'd in D.O. 7. 1. 46.

My Lord,

1. I have the honour to report that in the course of the debate on the External Affairs Estimates, three orders-in-council were tabled in the House with respect to the Japanese people in Canada. These orders, passed under the War Measures Act, carry out the policy announced by the Canadian Government on the 26th August, 1944, and on the 21st November, 1945.

2. After the outbreak of war with Japan the Government took steps to remove most of the Canadian Japanese east of the Rockies and away from the Pacific Coast as a precautionary step. This meant that the other Canadian Provinces were faced with the problem of absorbing thousands of Japanese immigrants. This they agreed to do as a war measure. With the cessation of hostilities the question was raised as to whether these Japanese Canadians would be allowed to return to their homes in British Columbia and, if not, whether the other Provinces would be willing to accept them as permanent residents. A great majority of the people in British Columbia are anxious to prevent their return to the Province and extremists there urged that all Japanese should be deported to Japan. In other parts of the country equally strong protests have been heard against any unfair treatment of the Japanese in Canada.

3. In August, 1944, therefore, the Federal Government was faced with the problem of determining which of the 23,000 Japanese in Canada wished to return to Japan and which wished to remain in Canada. On the 21st November, the Minister of Labour announced that the Government intended to order the removal of certain groups of Japanese. The three orders tabled /on the 17th

The Right Honourable Viscount Addison,  
Secretary of State for Dominion Affairs,  
London, S.W.1.

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on the 17th December provide that this policy be carried out.

4. The first order-in-council provides that all Japanese nationals in Canada who requested to be returned to Japan will be sent there. If they did not they will be subject to the decision of the Commission set up under the third order-in-council. The minister is not ordered to have these persons deported, but is given the power to arrange for their movement.

5. In all cases in which removal from Canada is to be effected, it is provided that those involved will be allowed to take out all their personal property, all cash and other moveable assets and they may sell or otherwise dispose of their real property or anything else which they do not wish to take with them. They are also to be assured minimum liquid assets to assist in their resettlement to the extent of \$200 for each adult and \$50 for each dependent. Anyone who is being sent to Japan and may have some money but less than the \$200 and the \$50 for each dependent will be advanced the difference in order to bring his cash assets up to the minimum. The other clauses of this order cover the necessary administrative machinery to carry out the terms of the order.

6. The second order-in-council provides for the removal of British and Canadian status from any naturalized persons who have expressed their wish to return to Japan and also applies to those being deported under the terms of the first order-in-council.

7. The third order-in-council provides that a Commission of 3 persons be appointed to enquire into the loyalty of "Japanese nationals and naturalized persons of Japanese race in Canada where the names are referred to the Commission by the Minister of Labour". The Commission will not examine any persons born in Canada. It will have the power to examine persons who applied to be sent to Japan and who did not renounce their application before the 1st September, if recommended by the Minister of Labour. The Commission after examination will have the power to recommend deportation and these Japanese will also come within the terms of the first two orders and conditions with regard to property.

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2. D. P. reminder  
attached. CP. 5/2



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8. The Canadian-born Japanese will not be proceeded against and even in cases where such an individual voluntarily returns to Japan his Canadian nationality will not be questioned. Legally he would be free to re-enter Canada at any time in the future, unless he divests himself of Canadian nationality.

9. Mr. Mackenzie King pointed out that the orders passed involve no change in principle from the general provisions that already exist under the Canadian statute law. The Immigration Act contains provisions for the deportation of enemy aliens or those who have been enemy aliens. The naturalization Act recognises the principle of revocation of the status of a naturalized person who has acted disloyally. The peculiar character of the present problem, however, required broader and more expeditious action than the present statutes allowed.

10. The action of the Canadian Government in passing the Orders under the War Measures Act has met with criticism from all sections of the country. The Winnipeg Free Press pointed out that War Measures Act would expire on the 31st December and that the Government had deliberately chosen to use an Act which would no longer exist after the end of the year. The new Emergency Powers Act which replaces the War Measures Act originally contained a clause giving the Federal Government the power to revoke naturalization and to deport, but under protest this clause was removed and does not appear in the redrafted act. Therefore, this editorial points out, the Government "proposes by virtue of a dead statute to proceed to revoke naturalization and to deport Japanese without reference to the peacetime laws, enacted by Parliament, to govern such action".

