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"Reducing The Numbers ": The 'Transportation' of the Canadian
Japanese [1941-1947]

by

R.L. Gabrielle Nishiguchi

A Thesis submitted to the Faculty of
Graduate Studies and Research in partial fulfilment
of the requirements for the degree of
Master of Arts
in Canadian Studies

Carleton University

Ottawa, Ontario

August 1, 1993

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**"Reducing the Numbers": The 'Transportation' of the
Japanese Canadians (1941-1947)"**

submitted by Gabrielle Nishiguchi, B.A., B.Sc.
in partial fulfilment of the requirements for
the degree of Master of Arts

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Thesis Supervisor

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Director
School of Canadian Studies

Carleton University
Ottawa, Ontario
September 1993

Abstract

Between May and December 1946, 3,964 persons of Japanese ancestry, over 66 per cent of whom were Canadian citizens by birth or naturalization, sailed from Canada to Japan. Using extensive research based on thirteen Public Archives of Canada Record Groups, the author presents a new interpretive 'line' which suggests that the federal government sought to use this 'transportation programme' to reduce the number of Canadian Japanese in the country, thereby defusing a potentially explosive domestic problem concerning where the thousands of West Coast evacuees would be relocated after the war.

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Introduction

From December 7, 1941 to December 15, 1945, at least sixty-three Orders in Council were approved by the Special Committee of the Privy Council to authorize the evacuation of 21,079¹ West Coast Canadian Japanese and the subsequent restriction of freedom, dispossession and dispersal of the entire community. One of those Orders, P.C. 7355 (December 15, 1945), inaugurated the transportation programme under which 3,964 persons of Japanese ancestry boarded ships bound for Japan. Another, P.C. 7356 changed the national status of some of the recruits and P.C. 7357 provided for a never-convened Commission to examine potential participants.

There were a total of five sailings between May 31st and December 24th, 1946. Among the passengers were World War I veterans, stretcher cases, psychiatric patients, seniors, and families --including pregnant women, dependent children and babies. Over sixty-five percent of them were Canadian citizens by naturalization or birth.

The research for this thesis began with a simple aim: to understand the origins and development of the scheme. Reconstructing the programme from government documents appeared, at first glance, to be a fairly straightforward task. The eight authors of the authoritative accounts² of the Canadian Japanese wartime experience have each confirmed the Department of Labour's official explanation that 3,964 persons of Japanese ancestry left Canada under P.C. Orders 7355 and 7356 as a result of a nation-wide survey conducted by the R.C.M.P. during the spring of

1945. My work, I felt, was merely to flesh out the details of the planning and execution of the scheme.

But, instead of filling in gaps, the details began to create a labyrinth. For every question answered, another arose to take its place and send the story in a new direction. As documents were declassified, facts emerged which challenged accepted judgements about what had happened over forty years ago. Some documents remain classified, adding still more mystery to the maze. The 'transportation' story lay buried in a morass of sometimes quite contradictory detail. In the beginning, the chief analytical task seemed to be that of putting together a basic 'line' of interpretation, which fit the documentary evidence, and understanding where competing interpretations added to, and where they detracted from, the story that emerged from my research.

Interpretation and documentary evidence shape the focus and scope of each historical 'line.' Since competing 'lines' generally have evidence in common, textual interpretation and the weight given particular documents determine where and to what extent overlap and divergence occur. New material supports unequivocally one 'line' or the other, could support either 'line' depending upon interpretation or suggests the existence of a new hybrid 'line.' The trick is to find the one 'line' which is supported by the greatest amount of evidence (old and new) and propels the story from start to finish. A 'line' that does not sustain the narrative to the end need not be abandoned --such a 'line' may well contribute to an overall understanding of the flow of events and decisions.

The Known: The Basic 'Line'

This fundamental narrative 'line' is best highlighted, perhaps, by the events leading to mass evacuation.

The Japanese bombed Pearl Harbor on December 7, 1941. Eighteen days later, two Canadian battalions were captured by the Japanese during the fall of Hong Kong. The federal government had to decide what to do with some 21,000 Canadian Japanese residing along the West Coast of British Columbia. Was B.C. secure from Japanese attack? Were there spies and saboteurs among community members? After decades of anti-oriental prejudice and propaganda, B.C. politicians and nativist organizations were quick to call for the round-up and incarceration of the entire community. The R.C.M.P. were gearing up for possible riots by non-Japanese. Any publicized mistreatment of Japanese civilians in Canada might lead to retaliation against Canadian soldiers now in Japanese hands. During a January 1942 conference held in Ottawa, federal civil servants found they were more or less arrayed against a B.C. delegation committed to mass evacuation.

Dynamite was added to the government's political 1942 docket by the announcement of a critical April plebiscite concerning overseas conscription. King's top Ministers were polarized over this sensitive issue. Québec, the Liberal Party's electoral powerhouse, was possibly at stake. As well, two Cabinet Ministers, Louis St. Laurent (Justice Minister

designate and King's new Québec lieutenant -- Ernest Lapointe having died in November 1941) and Humphrey Mitchell, (Labour Minister designate) were fighting by-elections.³ Then, on February 19th, President Roosevelt signed Executive Order 9066 into law. The military removal of American Japanese from the West Coast became official U.S. policy. Canada followed suit. On February 26th, the civilian mass evacuation of Canada's Pacific Coast was authorized by Order in Council.

Reasoning about the decision for mass evacuation aids our understanding about two separate, but closely intertwined, interpretive 'lines.'

'Line' A: Security

On July 9, 1940, during a discussion about possible war with Japan, Prime Minister King told his Cabinet colleagues: "Canada was a Pacific country. Possible danger to her Western Coast could not be disregarded."⁴ The key word for 'Line A' is security --the security of the nation as well as that of the Canadian Japanese themselves.⁵ The threat of a Japanese coastal attack, the presence of 20,096 potential Fifth Columnists in B.C., the menace of non-Japanese rioting with, perhaps, serious repercussions on Canadian Prisoners of War held captive by the Japanese and the harmonization of a continental defensive policy are all usually prominent in a 'Line A' analysis. Most contemporary departmental versions of the evacuation⁶ favour this approach. Recently, the authors of Mutual Hostages (1990) have attempted a 'Line A' consolidation. They

adduce possible Magic intelligence concerning a Tokyo directive to western hemisphere Consulates to recruit spies. The authors carefully document the lack of domestic, pre-war intelligence about the Canadian Japanese community and the general complacency of Canada's military planners concerning West Coast defence preparations. They also raise questions about the existence of a dangerous, pro-military core of Japanese Nationals who ended up in Canadian P.O.W. camps in Ontario.⁷

'Line' B: Racism-Economic Competition

'Line B' plays down security-related reasoning and emphasizes more the "politics of racism" and economic competition.⁸ On the one hand, a cadre of West Coast politicians, led by the province's only Cabinet representative, Minister of Pensions and National Health, Ian Mackenzie, sensed an opportunity to reduce the Japanese factor in the B.C. economy, and built skilfully upon fresh invasion hysteria and a long-standing distrust of orientals to press the federal government vigorously and vociferously for mass evacuation.⁹ On the other hand, the military chiefs had already discounted a full-scale west coast attack by the Japanese.¹⁰ There was no hard evidence of wide-spread sabotage networks within the community¹¹ and, perhaps more importantly, at the Ottawa Conference on the Japanese Problem in B.C. (January 8 and 9, 1942) the R.C.M.P. and the Army did not support immediate mass evacuation based on the evidence they had in their possession.¹²

The availability of the executive prerogative to make orders for the preservation of national security combined with the unquantifiable factor

of prejudice permeating the ranks of the ministers and members of the federal bureaucracy, set the stage for the government to take advantage of a timely opportunity to remove the forty-year-old 'Japanese Problem' from the Pacific Coast. Ken Adachi's The Enemy That Never Was (1976) and Ann Sunahara's The Politics of Racism (1981) are both variations on this 'Line B' theme. Sunahara had access to primary source material; Adachi depended upon published government documents.

The difficulty lies in the fact that both 'lines' tell part of the story; an over-reliance on either results in an interpretive cul-de-sac.

The Problem of Partial 'Lines'

Line A's usefulness wanes at the point when, between 1941-1945, security was no longer a major factor in domestic policymaking with respect to the Canadian Japanese. Racism and economic competition concerning evacuee property were certainly factors which influenced policymaking, but a Line B 'racism/economic' analysis alone presents a rather uni-dimensional explanation for the multiplicity of actions and decisions leading up to the 1946 transportation programme.

There may have been a handful or even a number of civil servants who allowed personal antagonisms to cloud their professional judgement, but certainly not all of them did. The key here is that bureaucrats --especially at the senior level-- are, ideally, efficient, detached reason-makers. They recommend to their Ministers logical ways to render political

problems into legal administrative solutions and ultimately Cabinet-approved programmes. When an unpopular minority is accorded unusual treatment by the government, each decision in isolation can easily be explained in terms of discrimination, but what can appear discriminatory may actually be a logical link in a chain of actions controlled by a firmly established, forward-moving policy. The overall policy could be, in fact, discriminatory, but the links themselves may simply be the next 'logically thought-out step' in a larger plan. The important point is to grasp this 'larger plan' and to see the 'links' in context.

A Press Release (January 24, 1947): The Need For A New 'Line'

Carefully applying a Line A/B analysis to my growing collection of documents about the transportation scheme, I grew increasingly convinced that the driving policy, the central, guiding 'line' for the Canadian Japanese wartime experience, still had not been identified. Even a consistent description of the transportation of "the 3,964" was difficult to establish. Were they deported, repatriated, voluntarily repatriated or forcibly repatriated? In trying to answer this question, two solutions came to mind: the first, logical; the second, based on a Mackenzie King press release.

The logical answer was actually the simplest. They were voluntarily repatriated. Those over sixteen years of age who left Canada had signed forms between April and June 1945 indicating their desire to go to Japan. There was a slight semantic problem with repatriating the Canadian born

among them. But, if they had left on their own accord, that was the end of the story. There was no law against any person --even a Canadian born citizen-- leaving the country voluntarily. Mackenzie King, however, delivered another answer which sparked my search for a new 'line.'

In a Privy Council file, I came across a press release from the Prime Minister's Office dated January 24, 1947. It stated: "Nearly 4,000 persons of Japanese origin have now left Canada and returned to Japan. Among these were many Japanese whose deportation would have been desirable had they not been prepared to go voluntarily."¹³ According to the release, they left voluntarily, but there were "many" among them whose "deportation" would have been "desirable." The adjective "desirable" contains the enigma.

Would deportation have been "desirable" because the "many" had been guilty and convicted of some violation of Canadian law? If so, then there must exist in the primary source dossiers evidence of wrong-doing on the part of these "many." A security analysis (Line A) might prove useful. That 'line,' however, would require evidence of espionage or sabotage convictions and there did not seem to be a single instance of such on record. And such a 'line' was valid only so long as security was actually an issue during the emergency -- here again, the documents suggest that security was virtually a non-issue by the fall of 1943. Were there, perhaps, other violations of law (that is, not espionage or sabotage) which would have merited the punishment of deportation?

Or, would deportation have been "desirable" because the presence of these "many" was not wanted in Canada? Evidence exists to support the 'line' that there were certain forces at work encouraging them to leave the country. Line B reasoning (racism and economic competition) could possibly be applied. But what about the irrefutable fact that 'repatriation' forms were signed? Was coercion involved? The problem of proving coercion is an evidentiary one. Since charges of direct pressure could be uttered by one side and denied by the other, an analysis following this 'line' would require maintaining a sensitive balance of diametrically opposed points of view --views sometimes recorded only in memory because the paper evidence no longer exists. Was there such a thing as more 'neutral' evidence to arbitrate between the two sides?

In my quest for answers, I returned to the press release and tracked down its published history. I was struck by the question: What specifically was the Prime Minister announcing? The Winnipeg Free Press stated on January 24, 1947 that "[P.C. Order 7355] passed December 15, 1945 [had] been repealed."¹⁴ Other accounts have discussed the "repeal of the deportation orders,"¹⁵ the "cancellation of the deportation orders,"¹⁶ From the text of the release, however, the fate of the entire order is left open to interpretation: "Accordingly, the provisions of the Order in Council (P.C. 7355 of December 15, 1945) permitting deportation as an emergency measure have been repealed."¹⁷ What had been repealed? The order or only certain "provisions" of the order?

(January 23, 1947) which I believed had revoked the three transportation Orders (P.C. 7355, 7356 and 7357). "On the recommendation of the Minister of Labour," six orders were "revoked." Both P.C. Orders 7356 and 7357 were listed, but where was P.C. Order 7355?¹⁸

As the press notice had stated "[a]ccordingly, the provisions permitting deportation . . . have been repealed." The entire order had not been repealed. Only the provisions permitting deportation had been revoked. On January 23, 1947, a separate Order, P.C. Order 268, had amended P.C. Order 7355, by rescinding the sections "permitting deportation."¹⁹ All other sections of P.C. Order 7355 remained in force and effect. Despite having been designated one of the "deportation" orders, in fact, only certain sections of it were concerned with deportation; the rest, with financial arrangements and the property of transportees. Moreover, these "deportation sections" dealt only with permission to deport certain categories of persons and permission for the Minister of Labour to make orders for deportation "as an emergency measure." When King described P.C. Order 7355 to his House colleagues in December of 1945, he underscored this particular point: "[P.C. Order 7355] simply provides that the Minister of Labour may carry out this policy. He is not ordered to have these persons deported, but he is given power to arrange for their movement."²⁰

A close examination of the actual Order in Council together with other source material indicated that the answer to my original question about defining the movement of 'the 3,964' might be found in a search for *Ministerial* Deportation Orders made out against any of 'the 3,964.' If none

were located, technically we would no longer be able to use the expression 'deportation' to describe the movement of 1946. Or were there other legal means to deport under the provisions of these three transportation orders?

The enigmatic description in the press release and my subsequent investigations suggested to me that the transportation story was an extremely technical, legalistic one. It was essential to understand the existing statutory remedies to particular policy or administrative problems and why Orders in Council were thought necessary to supplement them. Perhaps the most "neutral" way to navigate between the evidence of two polarized parties (the community and the government) might be through a careful analysis of the bureaucratic and ministerial history of relevant Orders in Council.

Could there be, I wondered, a third interpretation of the press release's statement about the fate of the transportees? Was there a hint that the deportation of these "many" would have been "desirable," but not legally possible or, at least, legally difficult? Using as textual reference points existing law and the primary Orders in Council which controlled the lives day-to-day of the evacuees (and eventually the transportees), I reviewed, from the beginning, both newly declassified and standard information sources.

A Twist in Reasoning

What became apparent to me was the need for a new 'line' which

derived from a slight twist in conventional reasoning about this topic. Perhaps a distinction had to be made between the arbitrary, event-driven divisions of the experience as perceived by the community and the high-stakes decisions flowing from critical moments of senior-level policymaking. Could the evidence be organized around one or two of these critical moments and could, from the logical, consequences of those decisions, a new 'line' be extrapolated?

From the community's point of view, there were four fairly distinct phases recognized by all the authoritative texts: mass evacuation (February 26, 1942 to October 31, 1942), dispossession (P.C. Order 469 January 19, 1943), relocation within Canada (beginning February 24, 1942 with the first train-load of Japanese male aliens of military age moved to northern B.C. work camps) and, finally, the nation-wide survey and the exodus to Japan (beginning with the first survey at Tashme, B.C., April 9, 1945 until the last sailing December 24, 1946).

From the perspective of federal policy, however, there seems to have been only two key decisions: the 1942 mass evacuation of nearly the entire West Coast community, and the creation of the 1946 transportation scheme, through what appears to have been retrospective executive legislation to accomplish what was not politically feasible through ordinary Parliamentary means. By identifying the ribbon of choices resulting from these two decisions and focussing upon the language of Orders in Council in parallel with other primary sources, I believe a new, more comprehensive 'line' emerges which carries the narrative, includes

aspects of Lines A and B, and clarifies the evidence right through to the final removal of 'the 3,964.'

A New 'Line': Reducing The Numbers

The inherent, logic-driven momentum for this new 'line' comes from the raw, unstable situation created by mass evacuation. Simply stated: First, there were 21,079 Canadian Japanese on the B.C. West Coast; then there were none.²¹ After sixty-five years the West Coast was virtually 'Japanese-free.' Pensions Minister Ian Mackenzie made it "crystal clear" that he would not "remain 24 hours as a member of any government . . . that [allowed] the Japanese back again to . . . British Columbian shores."²² About the same time as Mackenzie's ultimatum, King's Under-Secretary of State for External Affairs, Norman Robertson, had spelled out the solution in no uncertain terms: it would be "unwise" and "undesirable" from every point of view to have all pre-war Japanese back in B.C.²³ Furthermore, the absence of the Japanese in one locale meant their presence in another. In March 1944, several hundred persons attended a public meeting to protest against the increasing number of Japanese in the Kamloops, B.C. district.²⁴

What was the government to do with this motley group of evacuees being controlled by Defence of Canada and B.C. Security Commission regulations in the "abandoned mining camp towns, villages and settlements in the Interior of [B.C.],"²⁵ the sugar beet farms of Alberta, Manitoba and Ontario or the road camps of northern B.C. and Alberta? British Columbia

did not want them back and had a senior Cabinet Minister to represent its views to the Prime Minister. Alberta and Manitoba had agreed to accept sugar beet workers on condition they were removed after the war. By April 1944, the provinces were so sensitive about the issue of where the evacuees would be placed that Norman Robertson sent a memorandum to the Deputy Minister of Labour, Arthur MacNamara, to the effect that there was "some doubt as to the desirability of raising this matter at the [Dominion Provincial] Conference proper, since it is a question which might give rise to so much controversy that it would impede the consideration of other problems."²⁶

From October 31, 1942, when the evacuation was virtually completed, the major policy problem concerning the evacuees was to figure out where they were going after the war. If B.C. were no longer an option, then they would have to be placed in the other provinces; but, with the exception of Saskatchewan (later, in 1944), the evacuees were not wanted. Norman Robertson's Special Assistant, Gordon Robertson, had observed: "By [f]ederal legislation the Dominion could over-ride any provincial efforts to exclude Japanese, but agreement would clearly be preferable."²⁷

The difficulty was not the nationality of the evacuees *per se*, it was their number and the "fact of concentration."²⁸ A few Japanese were an ethnic curiosity; several thousand, a menace. In 1939, George Tamaki was a *Nisei*²⁹ law student at Dalhousie University. He was, in fact the only Japanese among 60,000 Halifaxians. In an article published in The New Canadian, Tamaki commented: "[P]eople look twice at you. The look is not a

hostile one. Rather it is one of curiosity. Some gaze, some frankly stare. Some even smile in a friendly manner. You may come across a group of small boys, who shout an impertinent but cheerful 'Hello, Mr. Moto!' ³⁰

If the fundamental problem were numbers, then, taking into account B.C. sentiments, policy could take only two directions: dispersal of the evacuees across the country, making sure that there were no large concentrations of Japanese in any one province, thus reducing their numbers in the most sensitive province, B.C.; or finding some other outlet to reduce their total numbers --emigration, or, as we shall see, 'transportation.' The new 'line' can be summed up in three words: "reducing the numbers." It allows us, for the moment, to circumvent all the racism and economic competition complications that go along with a Line B analysis. While not denying that the reasoning behind the new 'line' may have been racist in leaning, we are free to explore the individual choices which flow from decisions, without the necessity of accounting for personal motives.

Moreover, the security interpretation (Line A) can also be seen from a new perspective. If there were convicted saboteurs or espionage agents among the evacuees, then the government might well be justified in wanting to send such persons out of the country. A large number of violators of this sort would mean a large number of evacuees who might reasonably be removed after the war. Two key pieces of information required to sort Line A-type evidence along this new path would seem to be a knowledge of the range of punishments for breach of security infractions provided by existing statutory law and the ability to pinpoint a

date after which the defence of the nation was no longer threatened by the evacuees.

After that date, any detentions of the evacuees could less and less be justified solely on a security basis. Logically, the gradual easing of restrictions on the civil liberties of the evacuees might be seen as an increasingly necessary rather than merely desirable policy option. A persistent denial of fundamental rights after security fears have waned allows us to place the personal decisions of the evacuees in the context of what they might reasonably expect from the government based on past and current experience, not what we know from hindsight the government was actually prepared to do some time in the future.

Method, Theme and Secondary Aim

The documents I examined presented me with my new line "reducing the numbers." The chief research difficulty associated with the transportation programme was not a dearth of dossiers, but rather a deluge. There were three major areas of activity associated directly with the programme, which included at least eleven separate departments, offices, branches or special organizations. The three areas were: Legal and International [Justice, Secretary of State (Custodian), Immigration]; Security [the R.C.M.P., National Defence] and Evacuee Personal Welfare [Labour, Mines and Resources, British Columbia Security Commission]. Coördinating the three groups were External Affairs, The Privy Council Office and the Prime Minister's Office. Altogether they generated thirteen

basic Public Archives of Canada Record Groups which required investigation.

I began with these thirteen basic groups: The Department of External Affairs, The Department of Labour, The British Columbia Security Commission Papers, The Department of Justice, The R.C.M.P., The Department of Indian Affairs and Northern Development, The Department of Mines and Resources (Immigration Branch--both record groups), The Secretary of State, The Department of National Defence, The Privy Council Office, The Office of the Custodian. In addition to these record holdings, I discovered that because so much of my work concerned civil servants, I also needed to examine twenty-four volumes of historical personnel files (roughly a quarter of which required declassification). I located germane documents in the Public Archives holdings of the Departments of Finance and Agriculture, the Auditor General, Health and Welfare and Parliament. In addition to the William Lyon Mackenzie King and Louis St. Laurent Papers, I examined the personal papers of thirteen other civil servants, politicians and private persons. The transportation programme involved not only Public Archives of Canada records, but required material from: The Gaimushō (The Ministry of Foreign Affairs, Tokyo), Military Archives (National Archives) Washington, D.C., Lloyd's of London, The Guildhall Library (London, England), The International Red Cross (Ottawa), the Royal Archives (Windsor Castle) as well as the Provincial Archives of Les Soeurs de la Congrégation de Notre Dame and the Missionary Sisters of Christ the King. I used newspaper microfilms from major cities across Canada --and most especially those of The New Canadian. The Assistant Clerk of the

Privy Council graciously granted me an interview and access to Privy Council Library material. For Order in Council information I was fortunate enough to be advised by the Senior Counsel at the Department of Justice (Legislative Section). The Japanese Canadian Redress Secretariat was also enormously helpful answering my many questions.³¹

The transportation programme touched so many different departments and levels of government, that I focussed most of my energies upon working through the primary sources. At first, after carefully reviewing the major accounts of the Japanese Canadian wartime experience,³² I decided to begin my research with volumes not cited in those books, but which looked important to my topic. However, when I began to notice discrepancies within documents and between documents, I went back to the 'basics' and began my own investigations of often cited material, comparing them with what I was seeing in recently declassified files. This is how the new 'line' emerged. Once I had winnowed the sources, the next --and most complicated-- problem was how to explore this new 'line' within the scope of a rigorous thesis structure. I needed to find a way to present the 'line' itself and then choose those key documents which seemed representative of the vast amount of material I was examining and could, at the same time, highlight aspects of the new 'line' appropriate to the transportation programme.

In examining any government programme, there are usually one or two memoranda from which the key policy recommendations evolve. In the case of the transportation programme, two historians, J. L. Granatstein³³ and

John Hilliker³⁴ had already identified the most important documents: the Québec Memo (1943) and the March Memo (1944). Clearly, any analysis of the subject would need to start with these two memoranda and move towards the final Orders in Council of December 1945. Both documents bring forward points of law --the ten-page March Memo, being the more technical of the two-- which needed to be grasped in order to appreciate their legal ripple effect on the dénouement of the programme.

In policy analysis, however, there are always the 'roots' --the circumstances which produced the important documents. There were both the origin and the context of the Québec and March Memos to be examined. I also had to remind myself that while there were links in the development of policy, there were lives attached to those links. I looked at the displaced community experience as a whole and decided that, part of the 'roots' -- and the catalyst for the policy and by extension the programme-- was mass evacuation as opposed to a partial one. Severing the community ties from the West Coast, both physically and financially (through the liquidation of their property), set the stage for the emerging policy which concerned the movement of men, women and the remnant of their resources across the country and across the Pacific, for some, to Japan. And there was one final missing element: the displaced people themselves, grouped in several areas of British Columbia, the Prairies and Central Canada (chiefly Ontario). The task at hand was to find a way to present a few snapshots of the circumstances in which the displaced evacuees lived and worked up to the time of the 1945 Survey. I attempted, in both the consideration of mass evacuation and the displaced evacuees,

to emphasize where possible the experience of the the older */ssei* (the first generation naturalized and resident aliens who were the more economically established members of the community) evacuees. Since, in policy discussions, Japanese National 'internees' appeared always to be the first group of displaced evacuees considered liable for automatic deportation, understanding a few of the experiences which led to their internment seemed helpful in explaining the evolving policy.

For displaced Japanese Nationals, the most important circumstance connected with their internment was the road camps. Therefore, I felt justified in spending a bit more time with this experience. I decided, too, that I would use, where possible, the government's own records to tell the stories of the displaced road camp evacuees and the public officials charged with putting Ottawa policy into local practice. Much of the material had not been declassified until recently. Since it came from federal government sources, it had the additional advantage of providing me with the government perspective on the problem.

A secondary theme and aim of this thesis has, therefore, been to document the experience of the displaced evacuees. It was vital that this be done in order to set the context for the critical notions of "disloyalty" and "reducing." A more detailed understanding of the circumstances created by mass evacuation helped to focus the interpretation of the transportation scheme regarding critical bureaucratic memoranda, segregation according to national status (alien, naturalized or Canadian born), the Department of Labour's domestic relocation programme and,

ultimately, the 1945 Survey with the resulting Order in Council P.C. 7355 (December 15, 1945).

Employing such a general, multi-purpose 'line' as a sort of stabilizing *basso continuo*, I attempted to bring in other strands to create a fuller 'polyphonic' narrative --strands such as those policymakers who faithfully stayed with the 'line' to the point of creatively finding ways to keep it on track, even as the resulting policy grew expensive and unreasonable; those who chose to question the resulting policy and who professionally tried to ameliorate some of its harsher aspects; and competing spheres of influence, responsibility and authority which bent the 'line' in unpredictable ways.

The new 'line' underscores the point that choices and unexpected quirks of fate often combine to beget policy. The evolution of the transportation scheme can be divided into three primary phases which explore crucial, complex --sometimes hard, sometimes harsh-- policy choices. These phases are: (Phase One) Roots (1941-1942), (Phase Two) Transformation (1943-1944) and (Phase Three) Transportation (1945-1946). Roots sets the stage with some background information about mass evacuation and the displaced community ending with the Robertson-Blair *entr'acte* of November 1941. The discussions in Transformation are concerned with the process of change in both the displaced communities and overall policy. Finally, Transportation completes a part of the tale with the Survey of 1945 and the birth of the programme.

Notes for Pages 3-23

Unless otherwise specified, Record Group Numbers (henceforth RG) refer to those holdings of the Public Archives of Canada, Ottawa [Government Archives Division]. Manuscript Group Numbers (henceforth MG) refer to those holdings of the Public Archives of Canada, Ottawa [Manuscript Division].

Commonly Used Abbreviations

<u>EAR:</u>	<u>External Affairs Records</u>
<u>HCD:</u>	<u>House of Common Debates</u>
<u>MKR:</u>	<u>The Mackenzie King Record</u> (Eds., J.W. Pickersgill and D.F. Forster)

¹British Columbia Security Commission Report, September 30, 1942

²Ferrest E. La Violette, The Canadian Japanese and World War II: A Sociological and Psychological Account (Toronto: University of Toronto Press, 1948); Ken Adachi, The Enemy That Never Was (Toronto: McClelland and Stewart, 1976); Ann Gomer Sunahara, The Politics of Racism (Toronto: James Lorimer & Co., 1981); Patricia Roy, J.L. Granatstein, Masako Iino, Hiroko Takamura, Mutual Hostages: Canadians and Japanese During the Second World War (Toronto: University of Toronto Press, 1990); J.L. Granatstein, A Man of Influence (N.P.: Denon Publishers, 1981), pp. 157-167; John Hilliker, Canada's Department of External Affairs: The Early Years, 1909-1946, Volume 1 (Montreal & Kingston: McGill-Queen's University Press, 1990), pp 252-253, 293-295.

³See J.W. Pickersgill, The Mackenzie King Record, Volume 1 (1939/1944), p. 344. King wrote: "[They are] the best men for two exceptional posts during wartime . . . If we are to lose these two Ministers in a by-election, I would have to

ask myself whether it was not my duty to see the Governor-General . . .and tell him that he had better send for someone to form an administration who had the confidence of the electorate."

⁴Privy Council Records, R6 2, 7C, Volume 1, July 9, 1940, p. 2.

⁵Five months before Pearl Harbor, King had assured his Cabinet colleagues after a visit to B.C. that "there was now no serious anti-Japanese agitation going on in British Columbia." He had also "taken the occasion to explain the reasons which had led the government to adopt their present policy with regard to exports, and had found no disposition to criticize the government on this score. Altogether, the local situation in this respect was satisfactory." (R6 2, 7C, Volume 5, July 15, 1941, p.2)

⁶See, in particular, The Department of Labour Report on The Administration of Japanese Affairs in Canada (1942-1944), August 1944 and The Report of the Department of Labour on the Re-Establishment of Japanese in Canada, (1944-1946), January 1947.

⁷Patricia Roy, J.L. Granatstein, Masako Iino and Hiroko Takamura, Mutual Hostages (Toronto: University of Toronto Press, 1990). See pp.46-56, 163, 193-195.

⁸See Ken Adachi, The Enemy That Never Was (1976); Ann Gomer Sunahara, The Politics of Racism (1981).

⁹On March 26, 1946, Ian Mackenzie explained to his Cabinet colleagues the reason people in B.C. didn't want the Japanese to return to the coast. The feeling was "not racial," although, in part economic in origin, he said. The Japanese "forced white fishermen out." M6 26 (J4), Volume 283, File 2965.

¹⁰During the Cabinet War Committee meeting of July 26, 1940, Major-General H.D.G. Crerar, newly-appointed Chief of the General Staff, gave his appreciation of the military situation in Canada. According to Crerar's report: "(3) Any possibility of Japanese or Russian attack on the Western Coast, under present or prospective conditions, was discounted. Japanese expansionist ambitions were to the south --a cause for concern to the Pacific Dominions and to the United States, rather than to Canada." (R6 2, 7C, Volume 2, p. 2)

¹¹R.C.M.P. Records, RF 18, Volume 3569, File 4269.1. J .40, S.T.Wood to W.S. Stephenson, August 5, 1942. "We have no evidence of espionage or sabotage among

the Japanese in British Columbia The fact remains, however, that we have searched without let-up for evidence detrimental to the interests of the state and we feel that our coverage has been good, but to date no evidence has been uncovered."

¹²External Affairs Records (Henceforth EAR). File 104 (s)-1, The Conference on the Japanese Problem in B.C., January 8-9, 1942. R.C.M.P. Commissioner S.T. Wood and Assistant R.C.M.P. Commissioner F.J. Mead disclosed that they had recently been in touch with J. Edgar Hoover of the U.S. Federal Bureau of Investigation who had assured them that the F.B.I. had received no evidence of disloyalty by the Japanese on the U.S. mainland, Hawaii or even the Philippines (p. 5). The Vice Chief of the General Staff, Major-General Maurice Pope presented the military's point of view that if the R.C.M.P. were "in no way perturbed by the presence of the Japanese in B.C., neither was the army. Major-General Maurice Pope, Soldiers and Politicians (Toronto: University of Toronto Press, 1962) p. 177.

¹³RG 2 (18) Volume 84 J-25-1 Japanese in Canada (1947-49) "White Folder Label."

¹⁴Winnipeg Free Press, January 24, 1947, p. 1.

¹⁵Adachi, p. 321.

¹⁶Roy, Granatstein, et alia, p.184.

¹⁷Report of the Department of Labour on the Re-Establishment of Japanese in Canada, 1944-46, January 1947, p. 23. The official Department of Labour Report, published in January, 1947, did not interpret the release; it merely reproduced the entire text.

¹⁸RG 2 (A1a), Volume 1962, P.C. Order 269, January 23, 1947. The four other orders listed: P.C. Order 9760 (December 16, 1941) registration of the Japanese; P.C. 9761 (December 16, 1941) control of vessels operated by persons of the Japanese race; P.C. Order 1348 (as amended, February 19 1942) work camps; P.C. Order 10773 (November 26, 1942) revocation of naturalization of persons repatriated to enemy states.

¹⁹RG 2 (A1a), Volume 1962, P.C. Order 268, January 23, 1947. Revoked: Paragraphs (a) and (b); sections 2 to 5 and 9 to 12 and subsections 2 and 3 of section 8; subsections 1 and 2 of section 6 and subsection 1 of section 7, amended by word substitution.

²⁰House of Commons Debates, Volume III, 2nd Session, December 17, 1945, p.

3696.

²¹For practical purposes: 'none.' "Exceptions were made for Eurasians, Japanese married to persons of other races, and Japanese in hospitals, prisons and asylums. These were, with their children, only a hundred or so in number, and were given permission by the Minister of Justice to stay. Department of Labour Report: The Administration of Japanese Affairs in Canada, 1942-1944, p. 5.

²²The Gazette, June 6, 1944.

²³William L. Mackenzie King Papers, MG 26 (J4), Volume 361, File 3850, June 13, 1944, Robertson to King, pp. C249502-03a.

²⁴The Winnipeg Free Press, Tuesday, March 28, 1944, p. 4.

²⁵R6 2 (A1a), Volume 1793, P.C. Order 1275, February 10, 1943.

²⁶EAR 104 (s)-1, Robertson to MacNamara, April 4, 1944.

²⁷EAR 104 (s)-1, Gordon Robertson to Norman Robertson, June 12, 1944.

²⁸EAR 104 (s)-1, July 15, 1944, "Policy with regard to Japanese persons in Canada," p. 9, drafted by Gordon Robertson.

²⁹*Nisei*: Canadian-born, second generation.

³⁰The New Canadian, Volume 2, No. 1, March 15, 1939, p. 1.

³¹Assistant Clerk of the Privy Council, Guy Côté; Senior Counsel, Legislative Section (Department of Justice) John Mark Keyes; Secretariat for Japanese Redress, Liaison Officer Roy Kawamoto. Other recently declassified documents were from the British Columbia Security Commission Papers, the Departments of External Affairs, Labour, and Mines and Resources (Immigration and Indian Affairs and Northern Development).