11. A voluntary citizens' committee formed in Toronto has issued writs against the Attorney-General of Canada declaring that the three orders-in-council authorizing deportation of Japanese-Canadians are "invalid, illegal and beyond the powers of the Governor-in-council." The Committee has written a letter to the Minister of Justice asking for a hearing on the 4th January. Similar action is being taken by Citizens Committees in Winnipeg and Vancouver and preparations are being made by the Toronto Committee to institute court proceedings for test cases involving Canadian citizens

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Det. Cleary  
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Dr. D. P. reminder  
attach. CP. 5/2/66



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Office of the High Commissioner  
United Kingdom,

# GENERAL

1946

DOMINIONS - INTELLIGENCE

N 3764

1 APR 1946

Registry Number } N3764/102/68

FROM Dominion Office  
communicated  
No. G578/118

Dated 28<sup>th</sup> March 1946

Received in Registry } 1<sup>st</sup> April 1946

## Canadian Japanese in Canada

Refer to D.O. communication of 1<sup>st</sup> Feb &  
transmits copy of dispatch no 103 of 16<sup>th</sup> March  
from Office of the High Commissioner, Ottawa;  
refer to Ottawa dispatch no 7 of 3<sup>rd</sup> Jan  
(W738/102/68) & encloses copy of a memorandum  
on the above.

Last Paper.

(W360)

(Minutes.)

References.

F.E. Dept. 5/4

CP.  
3/4.

Mr. Beckett.

This is written in handwriting  
W.E. B 5/4

re Vallet case

Refugee Dept may also like to  
see this.

Jan.  
6/4.

CP.  
8/4.

Refugee Dept. to see.

See P.L. from D.O. 7/3/5

CP.  
10/4.

F.E. Dept. 11/5.

CP.  
8/5.

(Print.)

(How disposed of.)

(Action completed.)

65  
11/3

(Index.)

W.P. 21  
6

Next Paper.

W3895  
(W1821/13/68-47)



**GENERAL**

Reference No. E/578/118

With the compliments of the  
Under Secretary of State for Dominion Affairs

Dominions Office,  
2 Park Street,  
W.I.

Date 28/3/46

Ref D O Com: 1.2.46

Office of the High Commissioner  
for the United Kingdom,  
Barncliffe,  
Ottawa.

14th March 1946

1 APR 1946

2. It has seemed to me that it might be useful to review comprehensively the developments which have taken place and I have the honour to enclose herewith copies of a memorandum which has been prepared for this purpose.

3. A copy of this despatch with the enclosure has been sent to His Majesty's United Kingdom Ambassador at Washington and to the United Kingdom High Commissioner's in Canberra and Wellington.

I have the honour to be

My Lord

Your Lordship's most obedient  
humble servant.

(Signed) STEPHEN L. HOLMES

For the High Commissioner.

The Right Honourable Viscount Addison,  
Secretary of State for Dominion Affairs,  
London, S.W. 1.

RR.

On the 11th August 1944 the Prime Minister in a debate at the Department of External Affairs outlined the principles which the Government had adopted in regard to the position of the Japanese in Canada. These were that:-

- (1) there should be no concentration of Japanese in British Columbia;
- (2) all disloyal persons of Japanese origin, whether British subjects, British naturalised persons, or Japanese, should be returned to Japan at the end of the war;
- (3) no immigration from Japan should be permitted after the war.

Subject to the fulfilment of these conditions, the Prime Minister said that Canada should deal justly with those Japanese who had acted loyally and who were anxious to remain in the Dominion. He added that in all these matters Canada would keep in close step with the United States. The Prime Minister indicated that a

/Judicial Commission



**GENERAL**

Office of the High Commissioner  
for the United Kingdom,  
Barncliffe,  
Ottawa.

No. 103

14th March, 1946.

3764

1 APR 1946

My Lord,

In previous despatches, the most recent being No. 7 of the 3rd January, I have had the honour to draw your Lordship's attention to various questions relating to the position of the Canadian-Japanese in Canada.

2. It has seemed to me that it might be useful to review comprehensively the developments which have taken place and I have the honour to enclose herewith copies of a memorandum which has been prepared for this purpose.

3. A copy of this despatch with the enclosure has been sent to His Majesty's United Kingdom Ambassador at Washington and to the United Kingdom High Commissioner's in Canberra and Wellington.

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Secretary of State for Dominion Affairs,  
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/Judicial Commission