³²Ferrest E. La Violette, The Canadian Japanese and World War II: A Sociological and Psychological Account (Toronto: University of Toronto Press, 1948); Ken Adachi, The Enemy That Never Was (Toronto: McClelland and Stewart, 1976); Ann Gomer Sunahara, The Politics of Racism (Toronto: James Lorimer & Co., 1981); Patricia Roy, J.L. Granatstein, Masako Iino, Hiroko Takamura, Mutual Hostages: Canadians and Japanese During the Second World War (Toronto: University of Toronto Press, 1990); John Hilliker, Canada's Department of External Affairs: The Early Years, 1909-1946, Volume 1 (Montréal & Kingston: McGill-Queen's University

Press, 1990), pp 252-253, 293-295.

³³J.L. Granatstein, A Man of Influence: Norman A. Robertson (N.P.: Deneau Publishers, 1981), pp. 157-67.

³⁴John Hilliker, Canada's Department of External Affairs: Volume 1: The Early Years (Montréal & Kingston: McGill-Queen's University Press, 1990), pp. 293-94.

Chapter One

Phase One [1941-1942]: Roots

Mass Evacuation "Setting the Stage"

The Cabinet, "on the recommendation of the Minister of Justice, and under the authority of The War Measures Act," amended Regulation (4) of the Defence of Canada Regulations, permitting the Minister to "(a) require any or all persons to leave . . . or to "(b) prohibit any or all persons from . . . returning" to a designated protected area. In addition, under this Order (P.C. 1486, February 24, 1942) he could, at his discretion, detain any or all persons living in such an area.¹ While the Justice Minister had been given the power to remove and detain any person of Japanese ancestry living in the B.C. protected areas,² the British Columbia Security Commission (henceforth the B.C.S.C.), upon recommendation of the Prime Minister, was established by P.C. Order 1665 (on March 4, 1942), to "supervise and direct the evacuation, 10 (1)" and to "provide for the housing, feeding, care and protection, 10 (3)" of the evacuees. As a "protective measure only," all property situated in "any [B.C.] protected area belonging to any person of the Japanese race resident in such an area" was to be "vested in and subject to the control and management of the Custodian, 12 (1)." And all the "property, rights and interests so vested" would be dealt with "in such a manner as the Governor in Council [was free to] direct. 12 (3)"³

Security For Whom?

We know from the opening paragraph of P.C. Order 1486, that the powers of the Evacuation Order were sought "by reason of the development of war " ⁴ and under the War Measures Act, c. 206, yet the movement and detention of Canadian Japanese were under civilian, not military authority. On February 26, 1942, the Minister of National Defence, Colonel J.L. Ralston, expressed the view that the "Army could not undertake the responsibility for the evacuation. They were already overburdened and the Army personnel in British Columbia were preoccupied with problems of Pacific Defence."⁵ Removal of the West Coast Japanese might have been thought of in some circles as a 'security' move, but it seems not to have been a top priority military consideration.

The transportation scheme, from the community's and the government's point of view, must be considered by looking at the circumstances in which the evacuees found themselves because of these two Orders. If, as has been suggested,⁶ the community was moved partly because of fears of anti-Japanese agitation by fellow British Columbians, then at least a part of the removal took place because of the potential criminal acts of non-Japanese persons.

A Delicate Balance: (B.C. and Ottawa)

Both Orders effectively transferred the life, liberty, property and civil

rights⁷ of the evacuees from the province of B.C. to the federal government.⁸ The authority for critical initiatives and directives would henceforth come from Ottawa. This was an essential point.

Mackenzie King, however, was ever mindful of and cautiously sensitive to regional concerns and perceived provincial slights which might snowball into threats to national unity. Prior to Pearl Harbor, he and his Cabinet War Committee colleagues had sought to accommodate, whenever and wherever practicable, B.C.'s feelings about her 'Japanese Problem.' In late September 1940, during a discussion about the military training of orientals in B.C., the Cabinet War Committee, chaired by King, agreed that the "wishes" of the Provincial Government [against training] should receive the "fullest consideration."⁹ On April 30, 1941 the Prime Minister called a meeting of B.C. Members of Parliament to explain the "reasons which had led to the decision to modify existing export control" of products headed for Japan. By informing the members about the attitude and policy of the U.K. and U.S. governments and of the "elements of danger in the position in the Far East," King had obtained from them an agreement to "do what they could to discourage anti-Japanese demonstrations in B.C." ¹⁰

Implementing the Cabinet decision of mass evacuation, the federal government had, albeit for reason of national security, trenched rather substantially upon an important aspect of provincial jurisdiction. Among the ways the Prime Minister attempted to soften this incursion, was the deference paid to the opinions of B.C.'s Cabinet representative, Ian Mackenzie --both in and out of the Privy Council Chamber-- and picking up

on the suggestion made by the Minister of Munitions and Supply, C.D. Howe, that a "local B.C. Committee" might be set up to organize the evacuation since, as King pointed out, "it would be useless to proceed by piecemeal methods." Less than a week later, this committee became the B.C.S.C.¹¹

Further to this, in April 1942, when Vancouver Mayor J.W. Cornett, advised federal Labour Minister Humphrey Mitchell that City Council had expressed "some apprehension" about Hastings Park (the Vancouver evacuee clearing station) becoming a "permanent depot," Mitchell assured him that general policy with respect to the evacuation recognized that the B.C.S.C.'s hands "should not be tied" to regulations to "which it must rigidly adhere." The feeling in Ottawa was that "details of policy" could be developed by the B.C.S.C. and its Advisory Board based on day-to-day experience. The Labour Minister went on to emphasize that the chief goals of the evacuation were to remove the Japanese immediately from dangerous or vulnerable points and to find a location where they could be "suitably placed" for the duration of the war.¹²

The Commission's power to develop policy details would take into account local needs. This independence also underscored a major weakness in the entire policymaking process which involved locales far away from where the authority for all actions derived: the Privy Council Chamber in Ottawa. *Ad hoc* regional decisions would have heart-breaking repercussions for the evacuees.

In point of fact, Victoria would be kept informed, in line with,¹³ but, in many important ways, in the dark about the details and nuances of the

overall policy. A case in point: throughout the war, Ottawa bureaucrats continued to approve a steady stream of Orders in Council (plus amendments) dealing with the evacuees. Surprisingly, Victoria's bureaucrats did not always seem familiar with even the rather sweeping Liquidation Order (P.C. 469, January 19, 1943). As late as February 25, 1944, B.C.'s Deputy Attorney-General, C. Pepler, was "puzzled" by the apparent contradiction between the "legally vested" Custodian selling Japanese properties *en masse* and references to the "beneficial interest of the Japanese." He wrote the Vancouver office of the Secretary of State for clarification and a P.C. Order citation.

He received an interesting response. Pepler was referred to P.C. Orders 1665 (B.C.S.C.), P.C. 2483 (a B.C.S.C. amendment, March 27, 1942) and P.C. 469 (Liquidation, January 19, 1943).¹⁴ P.C. Order 946, the current, operative Order which rescinded P.C. Order 1665 on February 5, 1943, had been omitted. If B.C. civil servants were not being kept systematically informed about the changing status of Orders in Council and if local federal representatives, themselves, were not always up to date, it is hardly surprising that the evacuees had even less detailed knowledge of the rules that regulated them. This incident also underscored the practical difficulty faced by professionals trying to locate Orders published in the Canada Gazette. One needed a P.C. Order number or the publication date to make use of the Gazette index which was not compiled by subject. Furthermore, not all orders were published.

On the Road to Indigence: Severing Ties With The West Coast

The property transfer in March 1942 (P.C. Order 1665) was a critical, demoralizing blow for the entire community, but especially for the */ssei/*. Since Japanese Nationals and Naturalized Canadians were the primary community business and property owners, they had the most to lose. ¹⁵

John Read, Legal Advisor for External Affairs during the war and Canada's first representative on the World Court, grasped immediately the full ramifications of Section (12) of P.C. Order 1665. There was "no element of trusteeship recognized." On March 2, 1942, after looking over the draft [of P.C. Order 1665] "in a casual way" he wrote the Under Secretary of State for External Affairs about one point that he found "shocking":

[When we were dealing with the question of the fishing boats] care was taken to establish a benevolent trusteeship . . . to protect the interests of British subjects whose fishing vessels were taken. In the present instance, all property of any sort in the protected area is being taken away from the Japanese and handed over to the Custodian. This point was not dealt with in the instructions given to me when I prepared a first draft for an Order in Council. It is possible that the policy may be one by the Ministers and, if so, it is none of my business.

On the other hand, it seems to me that the Ministers should realize what they are doing . . . The taking of property away from these men has nothing whatever to do with security. As a matter of fact, it will greatly hamper the carrying out of the scheme of evacuation. The scheme of evacuation, as embodied both in my draft and Mr. Varcoe's draft, is based upon ultimate absorption of at least a substantial part of the persons in ordinary economic life outside the protected areas.

This provision, with regard to property, will greatly hamper the absorption of any of the Japanese in ordinary business activities. It strips them of every cent they may have in their pockets or in the banks; it takes the clothes off their backs and removes the tools of their trade: fountain pens from

their pockets, books from their libraries, and hands them all over to the tender mercies of the Custodian." ¹⁶

For /sse/ property and business owners, March 4, 1942 (P.C. Order 1665) marked the beginning of a long ten-month campaign to destroy, in the words of the Secretary of the Japanese Property Owners Association, the "most tangible and concrete evidence of our interest in this country."¹⁷ For some evacuees, the day set them down the road to indigence. For all those who had homes, farms or businesses, it effectively severed their ties to the West Coast.

Displacing a Community: The British Columbia Security Commission

With a few minor exceptions, the B.C.S.C. had completed the job of evacuation by October 31, 1942. The Commission was dissolved by P.C. Order 946 on February 5, 1943;¹⁸ all of its powers and functions were transferred to the Japanese Division of the Federal Department of Labour. Colonel Austin Taylor, Chairman of the B.C.S.C., was replaced by a new Commissioner of Japanese Placement, George Collins, who reported directly to the Minister of Labour. The administrative infrastructure of the the original B.C.S.C. remained intact. The interior settlement supervisors were the same. In fact, the Commissioner of Japanese Placement continued to use B.C.S.C. stationery and regulations were still referred to as having been issued from the B.C.S.C. well after February 5, 1943. (The name change was also a subtle indication that the emphasis of policy had shifted rather dramatically from 'security'-related evacuation to employment-oriented relocation.)

Displaced in Interior Housing Projects.

The removal process, carried out through the Evacuation (P.C. Order 1486, February 24, 1942), Road Camp (P.C. Order 1348, February 19, 1942) B.C.S.C. (P.C. Order 1665, March 4, 1942), Liquidation (P.C. Order 469, January 19, 1943) and Japanese Placement (P.C. Order 946, February 5, 1943) Orders displaced the entire community. They had put some in "abandoned mining town camps, towns, villages and settlements"¹⁹ in the interior of British Columbia. The "Interior Housing Plan" had actually been set up for the evacuation of groups of evacuee women, children (dependent families of road camp workers and internees)²⁰ and "men physically unfit for work in camps [but, fit for other lighter B.C.S.C. jobs around the settlements]." On May 1, 1942, the B.C.S.C. was told many "indigent persons" would also be placed in the villages or settlements in and around Slocan, Kaslo, Sandon and Greenwood, B.C.²¹ These "indigents" were the "many sick and aged" of the "Housing Projects" described in the Department of Labour Report of August, 1944.²²

Displaced on Sugar Beet Farms:

For those in Alberta and Manitoba, displacement meant a strange and unfamiliar way of life on sugar beet farms. Some had volunteered for the Prairie farms in order to stay together as a family despite having no previous agricultural experience. In a May 6, 1942 memorandum on "evacuation procedure," B.C.S.C. employees were instructed: "In selecting your Sugar Beet hold-outs, consider first the districts from which they are registered. They must be FARMING COMMUNITIES. Secondly the family

group must be at least 80% workers. Children of 12 and 13 are not considered very favourably. Thirdly the families should be close to 6 in number. . . . We will have shipped out all Sugar Beet families by June 1st."²³

By January 19, 1943, there were 545 families (2,632 individuals) on Alberta sugar beet farms. According to a member of External Affairs accompanying the International Red Cross Inspection Tour of the area, the farmer contracting an evacuee family was "supposed to winterize [their living quarters]." The B.C.S.C. was responsible for providing "part or all" of the material. However, the report notes, "those we saw varied a good deal. Only one (a brick one) was able to withstand the extreme cold of our visit and I suspect the winterizing process has not been very effective . . . I should say housing bad according to occidental standards but no worse than in Steveston and the like though winter makes the effects worse."²⁴ The prairie winter of 1942-1943 was captured in the photographs taken by the International Red Cross during their tour of the sugar beet farms. The captions read: "January 14, 1943: Off-the-Road. Delegate's party stuck in snow. -25⁰ Fahr; January 15, 1943: Delegate's party in difficulties due to snow and sub-zero weather; Trans-Continental train at -45⁰ Fahr."²⁵ The winter "effects" of 1942-43 were severe; the work that had been done before, during the summer of 1942, had not been without hardship. An R.C.M.P. report quotes "one prominent farmer [as stating] work in the beet fields is one of the most backbreaking forms of work, and heartbreaking for those unaccustomed to it. In the case of the Japanese it was particularly bad . . . due to the scarcity of labour prior to their arrival the beets had grown unhindered, and the work was doubly difficult and

unprofitable [they are] reconciled to conditions, and are, in most cases as contented as any reasonable person could expect them to be."²⁶

Displaced in Road Camps:

Japanese National men had been displaced to interior and northern B.C and Alberta work camps. The Road Camp Order (P.C. Order 1348, February 19, 1942) which actually commenced the partial evacuation movement, had authorized the Minister of Mines and Resources to "establish work camps for male enemy aliens, including Japanese Nationals, on projects located outside of protected areas, that would be of national benefit." The Minister was charged by the Order to "make necessary arrangements for the maintenance, care, and employment" of the aliens who "may be allocated to such camps by the Minister of Labour."²⁷

Arguably, for these men (and their dependents), the winter and summer of 1942 would have the greatest repercussions on their post-war status as residents of Canada. On January 14, 1942 the government declared in a press release that "Canadians of Japanese racial origin and Japanese nationals resident in Canada will be treated justly."²⁸ On January 26, 1942, Arthur MacNamara²⁹ reinforced this sentiment by explaining that the "policy of the Government is to differentiate clearly between enemy aliens of Japanese, German and Italian nationalities and Canadian Nationals of such foreign origin. Only male enemy aliens of military age are required to move or be moved from the Protected Area. Canadian Nationals are not required to move. [The proposal was] to give preference to the movement of Japanese Nationals Apart from this . . . [they are

at] liberty to accept work anywhere in Canada." ³⁰

A plan was already afoot to send about one hundred Japanese Nationals to the Austin Lumber Company, near Chapleau, Ontario. The movement to this camp was voluntary, "even for Japanese Nationals." On February 2nd, R.C.M.P. Commissioner S.T. Wood, aware of the sensitivity required to prevent misunderstandings, warned R.C.M.P. A/Com. C.H.Hill (Vancouver): "[N]otice I use the word 'conduct' in preference to 'escort,' and I wish that this term be used in all correspondence having to do with the removal of Enemy Aliens . . . 'conducting' in plain clothes, minimum publicity [It must be] clearly understood that these men are not under duress in being removed from their homes and they are to be treated accordingly. . . the chief reason why they are being conducted by a member of the R.C.M.P. is to 'instill confidence.' " Once again, on the 14th of February, Wood took up this same warning. "I want to emphasize," he wrote to MacNamara, "that the Japanese Nationals are in no way working under police compulsion and police protection will be confined to that which is considered advisable."³¹

The Chapleau project was suddenly cancelled because of protests from the Ontario Provincial Government. Those caught up in the plan from its inception, could "well understand" the "bad effect" this would have on the Japanese concerned. Two weeks earlier, on the 4th of February, before the Chapleau cancellation, there had been enthusiasm mixed with some "misgivings" among the first group of Japanese National volunteers for work assignments outside the Protected Area. Their main concern was

being "disloyal" to their employers for quitting without notice. They were described by the R.C.M.P. as "simple people." By February 19th, however, MacNamara would be ascribing the "refusal" of some Japanese Nationals to "accept work," which had developed the day before, as being "largely due to the feeling that "they are not wanted anywhere in Canada. [They] wish to stay together and they are not now ready to co-operate." R.C.M.P.

Commissioner Wood explained to Minister of Justice, Louis St. Laurent, that the "unwillingness of Japanese Nationals to volunteer" for work duties was largely due to the "Chapleau incident" and certain "provocative statements" in the Press and by "certain individuals." ³²

Trying to defuse criticism about placing Japanese Nationals too close to C.N.R. railway lines, Wood repeated the R.C.M.P.'s position: "These Japanese are not under guard; they are volunteers who have agreed to go to work camps of their own accord. Any who were suspected of subversive activities have been interned." This particular memorandum was dated February 25, 1942, the day before the mass evacuation announcement. ³³

No matter how forcefully the R.C.M.P. Commissioner had attempted to impress upon his own agency as well other government departments the position that Japanese Nationals were volunteers going to work projects, "of national benefit," ³⁴ and had been vetted for "subversives," ³⁵ this reasoning had not fully penetrated the Department of Mines and Resources, directed by P.C. Order 1348 to supervise the day-to-day road camp lives of the Japanese Nationals. On February 19, 1942, J.M. Wardle, the Director of Surveys for the Department of Mines and Resources, based in Ottawa, emphasized to his Chief Engineer, T.S. Mills: "I want to be sure our

Engineers in the West fully realize the urgent need of rushing the Japanese away from the Protected Area in B.C. This arrangement is as vital a defence action as erection of fortifications. It is a war emergency and should be handled accordingly. [The other engineers] should organize and undertake the work on this basis." This "rushing" of the Japanese out of the Protected Area was to make an already strained situation worse. On the 25th of February, the day after the first train load of 'volunteers' had left Vancouver, Mills repeated to his Supervising Engineer at Banff that there was now an "urgent need" for camps. An immediate makeshift solution consisted in commandeering empty railroad cars and converting them into temporary living quarters.³⁶

The predicament of Mines and Resources was made even worse by the weather. On February 10th, the snow at Jasper was "16 inches" deep. On the 24th of February, Wardle wrote MacNamara that there was "too much snow" at the Hope-Princeton site. Work could not begin before "April 15th." The Director of Surveys had already received an engineering report that the Blue River area where the Japanese Nationals were headed had a long history of heavy snowfall.³⁷

Finally, on February 25th, Engineer J.H. Mitchell wired Chief Engineer Mills: "Will you please allow me to contact McVety [from the Department of Labour] for the men if as and when accommodation is prepared STOP The cooperation of the railroad in rushing 2 additional units which we expect in Jasper tomorrow may prevent the men you requisitioned for Geikie from being dumped on a snow bank. STOP The urgency of the movement [of] men is well understood and every effort is being made to do so. The scarcity of

any kind of local labour along the route and adjacent towns makes us dependent on car units. . . Don't ball things up by trying to do field work in Ottawa." ³⁸

Engineer Mitchell was expressing one of the ongoing problems faced by administrators supervising the evacuees in British Columbia. High level policy decisions often times were impossible to translate into daily life situations. The R.C.M.P., the Departments of Mines and Resources, Labour, and Justice all were responsible for different aspects of the movement --but not always working under the same assumptions. In such circumstances, not only the evacuees suffered. After the creation of the B.C.S.C. (March 4, 1942), the pressure increased rather than decreased: another player; another agenda.

For the Japanese Nationals struggling through their first winter in the bush, the entrance of the B.C.S.C. onto centre stage spelled further hardships. The Chairman of the Commission, Colonel Austin Taylor, was opposed to Japanese National males going into the interior settlements.³⁹ Pressure appears to have been put on B.C.S.C. employees to send Nationals to a road camp destination --even if they were not physically or mentally fit. On March 21st Engineer Mitchell wired his superior: "The number of men in camp is increasing daily amongst whom there are men having physical defects that require medical attention . . . [it is] very necessary and urgent that a qualified medical officer be supplied as soon as possible."⁴⁰ As late as May 26th, Wardle in Ottawa was still receiving reports from his engineers that Nationals were being sent to the camps

who "In the opinion of our doctors" were "not in proper physical conditions to be in camps."⁴¹

This is more understandable when it is revealed that B.C.S.C. Chairman Taylor had told MacNamara, in May of 1942, there were "not more than 1,000 able-bodied males suitable for road camps and sugar beet fields."⁴² In his May 1942 statement to Labour Minister Mitchell, Associate Deputy Minister MacNamara indicated that the aim was to place 4,000 Japanese National males in B.C. road camps; 3,000 Canadian born males, in Ontario road camps. By May 11, 1942, there were already 2,285 "Japanese males" in the road camps.⁴³

The lives of these Japanese National cooks, clerks, rooming-house and inn keepers, dry-cleaners, farmers, fishermen, gardeners, carpenters and taxi-drivers were no longer under their control.⁴⁴ Their pay was set by P.C. Order 1348 at twenty-five cents per hour (based on an eight hour day and a forty-eight hour week). Deductions were made for their dependents, winter clothes and blankets, food (twenty-five cents per meal), and the National Defence Tax.⁴⁵ (Prisoners of War received their winter clothing free of charge.⁴⁶) Chief Engineer Mills was told to 'invoke' the War Measures Act, c. 206, to get an injured road camp worker with compound fractures into a local hospital in the Hope Princeton area.⁴⁷ Any awards made by the Workman's Compensation Board to injured Japanese workers were "inactive until such a time as the war ceases."⁴⁸

If they could not work the full forty-eight hours (for example, because

of illness or inclement weather) deductions were made regardless. As labour unrest, slow-downs and strikes began to infect the camps during the spring of 1942, the policy was to withhold pay cheques. Engineer Mitchell informed Wardle in Ottawa: "The general procedure being used at present is to inform all concerned 'no work, no pay' --this does not work out well when /if board costs exceed the pay earned."⁴⁹

According to a report compiled by G.E. Trueman (Department of Labour), submitted to the B.C.S.C. in July 1942, some road camp workers were left with three dollars at the end of the month after deductions which included: meals (75 cents), medical (one dollar), Unemployment Insurance (81 cents), Dependents Allowance (twenty dollars). (Three dollars per month works out to about ten cents per day. The going Canadian pay rate for interned P.O.W.s was fifty cents per day.⁵⁰) Workers were unhappy about separation from their families, "made work" and asked that the "old men"⁵¹ be removed. They also complained about foremen who were "boorish and unsympathetic."⁵² (This last point would turn out to be critical for Japanese Nationals. Internment for any reason would have grim post-war consequences for them as part of the transportation scheme.)

During the month of June, 1942 strikes broke out at various camps including the one at Gosnell, British Columbia. On June 6th, Labour's Associate Deputy Minister MacNamara informed Mines and Resources that "agitators" should be "promptly interned." At the moment, he cautioned, there was "no accommodation available in internment camps."⁵³ The grievances of the Gosnell strikers were principally verbal abuse from

their foreman and the presence of physically unfit elderly men whom the strikers thought should have been sent to the Interior Housing Projects. ⁵⁴

The Foreman called them out to work on the thirteenth. They refused to go. 'Weapons' seized included "six homemade baseball bats, six throwing pegs, one uncompleted bow and one used arrow." On the sixteenth, engineer Mitchell informed his superior that sixteen men had been arrested, moved to Vancouver from Gosnell and placed under detention. They were to be confined to an internment camp at the earliest possible placement. Less than three days later, word came from Ottawa that there was now "additional accommodation" in Ontario internment camps. Mines and Resources could "get the malcontents out." ⁵⁵

The problem with abusive local supervisors in some of the camps grew worse. In September 1942, a Japanese Road Camp Committee, interviewed by the R.C.M.P. about their grievances, stated that they had no faith in their foreman. They claimed he told them that he did not care "how many Japs were killed when they were speaking of a loose tie rod on the track that takes Japanese to and from [work.]" The foreman denied making the statement. The R.C.M.P. Report states: " [The foreman] is greatly to blame for all the labour trouble that has been apparent in this camp for the past five months. He openly states 'he has no use for the Japanese and treats them accordingly' The S/Constable has the same opinion: '[The foreman] refuses to treat the Japanese as human beings.' " ⁵⁶

By May 1943, strikers were cut down to two meals per day until they returned to work. ⁵⁷ Nineteen forty-three added another hardship for

Japanese Nationals eking out an existence in road camps. Their belongings were being liquidated by the Custodian. Cheques began to arrive at the camps. The Custodian was, at that time, charging amounts "equal to or exceeding the price realized on the sale" of property as "handling charges." According to the R.C.M.P., a Japanese who owned a two hundred dollar car received a cheque for seven dollars and fifty cents. He sent it back. ⁵⁸

During the B.C.S.C. evacuation period, the community was displaced, despised by many Canadians and certainly disheartened. For Japanese National (as well as Canadian born) men in road camps and on sugar beet farms, or their dependents and physically unfit men in the Interior Housing Projects, 1942 would prove to be a watershed year. By January 1943, Ottawa bureaucrats had already begun the politic process of not seeing personal dissatisfaction⁵⁹ as being the common sense sign of human discouragement --which, in most cases, according to the government's own records, it undoubtedly was-- and transforming it into non-coöperation with lawful authority by reason of 'disloyalty and disaffection' to the Crown --for which there are also numerous examples in the record to indicate it decidedly was not.

As individual situations deteriorated and as a last resort, there is no doubt that some evacuees were loathe to coöperate with authorities even to the point of wanting to sever their ties with Canada, but the real question is whether this 'loathing' was ever part of a deliberate effort to cause harm to Canada by intentionally promoting the Japanese war effort. Common sense dictates that disenchantment with an authority to which

one has been forced to cede one's property, protection and care of one's dependents and, most importantly, control over every aspect of one's life --including, for example, being able to catch a trout in a lake⁶⁰ when fresh food was scarce and expensive-- is not the same as treasonable 'disaffection' to the Crown. Yet just as P.C. Order 946 (February 5, 1943) cosmetically recast the B.C.S.C. as Labour's Japanese Division, so mass evacuation had delivered a good dose of community disenchantment (recorded and filed) for civil servants to recast as 'deportable' disaffection. The 'reasoning for the record' stage would come between March and April, 1944.

The October 1941 Robertson-Blair Understanding

"Closing the Door"

As 1943 opened, the most important elements of the transportation scheme were already in place. An incident, which occurred before Pearl Harbor, however, might actually have provided the framework upon which the bureaucrats built their programme. By a quirk of fate, the key civil servant responsible for the scheme during the war was also the main participant in this minor little drama which may have started it all in the autumn of 1941. That man was none other than Norman Robertson.

On October 8, 1941, the Japanese Minister Informed External Affairs that a plan was under way to "send a ship [to North America] to repatriate Japanese nationals in Canada who may wish to return to Japan." Two days later, the Under-Secretary of State for External Affairs, Norman

Robertson, sent an "urgent" and "secret" letter to the Director of Immigration, F.C. Blair. "Cabinet War Committee has approved the proposal in principle but, before sending an acceptance to the Minister," Robertson wrote, "I should be glad to receive your comments." "One point that occurred to me," he added, "is that it might be desirable to keep a record of all Japanese who take advantage of this opportunity to leave Canada, with a view to preventing their return at the end of the war. In other words, Japanese who go out on the ship to be provided by the Japanese Government should not be given re-entry certificates by the Canadian immigration authorities."⁶¹

On the thirteenth, the Under-Secretary wired the Canadian Legation in Tokyo: "The Canadian Government proposes to extend all possible courtesies to those Japanese nationals who will leave Canada under the proposed arrangement."⁶² He also sent a copy of the telegramme to Blair asking once again for his comments, "especially on the suggestion contained in the final paragraph of my letter [preventing the return of the Japanese] of October 10th." Blair⁶³ was nearing the end of a forty-year civil service career, thirty-eight of those years spent at Immigration. The Director had an understanding of the intricacies of Immigration procedure perhaps without equal among his contemporaries. He knew how to apply the the letter of the law, but also how to bend the rules ever so slightly to accommodate its spirit --if called upon to do so.

"I am in receipt," he wrote, "of your urgent secret letter of yesterday . . . re repatriation . . . of Japanese nationals now in Canada . . . [As for] listing the outgoing Japanese in order to prevent their return at a later

date . . . the only satisfactory way in which the desired information can be obtained will be to get it through some Canadian source. The Japanese will not come to our officers before booking passage and if we insisted on examination before they embark, I am afraid it would cause some unpleasantness." The "best course of action," Blair suggested, "was to get the information through the Foreign Exchange Control Board by the use of their Form H which must be completed by residents of Canada leaving this country."

He described the information needed by Immigration, including "citizenship and port and date of original arrival," part of which he felt could be secured in the "ordinary way." The rest, Blair went on, "can be obtained by making an "arrangement . . . with the Foreign Exchange Control Board It is probable that some Canadian born or Canadian naturalized Japanese will be found going out and we should like to have a list of these along with the others and for that reason we would like to get citizenship." 64

Exactly a week after the exchange of notes had begun, Robertson thanked the Director and added: "Your proposal to obtain the requisite information in regard to these evacuees through the Foreign Exchange Control Board seems to me to be most helpful." The Under-Secretary went on to confirm his understanding about how this would affect the repatriated "Japanese nationals." This will mean "they will lose their Canadian domicile . . . and [t]hat . . . will mean that each of these persons will come under the terms of the Immigration Act with Japan if he or she decided to return to Canada when the present crisis is over. In my opinion,"

he added, "it would be desirable at that time to see they are not permitted again to enter Canada as immigrants." ⁶⁵

"May I assume that you will make the necessary arrangements?" Robertson had asked Blair. In a "Memorandum for File," the Director outlined these special arrangements: "All Japanese resident in Canada will be required to complete Form H before leaving The one thing we would like to have is not in the form, namely, the port and date of original entry to Canada. This could probably be stamped on the form in the space under 'D.' " On the 23rd, Assistant Under-Secretary of State for External Affairs, H. L. Keenleyside, sent a note to Immigration with the information that there would be about "100 Japanese Nationals" returning on the "evacuation ship." Keenleyside thought that Immigration would be interested since its officers were "making a complete record of all Japanese who leave at this time" with a view to seeing that they would not be "re-admitted to Canada when the crisis is over." ⁶⁶

The Director summed up the 'October 1941 Robertson-Blair Understanding': "In ordinary times Japanese leaving this country for Japan register with our Service before leaving in order to protect their return. We cannot expect those who will leave under the proposed repatriation arrangement to register, but we would like to know about their going so as to close the door against their possible return" ⁶⁷

One point remains unclear. What was the "proposal in principle" to which the Cabinet War Committee had agreed? Between the freezing of all

Japanese assets in Canada on July 26, 1941 and Robertson's letter to Blair, there were fourteen Cabinet War Committee Meetings. Four had dealt with aspects of Far Eastern policy. Only one, the meeting of September 18, 1941, concerned the subject of a reciprocal exchange agreement with Japan. The laconic minute reads: "The Committee agreed to the conclusion of the arrangements with Japan, as recommended by [the Under-Secretary of State for External Affairs]."⁶⁸ Was this the meeting to which Robertson referred? If so, was the agreement about the reciprocal exchange alone? Or had it also included any elements of the 'Robertson-Blair Understanding' ?

What can be gleaned from the 'understanding' is that prior to Pearl Harbor, External Affairs and the Immigration Branch had made special arrangements that included: extending "all possible courtesies" to Japanese Nationals leaving Canada on a "repatriation ship;"⁶⁹ requiring all those leaving the country to "complete" a document (that is, Form H) which would be used to bar their re-entry into Canada and keeping a "complete record" of all Japanese leaving "with a view to preventing their return at the end of the war" --all important attributes of the 1946 transportation scheme.

Moreover, from the special 'H Forms,' Immigration was able to compile a list of the national status of all one hundred forty 'repatriates': sixty-nine were Japanese Nationals; twenty-eight (sic) Naturalized British Subjects; seven Canadian born adults; thirty-two Canadian born children and four other non-Immigrants⁷⁰ (including one drug deportee).⁷¹

The Director had made Robertson aware that in addition to Japanese Nationals --the Under-Secretary would possibly have already have known this-- that Naturalized and Canadian born children might also be involved in the exchange.

The crucial detail in this little drama is that, technically, when the *Hikawa Maru* sailed from Vancouver on Saturday, November 1, 1941, under the Immigration and Naturalization Acts,⁷² the Nationals could retain domicile, the Naturalized British Subjects, their certificates, for up to five years while living abroad.⁷³ Canadian born children (or wives) could lose their citizenship status only if their fathers (or husbands)⁷⁴ were ordered deported under the Immigration Act, c. 93, or had had their naturalization certificates revoked, and if these children (or wives) were included in the deportation⁷⁵ or revocation⁷⁶ orders. Canadian born men and single women adults possessed an irrefutable right of return.⁷⁷

Under the provisions of the Immigration Act, c. 93, apart from the one drug deportee who had no right of return,⁷⁸ the rest were persons recognized by the Act (alien, naturalized and Canadian born) who had --unless nullified in some way before or after departure -- a *prima facie* right of return.⁷⁹ There was no statute or Order in Council which defined participation in a reciprocal exchange with Japan as grounds to bar a person's re-entry into the country. Since presumably none --with the exception of the drug deportee-- had committed a deportable security offense,⁸⁰ fallen into a "prohibited or undesirable class"⁸¹ or were guilty of 'Disaffection and Disloyalty' as defined in Section (9) of the

Naturalization Act, c. 138, how could the 'Robertson-Blair Understanding' be rendered into practice? And, was "closing the door" in this way legal?

Blair, himself, was not unaware of certain practical difficulties posed by the 'Understanding.' He was especially concerned about the "twenty-six (sic)" British Subjects by Naturalization who sailed from Canada on November 1, 1941. He enquired of E.H. Coleman, the Under-Secretary of State, "whether any consideration is being given or will be given to the question of the revocation of certificates of naturalization issued to [the *Hikawa Maru* Naturalized British Subjects] possibly under Section (9) of the Naturalization Act."⁶² Section (9) empowered the Secretary of State to rescind the certificate of a person who had "showed himself by act or speech to be disaffected or disloyal to His Majesty."⁶³

"As [these] persons . . . departed voluntarily to Japan on a vessel provided by the Japanese Government for repatriation of Japanese subjects," Blair continued, "there is a presumption that they have become disaffected or disloyal to His Majesty and that action might be taken under Section (9) referred to above."⁶⁴ The letter is dated January 8, 1942 over six weeks before mass evacuation. The certificates of the 'Hikawa 26' were theoretically still in force.

The whole issue of what constituted "disloyalty" would, over the next four years, evolve into possibly the most problematic aspect of the government's transportation programme. According to the parliamentary statute governing the rules with respect to naturalization certificates the

only means⁸⁵ to rescind the certificates of the '*Hikawa 26*' was at the discretion of the Secretary of State as set out in Section (9) of the Naturalization Act, c. 138 : for disloyalty or disaffection. The only government evidence of a Section (9) action was the pre-war voluntary departure of the '*Hikawa 26*' on a "vessel provided by the Japanese Government for the repatriation of Japanese." Blair was properly cautious about pressing for revocation. "If such procedure is contemplated," he concluded, "we have on record particulars of the naturalization of the individuals in question and can supply your Department with the same if required." ⁸⁶

Whether leaving for a country not at war with Canada on a boat provided by a foreign government should be deemed an act of 'disloyalty or disaffection' was largely a political question. Blair had played the game long enough to know the role of the bureaucrat was to offer a suggestion (based on his particular and, ideally, expert knowledge of the rules) and send it off in the direction of elected authority for the final political decision.

Two subtle points come from what was not in the letter. First, the Canadian born 'repatriates' were not mentioned. Throughout the war and right through until December 15, 1945, the day the transportation scheme Orders were approved by the Special Committee of the Privy Council, there was no statute⁸⁷ which provided for the revocation of Canadian citizenship by birth.⁸⁸ The Canadian born were not an issue for Immigration (or for the Secretary of State, for that matter) because such revocation went beyond its mandated jurisdiction.

Secondly, why did Blair contact Coleman? On a technical level, the 'Hikawa 26' were a concern because they were twenty-six potential aliens who might seek re-entry into the country. Aliens fell within his service's purview. But on a policy level, the potential for alien status was based upon the 'Understanding' of October 1941 with the Under-Secretary of State for External Affairs. From Blair's point of view, a "secret urgent" letter from the Under-Secretary might have suggested to him that External Affairs had more than a routine interest in the matter. Moreover, Blair knew that Robertson reported directly to the Prime Minister. King was also Secretary of State for External Affairs.

The unchallengeable facts based on the documents seen are that Robertson initiated the special actions taken by the Immigration Branch prior to November 1941 and Blair had informed Robertson on the 11th of October that among the 'repatriates' would possibly be Naturalized and Canadian born citizens. The real motivation behind Blair's January 1942 letter remains unanswered.

Notes For Pages 29-55

¹R6 2 (A1a) Order in Council P.C. 1486 February 24, 1942 rescinded paragraph 2 of Regulation (4) of the Defence of Canada Regulations (Consolidation) 1941 and permitted the Minister of Justice to "(b) prohibit any or all persons from entering, leaving or returning to" a 'protected area' --as well as to "(c) authorize the detention, in such place and under such condition as he may from time to time direct, of any or all persons ordinarily resident" in such a 'protected area.'

²P.C. Order 365 of January 16, 1942, permitted the Minister of National Defence, with the concurrence of the Minister of Justice to designate a Protected Area. On January 29, 1942, a 100 mile strip along the Pacific Coast of B.C. was proclaimed a Protected Area. Finally, on February 27, 1942, "with the concurrence of the Minister of Justice . . . the Minister of National Defence" proclaimed a second Protected Area in the Trail, B.C. area. Canada Gazette, March 7, 1942, p. 3489.

³H6 38, Volume 177, File 5822 (Volume 1). The Governor in Council is a formal reference to the Cabinet.

⁴R6 2 (A1a) Order in Council P.C. 1486, February 24, 1942 opening paragraph of the preamble.

⁵R6 2, 7C, Volume 8, February 26, 1942, p. 5.

⁶J.W. Pickersgill: "I don't think that there was a member of the cabinet who honestly believed [the Japanese were dangerous] I don't think that any of the Ministers who dealt with this problem believed that the Japanese Canadian community was any real danger in itself, but they were afraid that there might be a pogrom Mackenzie King certainly was afraid. I knew that." in The Politics of Racism, p. 47.

⁷Section 92 (13) of the then British North American Act, 1867 "confers upon the provincial Legislatures the power to make laws in relation to 'property and civil rights in the province.' This is by far the most important of the provincial heads of power It remains true, however, that even after proper accommodation has been made for the catalogue of exclusive federal powers, property and civil rights in the provinces still covers most of the legal relationships between persons in Canada." Peter W. Hogg, Constitutional Law of Canada (Toronto: The Carswell Company, 1985), p. 453-4.

⁸P.C. Order 1665, March 4, 1942, The opening paragraph of the preamble. This

transfer had been "deemed necessary for the security and defence of Canada" in view of the "serious situation prevailing in [B.C.] arising out of the war with Japan." Moreover, Section (4) of P.C. Order 1665, empowered the Commission, "with the approval" of the Minister of Labour, to make "by-laws" for the "conduct" of its business. As we shall see, controversy surrounding one of these "by-laws" in the fall of 1943 would indicate when, with regard to the community, 'security' became a non-issue.

⁹R6 2, 7C, Volume 2, September 26, 1940, pp. 5-6.

¹⁰R6 2, 7C, Volume 4, May 1, 1941.

¹¹R6 2, 7C, Volume 8, February 26, 1942, p. 4. During the Cabinet War Committee discussion of February 26, 1942 about implementing mass evacuation, the Prime Minister proposed that a "special organization should be set up." C.D. Howe, the Minister of Munitions and Supply, suggested that a local B.C. Committee might be the answer.

¹²Hastings Park was the Vancouver exhibition grounds used as a clearing station for the evacuation. On May 22, 1942, then Associate Deputy Minister of Labour, Arthur MacNamara referred to it as the "Jap Concentration Camp." R6 27, Volume 655, File 23-2-9-1, Part 1, J.W. Cornett to Humphrey Mitchell, April 29, 1942; Humphrey Mitchell to J.W. Cornett, May 4, 1942; Arthur MacNamara to the Director General, Priorities Branch, department of Supplies and Munitions, May 22, 1942.

¹³That is, with respect to any anti-Japanese agitation which might endanger Canadian P.O.W.s held by the Japanese.

¹⁴Private Papers of Kezo Arai, C. Pepler to W.J. Johnston, Secretary of State, February 25, 1944; W.J. Johnston to C. Pepler, March 2, 1944.

¹⁵In 1941, over thirty-six per cent (approximately 8,300 persons) of the Canadian Japanese population was under sixteen years of age. Report and Recommendations of the Special Committee on Orientals in British Columbia, King's Printer, December 1940, p.9.

¹⁶Department External Affairs, R6 25, Volume 3005, File 3464-Q-40, John Read to Norman Robertson, March 2, 1942. Read was disturbed, too, about the Ministers "abandoning completely the principle of treating the position of the British subjects of Japanese race as one which would justify fairness in so far as it is possible to be fair, taking into account questions of security." In 1945 regarding their right to cancel a request for repatriation, Naturalized Japanese and Canadian born Japanese

were again not treated as equals. Canadian born could cancel up to the moment of departure; Naturalized Japanese could cancel their requests only before midnight, September 1 1945, which was the date of the formal surrender of Japan.

¹⁷The Vancouver Province, August 2, 1943, p. 4.

¹⁸Seventeen days after the Liquidation Order (P.C. 469, January 19, 1943) was approved by Council.

¹⁹R6 2 (A1a), P.C. Order 1275, February 10, 1943, Section 1.

²⁰As of December 18, 1942, according to the Department of External Affairs, there were a total 4,934 children in six settlements: Tashme (1,034), Greenwood (574), Sandon (332), Slocan (1349), Kaslo (410), New Denver (635). The total for B.C. (including self-supporting communities: 463), Alberta (952) and Manitoba (346) was 6,695. R6 25, Volume 3005, File 3464-AH-40.

²¹R6 36(27) Volume 7, File 163, "Minutes of Meetings," May 1, 1942.

²²Report of the Department of Labour on the Administration of Japanese Affairs in Canada, 1942-1944, August, 1944., p. 6.

²³R6 36(27) Volume 79, Memorandum entitled "Evacuation Procedure to Sugar Beet, Interior Housing and Road Camp Projects," May 6, 1942.

²⁴R6 25 Volume 3006, File 3464-AM-40, Memorandum Re: Japanese in Alberta, January 25, 1943. The bulk of the sugar beet farms were within 40 to 50 miles of Lethbridge, Alberta.

²⁵R6 25, Volume 3006, File 3464-AN-40 C, International Red Cross Delegation Photographs, Pictures #25-27.

²⁶R6 18, Volume 3563, File C11-19-2-9 (Vol.3), R.C.M.P. Report, Civil Security Branch Toronto, signed E. Stott S/Inspector i/c C.S.B., June 26, 1942.

²⁷Consolidated Wartime Orders and Regulations, p. 125.

²⁸La Violette, p. 47.

²⁹In his capacity as Acting Chief Commissioner of the Unemployment Insurance Commission.

³⁰R6 18, Volume 3563, File C-11-19-2-9 (Vol. 1) Arthur MacNamara to J.H.

McVety (Pacific Regional Superintendent), January 26, 1942.

³¹R6 18, Volume 3563, File C-11-19-2-9 (Vol. 1), A. MacNamara to J.H. McVety (Pacific Regional Superintendent), January 26, 1942; S.T. Wood to C.H. Hill, February 2, 1942; Wood to MacNamara, February 14, 1942.

³²R6 18, Volume 3563, File C-11-19-2-9 (Vol. 1), S.T. Wood (drafted by F.J. Head) to C.H.Hill, February 9, 1942; C.H. Hill to S.T. Wood, February 6, 1942; A. MacNamara to Labour Minister Humphrey Mitchell, February 19, 1942; S.T. Wood to Louis St. Laurent, February 19, 1942.

³³R6 18, Volume 3563, File C-11-19-2-9 (Vol. 1), Director of Investigations (C.N.R.) to S.T. Wood, February 14, 1942; R.C. Vaughan, President of the C.N.R. to P.J. Cardin, Minister of Transport: "I do not like the idea of the Japanese [in the] middle of the mountain. . . difficult to police." February 17, 1942; S.T. Wood to Maurice Bernier, Private Secretary to Louis St. Laurent, February 25, 1942.

³⁴P.C. Order 1348, February 19, 1942.

³⁵The R.C.M.P. had no objection to one road camp being in the Protected Area. [The Hope Princeton Highway Project.] R6 18 Volume 3563, C-11-19-2-9 (Vol.1), A. MacNamara to S.T. Wood, February 28, 1942; S.T. Wood to A. MacNamara, March 3, 1942. One of the camps on the Hope End was within the designated Protected Area.

³⁶The Department of Mines and Resources, R6 22, Volume 737, File U 2000, J. H. Wardle to T.S. Mills, February 19, 1942; J.H.Wardle to T.S. Mills, February 26, 1942; T.S. Mills to C.M. Walker, February 25, 1942;

³⁷R6 22 Volume 740, U2700 (1), J.H. Mitchell to T.S. Mills, February 10, 1942; J.M. Wardle to A. MacNamara, February 1942; H.A. Dixon to J.M. Wardle, February 11, 1942: "1912-1915, Red Pass Junction . . . 40' below for three weeks . . . 4 ft. snow . . . Canoe River, 2 ft. snow . . . Yellowhead, 2 ft. snow."

³⁸R6 22, Volume 740, U2700 (1), J.H. Mitchell to T.S. Mills, Telegramme, 6:12 a.m., February 25, 1942.

³⁹R6 25 Volume 3006, File 3464-AM-40, January 11, 1943.

⁴⁰R6 22, Volume 737, File U2000, J.H. Mitchell to T.S. Mills, March 21, 1942. Earlier, Mitchell had informed Labour that he had received a report that a mental patient had been sent to Black Spur Camp, J.H. Mitchell to J.H. McVety, March 19, 1942. Two Japanese were admitted to Seton Hospital Banff suffering from chronic osteomyelitis. They had been under treatment for this illness before being sent to the

road camps. They were not able to work which caused dissatisfaction in the camp because they were not receiving treatment. Paraphrase from a Report by Sister Vincent Marie, Sister Superior to Dr. Ross Millar, Department of Pensions and National Health, April 4, 1942. R6 22 Volume 740, File U2700 (3); Three workers were sent to Deceigne Camp with ailments including a locked knee and old shoulder injuries. Thomas O'Hagan M.D. declared them unfit for "any kind of duty." R6 22 Volume 737, File U2000, Thomas O'Hagan, M.D. to J.H. Mitchell, March 19, 1942.

⁴¹R6 22, Volume 740, File U2700 (4), T.S. Mills to J.M. Wardle, May 26, 1942.

⁴²R6 22 Volume 740, File U2700, May 20, 1942. It is not clear from the telegramme whether this is a total figure including Nationals, Naturalized and Canadian-born or whether it applies only to the Nationals and Naturalized which he discusses further in what follows. The Special Committee Report on Orientals in B.C. (1940) figures: about 5,900 /sse/ males in total — Nationals (4,000) and Naturalized (1,900). These figures included the elderly, disabled and those males under 16. The "total number of male Japanese [in B.C.] who are single or widowers, without dependents, and between ages of 19 and 45 . . . is approximately 2,300." The number of male Japanese who are of or near military age . . . 16 to 20 years (1,600); over 20: (7,300)." (Report, p. 9).

Adachi's calculations from the 1941 Census indicate that the number of National males was closer to 3500: B.C. National males (3,558), females (2,006); Naturalized males (1,825), females (1,398); Canadian born males (7,043), females (6,266). The total number (B.C.): 25.2 % Nationals (5,564), 14.6 % Naturalized (3,223) and 60.2% Canadian-born (13,309) for a total of 22,096. The split was approximately 25% alien and 75% Canadian (by birth or naturalization) or 40% /sse/ and 60 % N/sse/. See Adachi, Appendix II, p. 414.

In a confidential memorandum (dated February 26, 1942) to Louis St. Laurent, S.T. Wood indicated that the total number of Nationals of military age requiring evacuation was 1714. R6 18 Volume 3563, File C11-19-2-9, February 26, 1942. S.T. Wood to Louis St. Laurent. Five days earlier, F.J. Mead told Wood that the "Chapleau incident . . . [was] one of the chief contributory causes of the sourness developing on the part of Japanese." He reported that on Monday February 23, 1942, 100 Nationals were to entrain for Jasper. And commenting on a Labour statistic that "3500" were to be removed from the Protected Area he indicated that unless the government "intends to change its policy" [alien males of military age], at most

there were only "1700 men" within the group set forth in the Order. R6 18 Volume 3563, File C11-19-2-9, February 21, 1942, F.J. Mead to S.T. Wood. Cf "[Re April 1, 1942] 3500 [to be] moved out in one month." R6 22 Volume 737, File U2000, February 19, 1942, A. MacNamara to Humphrey Mitchell.

⁴³R6 22 Volume 737, File U2000, A. MacNamara Statement to Humphrey Mitchell, May 14, 1942.

⁴⁴R6 18 Volume 3563, File C-11-19-2-9 (Vol. 1), J.H. McVety to A. MacNamara, January 27, 1942.

⁴⁵R6 22 Volume 737, File U2000, J.M. Wardle Memorandum, February 14, 1942; J.M. Wardle to T.S. Mills, February 17, 1942; Humphrey Mitchell to T.A. Crerar, February 18, 1942; R6 22, Volume 740, U2700(4), May 28, 1942, B.M. Walker to T.S. Mills.

⁴⁶R6 2, 7C, October 23, 1940.

⁴⁷R6 22 Volume 740, File U2700 (2), J.M. Wardle to T.S. Mills, March 31, 1942; R6 22 Volume 737, File U2000, C.M. Walker to T.S. Mills, March 23, 1942; T.S. Mills to J.M. Walker, March 27, 1942. Not only did hospitals in the Hope/Princeton/Revelstoke area of B.C. refuse to admit injured Japanese, the nursing staff threatened to resign rather than treat Japanese. R6 22 Volume 740, File U2700 (3), C.M. Walker to T.S. Mills, April 14, 1942.

⁴⁸R6 22 Volume 740, File U2700 (4).

⁴⁹R6 22, Volume 737, File U2000, J.H. Mitchell to J.M. Wardle, April 3, 1942.

⁵⁰The Department of Labour, R6 27 Volume 618, Binder 4. P.O.W. Convention (July 27, 1929), Chapter 5, Article 34.

⁵¹For example, in the Albrechts Camp, four elderly seniors were classified as being unable to work: Kametaro Kaino (67), Sukimatsu Hada (62), Yohei Takemoto (64), Miyahara Nihei (66). R6 18 Volume 3568, File C3129-1-7, J. Fripp D/Inspector to S.T. Woods, September 30, 1942.

⁵²R6 25 Volume 3004, File 3464-J-40 Pt.1, Memorandum by S.M. Scott, July 9, 1942.

⁵³R6 18 Volume 3568 File C3129-1-7, J.M. Wardle to T.S. Mills, June 11, 1942.

⁵⁴On the 17th, workers at Grant Brooks and Rainbow camps broke through a line of guards with the intention of interviewing engineer J.H. Mitchell about dependents' cheques: For Example, April cheques were not sent out until June 10th. R6 18 Volume 3568, File C3129-1-7, C.H. Hill to S.T. Woods, June 17, 1942.

⁵⁵R6 18 Volume 3568, File C3129-1-7, S.N. Slinn R.C.M.P. Report, June 7, 1942; Slinn Report, June 14, 1942; J.H. Mitchell to T.S. Mills, June 16, 1942; A. MacNamara to S.T. Woods, June 19, 1942.

⁵⁶R6 18 Volume 3568, File C3129-1-7, R.C.M.P. Report, A.P. Ridley I/C Red Pass Detachment to S.T. Woods, September 27, 1942.

⁵⁷R6 25 Volume 3004 File 3464-G-40 C.M. Walker (Banff) to R.M. Corning, May 29, 1943.

⁵⁸R6 10 Volume 3568 File C3129-1-7, C.H. Hill to F.J. Mead, April 6, 1943.

⁵⁹about employment conditions or civil rights restrictions

⁶⁰R6 36 (27), Volume 7, File 163, Minutes of Meeting with A. MacNamara, March 19, 1942, p.2.; R6 18 Volume 3568, File C3129-1-8 (Vol.2), May 29, 1944, F.R. Butler to F.J. Mead; May 31, 1944, F.J. Mead to Butler.

⁶¹Immigration, R6 76 Volume 647, File A66589 Part 1, N.A. Robertson to F.C. Blair, October 10, 1941.

⁶²R6 76 Volume 647, File A66589 Part 1, October 19, 1941, Cypher No. 141, The Under Secretary of State for External Affairs to the Chargé d'Affaires, Canadian Legations in Tokyo and Washington; Robertson to Blair, October 13, 1941.

⁶³Frederick Charles Blair began his bureaucratic career in the Census Office, Department of Agriculture, on May 14, 1901 and was transferred on September 15, 1903 to the Immigration Branch of the Department of Interior. He was appointed Secretary of the Department of Immigration and Colonization (which was created on April 12, 1918) and Assistant Deputy Minister on October 1, 1924. On December 1, 1936 he became the Director of Immigration of the Department of Mines and Resources. He would retire with distinction in 1944. R6 32-1, C2, Volume 139, File 502-P-594 (Pt.2).

⁶⁴R6 76 Volume 647, File A66589 Part 1, Blair to Robertson, October 11, 1941. Norman Robertson, himself, had been a member of the Foreign Exchange Control Board since 1939. R6 32 Volume 1126, File 3-6 (Vol.1).

⁶⁵R6 76 Volume 647, File A66589 Part 1, Robertson to Blair, October 17, 1941.

⁶⁶R6 76 Volume 647, File A66589 Part 1, Robertson to Blair, October 17, 1941; Memorandum for File, signed by Blair, October 24, 1941; Keenleyside to Blair, October 23, 1941.

⁶⁷R6 76 Volume 647, File A66589 Part 1, Blair to L.A. Wilmot (F.E.C.B.), October 24, 1941.

⁶⁸R6 2, 7C, Volume 6, September 18, 1941, p. 6.

⁶⁹a *bona fide* repatriation vessel provided by a foreign government.

⁷⁰Immigration Act, c.93, Section 2(h)(i) to (vii) including tourists (iv), students (v), professionals (vi), etc.

⁷¹R6 76 Volume 647, File A66589 Part 1, Fred W. Taylor to the Commissioner of Immigration, November 12, 1941.

⁷²An Act respecting Immigration, R.S.C., 1927, Chapter 93, pp. 2065-2111; An Act respecting British Nationality, Naturalization and Aliens, R.S.C., 1927, Chapter 138, pp.2831-2843.

⁷³The Immigration Act, c. 93, Section 2(e): "Canadian 'domicile' could only be acquired . . . by a person having his domicile for at least five years in Canada after having been landed."; Canadian domicile was lost "by any person belonging to the prohibited or undesirable classes," Section 2(e)(ii); or after having resided "for one year outside of Canada," Section 2(e)(iii). By appearing before certain persons designated by the Act, it was possible for a person with Canadian domicile or a certificate of Naturalization living abroad to extend his resident status or Naturalized status every year, for up to five years. Section 2(e)(iii). The Secretary of State could, at his discretion, revoke a certificate for an absence abroad of more than seven years. See the Naturalization Act, c.138, Section 9(2)(d): A person to whom a certificate has been granted may have it revoked if he has "since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions . . . and has not maintained substantial connection with His Majesty's dominions.

⁷⁴Fathers, husbands or another designated "head of family." Immigration Act, c.93, Section 2(g).

⁷⁵Immigration Act, c.93, Section 42(6)

⁷⁶Naturalization Act, c.138, Section 10. According to, for example, the

Naturalization Act, c.138, a "married woman" meant having a "disability status" as did being a "minor, lunatic or idiot, Section 2(f)."

⁷⁷Cf Immigration Act, c.93, Section 18: No appeal was allowed from A Board of Inquiry when "such decision is based upon a certificate of the examining medical officer to the effect [that such persons] are afflicted with any loathsome disease . . . or they may come within any of the following prohibited classes . . . idiots, imbeciles, feeble-minded persons, epileptics and insane persons: Provided always that Canadian citizens and persons who have Canadian domicile shall be permitted to land in Canada as a matter of right." Emphasis added.

⁷⁸Technically, he could re-enter with the Minister's consent. Immigration Act, c.93, Section 42(5) "any person rejected or deported . . . under the Opium and Narcotic Drug Act . . . or any regulation made under the War Measures Act, shall not be permitted to enter or land in Canada without the consent of the Minister.

⁷⁹The assumption is that all the Nationals had gained domicile and that they and the Naturalized British Subjects had fulfilled all the requirements specified by both Acts for re-entry.

⁸⁰Immigration Act, c.93, Section 41.

⁸¹Immigration Act, c.93, Section 3(a) to (u) enumerates the prohibited classes of immigrants.

⁸²R6 76 Volume 647, File A66589 Part 1, F.C. Blair to E.H. Coleman, January 8, 1942. The letter was drafted by A.L. Jolliffe who succeeded Blair as Director in 1944 and was one of the key advisers, along with E.H. Coleman, during that year in the drafting of the transportation programme.

⁸³Naturalization Act, c.13, Section (9).

⁸⁴R6 76 Volume 647, File A66589 Part 1, F.C. Blair to E.H. Coleman, January 8, 1942.

⁸⁵After seven years, the Secretary of State could revoke a certificate for non-residence, the Naturalization Act, c.138, Section (9)(2)(d); See also The Immigration Act, c. 93, Section 2(e)(iii). Both these means were not available to the government just sixty-eight days after the departure from Canada of the *Hikawa* 26.'

⁸⁶R6 76 Volume 647, File A66589 Part 1, F.C. Blair to E.H. Coleman, January 8, 1942.

⁸⁷Declaration of alienage had been prohibited by Orders in Council P.C. 7044, November 29, 1940 and P.C. 366, January 20, 1942.

⁸⁸As defined in the Immigration Act, c.93, Section 2(bXi): A "Canadian Citizen" was (i) a person born in Canada who has not become an alien; 2(bXii) a British subject who has Canadian domicile; or 2(bXiii) a person naturalized under the laws of Canada who has not subsequently become an alien or lost Canadian domicile.

Chapter Two

Phase Two [1943-44]: Transformation

Mass evacuation created temporary pockets of displaced persons. Over the next year, the government explored various means to break up the pockets and to relocate the evacuees. Nineteen forty-three opened with the approval of the Liquidation Order (P.C. 469, January 19, 1943) which severed the property owners from their coastal roots. This action was particularly hard on the */ssei* who had the most to lose because they had worked longer and accumulated more material possessions than the *Nisei* --many of whom who had entered the job market during the Depression. The situation in the road camps deteriorated. Japanese Nationals found themselves being interned for labour unrest.

Phase Two can be summed up in a single word: transformation. Evacuee property was transformed into maintenance which would support them until the war ended or until their liquid assets reached the \$260 minimum,¹ after which they could receive government subsistence. Internal security matters were quite suddenly transformed into questions of employment and the administrative problems of relocating the evacuees where there were suitable jobs. Also, in August of 1943, the military security issue decreased substantially with the unopposed recapture of Kiska in the Aleutian Islands. During the Québec Conference, shortly before the Kiska announcement, Norman Robertson drafted a critical memorandum for the Prime Minister putting on record for the first time policy options

concerning the possible transportation or deportation of the evacuees to Japan during the post-war period. The Québec Memo provided a broad political outline. King's caution about one key point re-focussed the thrust of the memo and cleared the way for transforming discontent into disloyalty. In the spring of 1944, his Special Assistant, Gordon Robertson, was assigned the task of continuing the process and legally re-shaping remnants of the original memo to accord with changing administrative and political needs.

Finally, the balance of power shifted quite significantly in the direction of External Affairs. Labour still supervised the day-to-day life of the evacuees and pushed relocation east of the Rockies, but in the spring of 1944, as the question of what to do with the evacuees (deport or transport) loomed larger on the political horizon, the issues facing the policymakers became less 'domestic-administrative' and more 'international-legalistic.' King's dual role as Prime Minister and Secretary of State for External Affairs further tipped the scales of power toward External Affairs.

No Longer Property But Maintenance:

On January 19 1943, the Special Committee of the Privy Council approved P.C. Order 469 which authorized the Custodian to liquidate evacuee property. Seven days later on the 26th, the Secretary of State made an official announcement about the passing of the Liquidation Order, which was picked up by the Wire Services. The affected community learned

about this new twist in government policy from the front page of the February 6th issue of The New Canadian. The information came via a Canadian Press despatch. As late as February 13th, The New Canadian would tersely report: "No statement beyond that announced by the Secretary of State's department on January 26, concerning the passing of an order-in-council . . . [has] been made." ²

Aside from the weekly editions of The New Canadian, the evacuees' only other official source of written English information was correspondence received from the Secretary of State (that is, from the Office of the Custodian). Throughout 1943, the government communicated devastating personal messages to the displaced community. On August 30, 1943, for example, the Director of the Japanese Evacuation Section of the Office of the Custodian, wrote to Tokuo Kodama, a Mission, B.C. farmer, evacuated to Nobleford, Alberta:

Dear Sir:

The Custodian has recently accepted an offer received from the Director, the Veterans' Land Act, to purchase a large number of Japanese-owned rural properties. We are writing to advise you that the property which you own [Mission B.C., Blocks 187 and 188] . . . is included in this deal. The sale was made effective as at January 1st last . . . As this is a transaction of considerable size it will take some time to make all the necessary adjustments In due course, however, we will supply you with full details as it concerns your own particular property.

Yours truly,

F.G. Shears³

This flow of information from the government to the evacuees would play an enormous role in 'act one' of the public execution of the transportation programme, the nation-wide survey of 1945. To each

evacuee who received a notice from the Custodian during 1943 and 1944, the government was unwittingly communicating a powerful official message of estrangement and emasculation. For those in the Interior Housing Projects and Ontario Prisoner of War Camps, on sugar beet farms and in road camps, each day of displacement, each Custodian notice, reinforced a growing mood of dependence and depression.

There is one last point of interest about the Liquidation Order. While the Secretary of State publicly announced P.C. Order 469 on January 26, 1943, Kodama's property was liquidated on January 1st. "Without restricting the generality of . . . powers hereinbefore conferred, all unfinished business . . . is hereby transferred to the Custodian and shall be deemed to have been transferred as on and from August 1, 1942."⁴ P.C. Order 469 was retrospective to August 1st 1942. The evacuees knew absolutely nothing about this. As we have seen earlier in the Pepler-Johnston exchange, even members of the B.C. civil service were unaware of the import and purport of the various Orders in Council. During the summer of 1943, in the offices of East Block, the foundation was laid for the December 1945 Orders in Council which would authorize the transportation programme. Like P.C. Order 469, they would be retrospective, in this case, to the spring of 1945.

From Discontent to Disloyalty (External Affairs).

Part One: "The Québec Memo"

In August 1943, President Roosevelt was coming to Québec to meet

with Prime Minister Winston Churchill. Norman Robertson suggested to King, who would host the conference, that "it would be very helpful" if he could get "some indication" how the President viewed the "postwar position" of persons of Japanese race in the U.S." On the 20th, Robertson set out the 'Japanese Problem' in Canada:

Opportunities for the voluntary repatriation . . . of Japanese men, women and children from Canada . . . have been, of course limited by shipping considerations. The second exchange ship . . . may take 60 or 70 Japanese back from Canada. The first ship took less than 100. These numbers are too small to be of any consequence. The Japanese Government has not shown much interest in repatriating its nationals . . . and not many of the Japanese Canadians have shown any desire to return to Japan.

We are likely, therefore, to be faced at the close of the war, with the problem of some 25,000 residents of Canada of Japanese origin, less than a third of whom are Japanese nationals, the balance being British subjects and Canadian citizens My own preliminary feeling is that we should[:]

(1) afford every facility, including free transportation and permission to transfer funds and furniture, for the voluntary repatriation . . . of all persons of Japanese race, regardless of nationality who wish to return to Japan;

(2) deport Japanese nationals whose behavior during wartime made their internment necessary;

(3) revoke the naturalization certificates of naturalized British subjects of Japanese origin and cancel the national status of natural born British subjects of Japanese origin who had either had to be interned under the Defence of Canada Regulations or put themselves under the protection of the Protecting Power for Japanese Interests. Such persons would then become liable to the deportation recommended under (2);

(4) permit the residual population of Japanese racial origin, who would be predominantly British subjects and Canadian nationals to reside in Canada where they should not be subject to any special or peculiar disabilities with respect to place of residence or educational opportunities; and

(5) stop immigration for permanent settlement.⁵

King declined to discuss the matter with Roosevelt during the conference. The Québec Memo, however, was to go on to serve as the foundation for the transportation programme.

Robertson, as a senior Prime Ministerial adviser, recommended consequential policy streams. These were required for consistency with previous decisions and, ideally, flexible enough to accommodate unforeseen events. They offered a framework for the political decision-making process. The root of this particular problem was where "the 25,000" were going to end up at the close of the crisis. "The communities into which the Japanese moved accepted them with more or less grace on the understanding that their placement was an emergency wartime measure," he told King, "the communities from which the Japanese were evacuated are confident they have gone for good and will probably resist their return." Robertson had been born and raised in B.C. and understood the uncompromising emotionalism of politicians like Ian Mackenzie and Howard Green --both British Columbia Members of Parliament. In January of 1946, the Under-Secretary would admit that "racial discrimination does underlie our treatment of Japanese Canadians . . . but unless my native province of British Columbia achieves some change of heart, I do not see what we can do about it except strive to limit and lessen the discriminations every time an opportunity offers."⁶

Robertson had a dilemma: to be consistent with past policy and provide the least political resistance into the post-war period, was it better to "limit and lessen the discriminations" or "limit and lessen" those being discriminated against? In his Québec memo, the Under-Secretary appears to have sought the middle ground which might have been to "limit and lessen" the alien aspect of the Japanese Canadian community in order that the "residual population . . . predominantly British subjects and Canadian

nationals" would be able to reside in Canada, not "subject to any special or peculiar disabilities." This is problematic, because it is not clear what Robertson meant by 'predominantly.' The population was already , according to Robertson's own statistics, 'predominantly' British subjects and Canadian Nationals: one-third alien, two-thirds 'Canadian.' In fact, according to the 1941 Canada Census, the population was approximately 25% alien and 75% Canadian.⁷ Was he suggesting a reduction of the alien one-third? Or merely an overall reduction in the general evacuee population?

In discussing the wartime exchanges with Japan, ⁸ Robertson referred to an important practical consideration which would continue to guide the planning for the transportation scheme: namely, "60 or 70" Japanese leaving Canada at one time were "numbers . . . too small to be of any consequence" out of a total population of 23,149.⁹ If reducing the numbers of Japanese in Canada were politically necessary, some other method would have to be found to open the spigot.

Robertson's outline for reducing the numbers was two-fold. First, he felt, the government should continue to afford "every facility" for the voluntary repatriation of any person of the Japanese race. Including the *Hikawa Maru*, there had already been two repatriation exchanges with Japan. Another was contemplated for September. Point One presumed barring the re-entry of the repatriates. With the approval of P.C. Order 10773 on November 26, 1942, from the date of departure from Canada, any person having made a wartime application to be transported to enemy

territory lost his or her Canadian National or British Subject status.¹⁰ The wording of the order was clear: “[I]t is undesirable that any persons . . . repatriated to enemy territory in time of war should be allowed to retain their status [as British Subjects or Canadian Nationals].” There was a punitive aspect to Point One. However, the choice to leave Canada originated with the person applying for repatriation.

Second, Robertson discussed reduction through deportation. If Robertson had really been thinking in terms of reducing the alien element enough to create a substantially ‘Canadian’ residue (say eighty or ninety per cent) this could only have been achieved through a reciprocal alien exodus of substantial numbers. Logically, if volunteers in such numbers were not forthcoming, as Robertson suggests was the case in August 1943, a way needed to be found to increase the possible candidates for removal. Anything other than a voluntary leave-taking would require elements of compulsion. The legal administrative means by which the government could exercise force to remove persons from its borders was deportation.

The ordinary statutory remedy, the Immigration Act, c. 93, provided for the deportation of specifically defined categories of persons. A person was liable for deportation because he had fallen into one of those categories. Interned Japanese Nationals fell into the category of ‘interned enemy aliens’ and were deportable under Section 3 (p). Here was the logical nucleus of a removal scheme. However, under the Act any interned Japanese National who had established domicile (five years of residence) was not deportable. Since only 29 Japanese Nationals entered Canada

between 1938-39,¹¹ the numbers from this category were likely to have been negligible. And even if all 208 Japanese National internees (as of March 1943) had been without domicile, the numbers would have still been relatively small.¹²

There was also Section (41) of the Immigration Act, c. 93: any person [other than a Canadian citizen] advocating the overthrow by force or by violence of the government was deportable. The difficulty here, in establishing a case for a Section (41) deportation, was evidentiary and procedural. Being an 'interned enemy alien' defined a Japanese National in terms of Section 3 (p). While a Section (41) subversive "word or act" might very well result in internment, internment was not necessarily evidence that a person had violated Section (41). Evidence collected about the interned Japanese Nationals (or presumably the Naturalized Canadians whose certificates had been revoked) would have to be construed by lawful authority to correspond to the requirements of such an offence.

Was Section (41) wide enough to cover persons who had been interned for protesting the late delivery of support cheques to dependents?¹³ While it was possible that every interned Japanese alien might be liable for deportation under Section (41), would the administrative work to prepare each case and the time required to set up an appropriate Board of Inquiry as laid out in Section 42 (1) to 42 (2) be cost-effective either during or just after a war? And finally, in considering Section (41) as a means for deporting internees, the first hypothetical example of transforming discontent into disloyalty can be seen: that is, the reasons for their internment (for example, protesting an abusive foreman) would have to be

rethought in terms of subversion.

If the aim were to maximize a pool of Japanese aliens liable for removal, deportation Point Two seemed to generate relatively few. Deportation Point Three covered *potential* aliens. Also recommended for deportation in the Robertson outline was any Naturalized or Canadian born Japanese who had been interned under the Defence of Canada Regulations or who had placed himself under the protection of the Protecting Power. For those holding Naturalization certificates, revocation of Canadian status, under Section (9) of the Naturalization Act, c.138, was the extra preparatory step required.¹⁴ Once they were aliens, the reasoning was the same as for Point Two. Interned Naturalized Canadians formed the smallest numerical group among the internees. (Prior to the war, there were only 1,835 Naturalized Canadian males in B.C.¹⁵) Huge numbers were not realizable from this category either.

In reality, by applying existing statute law, the Québec Memo generated numbers of aliens --in all probability-- too few to be of any consequence. The entire memo seems more theoretical than administrative in nature -- a logical, initial, paper solution containing the germ of ideas from which a structured policy might be put together. Practically-speaking, for one of the 'Gosnell 16' (described earlier) interned for objecting to a foreman's verbal abuse or for one of the Canadian born fishermen who had requested internment rather than return to the sugar beet fields,¹⁶ deportation was harsh punishment. The Québec Memo contained, however, reasoned, middle ground policy of a very high political order. If, indeed, it had been

Robertson's aim to reduce the number of Japanese aliens, then he was presenting King with a *quid pro quo* exchange: reduction of the alien aspect of the community in return for the alleviation of restrictions binding a Canadian "residual population." He was giving the Prime Minister something tangible to offer: both the extremist B.C. faction and his chief Parliamentary critics, Co-operative Commonwealth Federation moderates such as Angus MacInnis.

King initialled "agreed" beside every point except number Four: the removal of civil disabilities. Perhaps, the severest disability on the evacuees was Defence of Canada Regulation 39E which prevented any "person of the Japanese race" from acquiring or holding land or growing crops, except at the "discretion" of the Minister of Justice. "Discretion" involved the granting of a special license. The Department of Justice's Wartime History tersely states: "The records indicate that two such licenses were issued, in each case to enable the Japanese to complete title in order that he might convey to a non-Japanese to whom he had sold it."¹⁷ From the Prime Minister's point of view, restoring the legal capacity of the evacuees to buy land would have opened the door to permanent settlement in the provinces where they had been temporarily placed, in Norman Robertson's words, for "safekeeping."¹⁸ The federal government, having already agreed to remove the evacuees after hostilities ceased, was in a bind.

However, by withholding his approval of Point Four, King eviscerated his Under-Secretary's proposal. Without the counterbalancing provision for the

easing of certain restrictions, all that remained was a blueprint for reducing the number of evacuees (with a particular emphasis on the */ssei* ?) either by deportation or voluntary repatriation. If Robertson's aim had been to depend solely upon statutory means, the actual number he was recommending for deportation was relatively small in comparison with the enormous benefit to the displaced evacuees by the lifting of restrictions. While severe in certain respects, the thinking of the Memo could be summed up as being cruel to a few in order to have restrictions on the vast majority of evacuees eased. The main unresolved feature of the Memo concerned the 'predominantly' Canadian residual population of Point Four. Was Robertson thinking about a general reduction? Or was he focussing upon the aliens? In the spring of 1944, Gordon Robertson would be asked to expand upon this idea from a legal point of view.

No Longer Security. But Employment:

During the Québec Conference, a joint American-Canadian expedition had landed on Kiska¹⁹ and discovered that the Japanese had already left. The landing was announced August 21st.²⁰ The Globe and Mail analysed the situation with respect to the security of the continent: "[The evacuation of Kiska]" deprives Japan of her only surviving toehold on this continent and removes from it whatever threat of its invasion by Japanese troops may ever have existed."²¹

By the fall of 1943, the external military security issue regarding a Japanese assault on the Pacific Coast had, therefore, been more or less

resolved. The internal security issue, however, was about to become the focal point of discussion among representatives of the Departments of National Defence, Labour, External Affairs and Justice. The clash of departmental agendas highlighted the waning of concern about domestic security-related matters with respect to the evacuees. While Labour would, through its Japanese Division, preside over the administration of the 1945 survey --in conjunction with the R.C.M.P.-- after the spring of 1944, it was External Affairs that took the lead in deciding the critical details of policy.

Labour's mandate concerning the evacuees had been "from the outset in 1942 a policy of dispersal, [where] possible planned and voluntary . . . applied to . . . employable Japanese. This policy was logical and inevitable, not only as providing a source of very necessary labour in essential industries across Canada, but also from the long range point of view as reducing the undue concentration of Japanese in particular areas." ²²

On July 30, 1943 the Minister of Labour approved a new Order which specified that all evacuees were to obtain an R.C.M.P. Travel Permit "prior to travel for any purpose whatsoever, [in B.C.] a distance of more than fifty (50) miles from their place of residence or for a period of over thirty days." The Defence Council met on the 17th of September and recommended an amendment be made limiting the distance travelled requiring an R.C.M.P. permit to five miles. The Chiefs of Staff concurred in the opinion that the Order as drafted by the Department of Labour gave "potentially dangerous freedom of movement to persons of the Japanese race outside the

protected area [of B.C.]" and added greatly to the "responsibilities of the Armed Forces, particularly in respect to security of the communications with the Pacific Coast."²³

During the War Committee meeting of September 22nd, the Minister of National Defence presented the Defence Council's amendment. Norman Robertson pointed out to the Ministers "that this proposed amendment might affect the conditions of employment of Japanese in British Columbia." The Committee approved the recommendation "subject to the concurrence" of the Departments of Labour and Justice.²⁴ The October 6th Cabinet War Committee opened with a discussion about the contentious Travel Order. Labour Minister Mitchell stated that, after consultation with the Department of Justice, "the amendment proposed would be an impediment to the employment of the Japanese in British Columbia and would be unworkable and unenforceable under present conditions."²⁵

In a memorandum circulated the day before, Mitchell reported the R.C.M.P.'s assessment that "no Japanese in Canada [had] been active in an attempt at sabotage since the war began" and that the R.C.M.P. were "satisfied that the present security measures [were] sufficient."²⁶ The Chief of the General Staff countered that "while it was not intended to hinder the employment of Japanese, nevertheless, it was felt by Defence Council that the present system did not provide sufficiently effective control to satisfy security requirements." It was agreed that the Chiefs of Staff and representatives from the Department of Labour and the R.C.M.P. should confer with a view to recommending a compromise.²⁷

The combined efforts of the Department of Labour and the R.C.M.P. paid off. In January 1944, the Defence Department gave its "blessing" to a less restrictive Order,²⁸ having been convinced that the R.C.M.P. were, indeed, on top of the domestic security situation. Labour --allied with the Department of Justice-- had secured an important victory over Defence in its drive to push a more aggressive employment programme. With security matters such as a West Coast invasion and potential evacuee sabotage now no longer pressing issues, Labour could focus its efforts on jobs and the dispersal of evacuees across the country.

From Discontent to Disloyalty: (External Affairs)

Part 2: "Three Memoranda, Two Robertsons and a Cabinet Minute"

During the fall and winter of 1943, Norman Robertson began a reassessment of the contents of the Québec Memo in light of King's decision about the relaxation of restrictions on the evacuees. The difficulties External Affairs had experienced assembling a group of 61 Japanese for the September 2nd sailing of the Swedish repatriation ship *S.S. Gripsholm* from New York, would undoubtedly have re-enforced his feelings that "not many of the Japanese Canadians have shown any desire to return to Japan."²⁹ On October 12th during an inter-departmental meeting held in the Legal Division Library, S. Morley Scott of External's Special Section brought forward for discussion the question of "circularizing the Japanese" to ask if they "wished to return to Japan after the war." The meeting minutes show that this suggestion had originated

with Norman Robertson. A decision was postponed until a later date.³⁰

This reference to "circularizing the Japanese" in mid-October 1943 indicates, perhaps, that Robertson had come to terms with several issues: that the evacuees, left to their own initiative, were probably not going to volunteer in great numbers to leave the country; that if reducing the post-war "25,000" were the practical aim of current policy, a means would have to be found to generate numbers greater than "60 or 70" at a time; and that, on the whole, volunteers were preferable to conscripts. In January 1944, while the dust from the Travel Order dispute was settling, Robertson gathered representatives from the Departments of Labour and Justice, the Secretary of State and the Immigration Branch into his office to explore aspects of policy regarding the Japanese.³¹

The Under-Secretary led off the discussion: "[T]wo years ago, it [was] necessary to . . . discriminate against *Canadians* of Japanese origin (together with *Japanese aliens*), but now that the original danger had disappeared . . . it would be desirable to have only such restrictions as the question of security made strictly necessary and to have them imposed in some manner other than by a general disability of a group . . . because of their racial origin. [Emphasis added.]" He mentioned "problems likely to develop after the war in connection [with] deporting Japanese"; easing restrictions, wherever practicable, on the *Canadian Japanese*; and maintaining all necessary restrictions "against Japanese aliens. [Emphasis added]" Robertson was resurrecting his Québec Memo --in particular, Point Four and the question of the residual population.

But, one very important detail had been added. In the case of a naturalized evacuee, he felt, "action should be taken to revoke the naturalization of all those whose conduct during the war had made it necessary to intern them It seemed reasonable that the onus of proving that revocation should not take place should be on any naturalized Japanese who had been interned." The onus of proving that further punitive consequences should not be meted out fell to the internee. This was the single most critical factor in the 'transformation' process: something was no longer an end in itself, but the means to another end. Internment was no longer simply a punishment for having disobeyed a B.C.S.C. regulation (for example, protesting the evacuation or complaining about an abusive foreman), but evidence to be used for another punishment. As a matter of general policy, Robertson was suggesting that internment could be used as *prima facie* evidence for the revocation of a naturalization certificate. The reason for revocation in Section (9) of the Naturalization Act, c. 138., was "disaffection and disloyalty." Thus, the reason for internment (for example, objecting to an abusive foreman) was being linked to the reason for the revocation of the certificate (disaffection and disloyalty); in time, this was proof of "disaffection and disloyalty."³² The Under-Secretary would now ask his young Special Assistant, Gordon Robertson, to assemble all of these considerations into a comprehensive departmental memorandum on the post-war disposition of the evacuees.

The task was Sisyphean. The assumptions and interpretive choices to be made, the prevailing political needs to be addressed and other non-related areas of overall policy to be satisfied, all seemed to conspire

against a single solution. The result of Gordon Robertson's research and analysis in March 1944 would form the "basis of the departmental position"³³ and that of the government.

The ten-page March Memo³⁴ falls naturally into three sections: The first is a summary of the Québec Memo. The second uses a letter from the Deputy Minister of Labour to explain why restrictions were still thought necessary for certain Canadian Japanese of questionable loyalty, followed by a suggestion to segregate the disloyal from the loyal in order to "eliminate unjust restrictions on the latter" and includes the punitive consequences flowing from such segregation. The third, (about fifty per cent) is an analysis of the legal means by which segregation and the consequences outlined could be accomplished.

The aim of the memorandum does not come until page eight: "The result of the above measures would be to eliminate from Canada all persons who were disloyal or of doubtful loyalty and, in the short period after the war, all Japanese nationals. It is impossible to know in advance how large the residue would be in respect of whom the problem of resettlement in Canada would have to be dealt with." The elimination of all Japanese Nationals hearkens back to Point Four of the Québec Memo. The added feature is the elimination of "all persons who were disloyal or of doubtful loyalty." (The words 'disloyal' or 'doubtful loyalty' do not appear in the Québec Memo. As discussed earlier, there was only an association with disloyalty --if the government chose to deport internees under Section (41) of the Immigration Act, c. 93)

The procedure for removal set out in the Gordon Robertson memorandum was segregation, followed by deportation. The basis for "automatic" segregation (unless cause could be shown against): (1) All internees ; (2) All persons who had "declared their loyalty to Japan, or . . . sought repatriation to Japan during the war." Finally, a third category: (3) Any persons not falling within one of the other groups "should be subject to investigation at any time, for failure to abide by the laws of Canada, for persuading persons not to cooperate with the Canadian authorities . . . and if adequate cause is shown, should be liable to segregation." Segregated Japanese aliens would be deported "without any further investigation or right of appeal." Segregated British subjects would be "deprived of their naturalization status" and then deported as in the case of the aliens.

Let us examine (1) and (2). First, if an 'offence' can be defined, for the sake of this explanation, as a 'state of being' liable for punishment, then, in essence, the March Memo transformed a punishment already in existence (internment) and two specific actions ('declaring loyalty to Japan' and 'seeking repatriation to Japan during the war') into a new 'offence': segregation. The punitive consequence that flowed from this new 'offence' was deportation. While the internee or the persons who were accused of the two specific actions could adduce cause against their segregation, once segregated, they lost their right of appeal. The ordinary onus of proof was reversed. This point appears to have been influenced by Norman Robertson's suggestion at the January inter-departmental meeting. Another question for consideration: What sort of evidence would be sufficient to show adequate cause for or against segregation?

With regard to category (3), any person of the Japanese race who had not been interned or who had not been accused of declaring loyalty to Japan or seeking to repatriate to Japan, would be "subject to investigation at any time" for "failure to abide by the laws of Canada, for persuading persons not to cooperate with Canadian authorities, etc ." and "if cause were shown," would be liable for segregation. Under this provision, any breach of Canadian law could, with adequate cause, be transformed into this 'offence' of segregation. Furthermore, even 'persuading persons not to coöperate with Canadian authorities' --among other not yet defined actions-- could be transformed into this new 'offence.' Unless one could show cause against, segregation followed. And, for a Japanese alien or Naturalized British Subject of Japanese ancestry, segregation meant deportation without the right to appeal. This category allowed the government to cast a wide net. It provided the spigot, sought in the Québec Memo, to control the flow of evacuees leaving the country --control by defining the new 'offence.'

The last half of the Memo deals with existing statutory authority which could be employed to accomplish the aim of segregation. The March Memo seemed to presume using means other than existing legislation for the deportations. Early in his presentation, Robertson stated that this principle would "raise questions of procedure" such as the "nature of the tribunal which should hear persons seeking to show cause against segregation." The Immigration Act, c. 93, provided for its own special appeal proceedings in the form of a Board of Inquiry. The Memo concludes: "The provisions of the Immigration Act are not adequate either as to scope

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or as to machinery to handle the deportation cases that will arise if the suggested policy is adopted." If the aim were to reduce the numbers of evacuees in a substantial way, the means was not through existing parliamentary legislation. "The most satisfactory procedure," wrote the Under-Secretary's assistant, "would be to have a comprehensive order in council passed under the War Measures Act, or an act passed by Parliament, to provide special deportation measures to take care of the immediate post-war problem."

"Approval of a policy along the lines suggested above would go beyond [the deportation paragraphs] of your memorandum to the Prime Minister. The essential approach," stated Gordon Robertson, "would be the same." The elimination of the Japanese Nationals seems most closely tied to Point Four of the Québec Memo. Norman Robertson, however, did not suggest eliminating all Japanese Nationals. What he wrote in the original memorandum was that "the residual population . . . would be *predominantly* British subjects and Canadian Nationals." Furthermore, the Québec Memo makes no mention of requiring either executive legislation or enacting new parliamentary legislation to achieve the policy he presented. Using existing statutes, the Under-Secretary's deportation scheme --as examined previously-- left appeal proceedings intact. The numbers which could be reduced according to Norman Robertson's outline were negligible.

Most importantly, it is not clear from the Québec Memo whether the predominantly 'Canadian' residual population would have resulted primarily from the facilitated transportation of Point One, the 'deportations' of

Points Two and Three or all three points together. An emphasis on statutory deportation proceedings alone would have produced such small numbers that, if reducing the numbers were the essential goal, it might appear that Robertson had been leaning more towards Point One's facilitated transportation. If, in August 1943, Norman Robertson had only been contemplating facilitated transportation and using statutory means for deportation, it would be difficult to make a case that the March Memo's "approach" was essentially the same.

The March Memo quotes the Under-Secretary as suggesting the necessity of dealing "more drastically with those who have been disloyal or of a doubtful character during the war" to secure just treatment for "those Japanese who have been blameless." This principle (sacrifice a few to save the many) was in keeping, perhaps, with Point Four's *quid pro quo* exchange, but the Québec Memo itself mentions nothing about disloyalty or doubtful character as being the reasoning behind the principle. Had Norman Robertson, in the summer of 1943, already linked disloyalty with the internees? Could this be why he had introduced the reversal of the onus of proof in January 1944? Either Norman Robertson had already drifted away from the idea of statutory deportation in the summer of 1943 and was contemplating a *quid pro quo* reduction in the alien population --in which case, the March Memo was following this approach --or the departmental position had hardened quite substantially by the spring of 1944. Was the March Memo, in fact, introducing quite a noticeable change in direction?

On March 27th Gordon Robertson drafted an abbreviation of his long

memo which was signed by the Under-Secretary and sent to the Prime Minister. The version of the segregation plan which King received was less technical, but more precisely defined. It framed the introduction of the new feature ('segregation') in such a way as to meet the Prime Minister's August objection to the easing of restrictions on the evacuees. If persons, who may have "manifested disloyalty" toward Canada, could be "identified and segregated . . . it would be possible to reduce the restrictions on other persons of Japanese race."

The persons requiring segregation were more specifically defined: those who had "endeavoured to assist the Japanese war effort," hindered Canada's, manifested disloyalty toward Canada or a greater sympathy toward Japan. Category Three [all other persons of the Japanese race subject to investigation] was narrowed considerably to include only those persons who had failed to abide by the laws of Canada for non-compliance with Selective Service Regulations or who had given other "indications" that their sympathies were with Japan.

With the exception of Category Three, the outline was in accord with the March Memo presentation. While there was no discussion about law *per se*, the recommendation for a "commission" or "other special body" (to examine cases for segregation) with possibly a "right of appeal to the Minister of Justice" --as in the March Memo-- presumed that a legal means other than existing legislation might be used for the deportations. The memo concluded with the suggestion that were the "loyal Japanese . . . allowed to buy land [outside of B.C., this would] facilitate a post-war settlement on a

reasonably just basis." On the 29th, the Prime Minister "generally approved" all points regarding segregation and deportation, but not about buying land. King's note written on the memorandum ended the discussion: "This, I think is questionable so long as the war lasts."³⁵

The spring of 1944 was a turning point for the nascent transportation scheme. King's approval on the 29th had given a green light to the key points of the March Memo: creation of the new 'offence' of segregation; the emphasis on disloyalty as a reason for vetting; a Category Three provision to include persons who had shown "other indications" of sympathy with Japan; and the reverse onus of proof. The memorandum King approved, however, was clearly constructed to focus upon the "land" question and the post-war resettlement of the evacuees --not the broader aim expressed in the March Memo of reducing numbers by eliminating all Japanese Nationals in addition to the disloyal and undesirables.

On the 15th of April, the second inter-departmental meeting of the month was convened to further discuss the new feature of segregation which had received the Prime Minister's approval. The same representatives that had met in Norman Robertson's office in January were assembled and a revised version of the March Memo was used as a basis for discussion. While the text of the nine-page April Memo was very close to the original, there were two important differences.

First of all, while the April Memo pointed out that the segregation plan "would not eliminate all the Japanese Nationals from Canada," the extra

provisions concerning the elimination of Japanese Nationals was not reproduced for the other departments. Second, the possibility of facilitated transportation, a discussion of which was noticeably absent (except in the summary of the Québec Memo) in the March Memo, had been added with the words: "It would be desirable also to maintain the principle you suggested of 'assisted emigration' for all those who wish to go to Japan." This last point underscores the importance that the Under-Secretary seems to have placed upon 'reduction' through facilitated transportation. The March Memo concentrated upon 'reduction' through deportation.

During the April 15th inter-departmental meeting the direction of post-war evacuee policy could clearly be observed in the salient points of the discussion. Consideration was given to the facilitated transportation aspect of 'reduction.' Two provisions of the Québec Memo --free transportation and allowing the transportees to take out their property-- were acknowledged as being integral to this facilitated movement. "A further step," the minutes read, "might be to give any who had not already declared a desire to return to Japan an opportunity to elect to do so." Deputy Minister of Labour MacNamara suggested that "it might even be worthwhile" to consider giving a "small amount of cash assistance" to indigents. All of these points were incorporated into the administration of the actual transportation programme.

The second part of the discussion focussed on the deportation aspect of 'reduction' and was premised on the assumption that a Commission would

be required before which segregated 'disloyal' or 'undesirable' evacuees could show cause against their removal.³⁶ Evidence was to come from the files of the Department of Labour --Labour offered to prepare each case.³⁷ No one seemed to dissent when the suggestion was made that it "would be best if the decision of the Commissioner were final. The provision of an appeal procedure would delay matters."³⁸

All that was now required was the War Committee's approval of this new feature of segregation prior to deportation. Three days later, a formal version of the March 29th Memorandum approved by the Prime Minister was circulated among members of the Committee. The report included the suggestion of the inter-departmental meeting (April 15th) that the decisions of the commissioner should be final.³⁹ The following afternoon, the War Committee "approved in principle" the recommendations in the report, "on the understanding that a submission to Council would be prepared [re the Commissioner] . . . his functions to be further defined, if necessary, by special confidential instructions."⁴⁰

The Report to the War Committee officially articulated that the "underlying assumption in reaching [the conclusions about segregation] was that it would be desirable at the end of the war to achieve a reduction in the Japanese population of Canada by removing all those who had shown in the war that their closest connection or loyalty was to Japan." ⁴¹ The meeting of the 15th indicated that this 'reduction' was coalescing into a two-aspect plan: The first dealt with facilitating transportation to Japan of those electing to go; the second, with deporting those who could not show cause against their segregation.

While there would be discussions about the legal means required to carry out this 'reduction,' in point of fact, after the end of March 1944, almost every key policy memorandum concerning the deportation of evacuees appeared to presume using legal means other than existing legislation. The broad scope of the March Memo's Category Three provisions (that is, the "other indications" of disloyalty reference) gave the policymakers room to manoeuvre, to define those actions which would make an evacuee liable for deportation. The next step: What was the Prime Minister going to tell the Canadian people?

A Policy Goes Public: "Disloyalty, Deportation and Facilitated Transportation"

For the transportation scheme, the events of the spring of 1944 climaxed in the Prime Minister's first public pronouncement on the subject. The speech was drafted in July by Gordon Robertson and delivered in the House on August 4, 1944. The overall thrust of the message was clear: deport the disloyal, allow the loyal to stay, encourage those who wished to leave to "go as soon as they can." King made a point of reassuring B.C. that the Japanese problem had national dimensions and then announced the means to segregate the disloyal: a "quasi-judicial commission" to examine "all persons of Japanese race" to discover those who were "not fit" to be allowed to remain in Canada.⁴²

The Prime Minister had laid the foundation for a 'duplex approach' to the problem of the displaced evacuees. On one side was a facilitated transportation plan. Any person wishing to go to Japan would be

encouraged to do so. On the other side was a deportation scheme. Any person of Japanese ancestry not leaving voluntarily would be examined by a Commission and if found 'disloyal,' would be deported. There was nothing in King's public statement that indicated that leaving Canada voluntarily for Japan was an act of disloyalty. His statement appears to be the public face of a bureaucratic plan of a very different order. In the inter-departmental recommendations to the Cabinet War Committee approved on April 19th, the assumption had already been made clear that post-war policy included the reduction of the Japanese population by removing the disloyal. Applying to go to Japan was cause for automatic segregation --unless cause could be shown against. Those segregated were subject to deportation without the right of appeal.⁴³ This notion of parallel policies (one public, one private) is carried right on into 1947. Part of our understanding of the transportation programme derives from discerning how far apart the two policies were and what part of each one has found its way into the official record.

The main feature of both the private and public scenarios was that the number of Japanese in Canada would be reduced. The difference was emphasis. King told Parliament that some Japanese would be deported as punishment for disloyalty, concentrating upon their "unfitness" to remain in the country and the need for punishing the guilty. The bureaucrats and Ministers advocated another point of view. The population of Japanese in Canada would be reduced by the deportation of disloyal Japanese -- population reduction through punishment. In both plans, all persons --other than those leaving voluntarily-- would be investigated by the Commission.

The number of individual cases to be reviewed depended upon the numbers deciding to leave voluntarily through application to Japan. A substantial reduction in the post-war Japanese population -- and this is crucial to an understanding of the unfolding of the whole scheme-- could only come about through the removal of either a large number of disloyal Japanese by the Commission or a large number of Japanese voluntarily applying to leave the country.

At Québec, Robertson had drawn King's attention to the fact that "not many of the Japanese Canadians have shown any desire to return to Japan." Hence the Under-Secretary's "preliminary feeling" that the government should "afford every facility, including free transportation and permission to transfer funds and furniture, for voluntary repatriation from Canada." ⁴⁴ This could be, perhaps, one of the reasons why the weight of the proposal was placed on the Commission's work rather than solely on voluntary repatriation. As King announced in August 1944: "The first, and in a sense, the fundamental task is to determine the loyal and disloyal. The entire policy depends upon this being done." ⁴⁵

Understanding the direction the transportation scheme took from here on and what drove it toward the finish --the approval of P.C. Order 7355 on December 15, 1945-- comes down to understanding just what, on August 4th, "the entire policy" really was. Cabinet War Committee records have revealed that the underlying assumption of the policy was the desirability to "achieve a reduction in the Japanese population of Canada."⁴⁶ Was the government thinking in terms of what was mentioned

as "probable" in the March and April Memos: "several hundred . . . possibly some thousands"?⁴⁷ Was there a bottom limit?: less than 800 (the peak number of internees)⁴⁸ or roughly 6,000 with the elimination of all Japanese Nationals (not including their dependents)?⁴⁹ Finally, was the expression "loyal residue" used in an External Affairs memorandum of November 1944 indicative of the department's belief that quite a substantial number of disloyal Japanese would be leaving Canada?⁵⁰

The reason such close attention must be given to "the numbers" is this. From King's public statement in 1944 until the announcement of the Survey in the spring of 1945, the quandary faced by the policymakers was not just how to reduce the overall numbers, but how to reduce the number of Japanese to be vetted by the the proposed Commission. This "reduction within a reduction" is a theme that is resurrected again in the fall of 1945 during the debate about what to do with the Survey-signers. The August announcement had stipulated that only those persons wishing to remain in Canada would be investigated. The greater the number of volunteers, therefore, the lighter the case-load for the Commission. When possibly thousands of individual cases must be examined, the critical question is whether the appeals will be heard on an individual basis or in groups. During the Conscription Crisis of 1917-1918, for example, Justice Lyman Duff and his staff took five months to assemble individual exemption appeals into groups. In this way, he was able to to dispose of forty-two thousand cases.⁵¹

By what method would the Commission dispose of the Japanese

Disloyalty Cases? If by 'group appeals,' who would define the rule applicable to a broad number of cases? (Justice Duff, himself, had been concerned about the risk of group appeals in which the "merits of of an individual's case might be overlooked."⁵²) Would appeals be submitted in person or in writing? If in writing, who would translate appeals from Japanese into English or, conversely, who would be responsible for ensuring that the appellants who spoke only Japanese had understood what evidence was admissible? This was vital, since decisions of the Commission were to be final. Staff requirements to cope with a farrago of government files (to show adequate cause for segregation) and submissions from appellants (to show cause against segregation) were potentially huge.

A Commission would be costly in terms of time, money and human resources. With this in mind, between September and December of 1944, the Department of Labour initiated a persistent two-prong attack aimed at the problem of a Commission having to vet large numbers. Labour officials had reasoned that the problem could be solved either by simplifying the terms of reference of the Commission through special instruction or somehow reducing the number requiring examination. Labour's Departmental Solicitor, A.H. Brown, spear-headed the first prong, by suggesting the Commission be given "specific direction" by the Government with respect to "the attitude to be taken" towards Japanese Nationals. "Obviously," he wrote Norman Robertson, "an inquiry into the loyalty of a Japanese National is a waste of time. If the Government were prepared to approve a direction covering [this] it would simplify the line of enquiry to

be followed by the Commission."⁵³ The second prong came with Labour's efforts to seek authorization from Council to make "assurances" to potential volunteers that they would be able to take the value of their property with them in addition to offering an assistance grant for indigents. Labour was attempting to make volunteering to leave an alternative with tangible benefits for persons whose liquidated assets were being rapidly drained as maintenance.⁵⁴

By September 1944, the Department of Labour had begun to see just how much the balance of power had shifted toward External Affairs. Since King's August address to the Commons, Labour officials had pushed for the immediate appointment of a Commission so that loyal Japanese could be moved into employment across the country and the disloyal held for deportation. They had also sought from External an agreement in principle that some direction be given the Commission about Japanese Nationals. The recommendation was turned down.

On October 10th, Labour sent External Affairs a "revised draft of a draft" as a co-submission⁵⁵ to Council outlining the authority needed by Labour to carry out its work: "It would greatly . . . help toward achieving a reduction in the post-war population of Canada if Japanese persons could be encouraged to give voluntary indication of a desire to go to Japan after the war. Some have already done this, and it is possible that a considerable additional number may, if fairly definite and generous terms could be indicated as the basis on which they would be assisted to move. If the announcement of policy could be made now it would be very helpful." After two weeks, Labour had heard nothing. MacNamara again outlined the

situation to Norman Robertson: "I think it has been agreed that our policy should be to obtain applications now for the return to Japan of as many persons of the Japanese race as are inclined to do so If, in the process of canvassing Japanese for this purpose, our administration is in a position to outline to them reasonably definite conditions attached to the disposition of their assets . . . and some small re-establishment grant [for indigents], this would contribute, we believe to the purpose we have in mind."⁵⁶

Throughout the fall, the Deputy Minister of Labour kept pressing External Affairs for some way to influence the instructions given the Commission by enquiring about the possibility of the Minister of Labour rather than the Governor in Council (in essence, the Prime Minister and his Cabinet) being named as the sponsoring Minister. The tactful reply was drafted by Gordon Robertson: "In order to avoid further delay in this matter, I did not make any amendment pursuant to your suggestion."⁵⁷ Finally, Labour made the suggestion that the Cabinet submission might specify the exact amount of a small re-establishment grant to be given indigent Japanese who might otherwise hesitate to apply for repatriation. The amounts were: For a single man (\$250), a single woman (\$200), a married couple (\$400), a dependent child (\$50) --for a maximum grant to any family of \$600.⁵⁸

The Labour triumverate of Mitchell, MacNamara and Brown were losing a departmental turf war with External Affairs, but, they were, perhaps, gaining unexpectedly on another front which would prove more useful to

them in the coming year. Depression and a growing sense of hopelessness pervaded the Housing Projects. Even if an evacuee relocated in Central Canada, he or she could not buy land to replace properties being liquidated by the Custodian. Stories filtered back to the Projects from those who had already "gone east of the Rockies." In December of 1942, Yosaburo Omori, a Vancouver noodle-maker, known to his customers as "Macaroni Yosaburo," found himself working as a labourer on an Ontario mink farm --work for which he was entirely unfit. While fixing a grinding machine, someone accidentally switched it on. His right arm was sliced off. From hospital he dictated a letter to his former teacher: "I have lost all hope completely."⁵⁹ Disillusioned evacuees would surely not have made more difficult the task of the survey-takers circularizing the settlements for repatriation applications next spring.

There were so few volunteers moving "east of the Rockies" that, once an evacuee had been relocated, Labour did not want them moving westward. This was logical since departmental policy was to relocate evacuees away from British Columbia. For Nobuji Hashimoto, such an unofficial rule, compounded by the Prime Minister's statement in August, had combined to make his life miserable. Hashimoto had been placed in an Ontario factory which produced oil from slaughtered animals. He hated this work and desperately wanted to change jobs and be reunited with his fiancée in Alberta. Permission was denied. External Affairs became involved because Hashimoto had written to the Protecting Power. Two months after Hashimoto had first written to the Spanish Consul, a Labour representative called External and explained that Hashimoto's request had been turned

down because of the dispersal policy announced by the Prime Minister in August. The Labour representative "did not want to mention this in his letter."⁶⁰

The Commissioner of Placement, George Collins, broke the news to his Ottawa superiors: "Relocation and other aspects are absolutely at a standstill pending some action on the part of the Government Would you please advise me whether or not the Order-in-council setting up [the Commission] . . . has been submitted? I strongly recommend that a meeting with External Affairs and all interested Departments be held as soon as possible in order that we can plan some sort of winter programme in connection with our Interior Housing Projects."⁶¹ From Labour's point of view, without an incentive such as being able to acquire property, makeshift work alone in Central Canada was not going to attract many evacuees. This was one of the reasons Labour had been trying to transfer authority for issuing land permits to itself. By not being able to give solid guarantees about taking property out of the country, there was also little in the way of incentive to encourage repatriation. External Affairs appeared to hold important keys to some of Labour's difficulties, but was offering them very little by way of support.

Yet the Under-Secretary and his colleagues were also feeling the pressure of circumstances beyond their control. Not only the Prime Minister's caution about buying land during the war, but also the forthcoming General Election prevented them from giving any hope to Labour (or the evacuees) about permanent settlement.⁶² The March Memo,

the Cabinet War Committee's approval of it and King's subsequent policy announcement in the House had committed the department to the huge project of setting up a Commission. However, the logistics of putting together an administrative undertaking of this magnitude was only just beginning to become a reality. Only four days after King's August address, officers realized that under the Enquiries Act for convening commissions, there was not sufficient authority to set up a body empowered to deport.⁶³ Moreover, with the onset of the Conscription Crisis in mid-October, King's attention and energy were focussed more than ever upon keeping the nation together and himself in office.

By the end of 1944, there was still no Commission. According to a R.C.M.P. report, *Nisei* morale in B.C. had deteriorated into non-coöperation.⁶⁴ Then, exploded the bombshell from the south: Japanese Americans would be allowed to return to the West Coast. The prospects of persuading the B.C. evacuees to move out of the province seemed even more hopeless now. From Labour's point of view, the American news would only stiffen evacuee resolve to stay put in B.C. in hopes of being allowed to return to the West Coast. Something had to be done to break the jam.

Notes for Pages 66-101

¹R6 25 Volume 3004, File 3464-B-40C, July 22 1943, H.T. Pammett to A. MacNamara; Memorandum, S.M. Scott, July 7, 1943: "Treasury is keen on having the Japanese spend their own money."

²The New Canadian, Volume 6, No. 10, February 6, 1943, p. 1. As of the publishing deadline for the 6th of February, the government had not "disclosed any further information."; Volume 6, No. 11, February 13, 1943, p. 1.

³Tokuo Kodama Private Papers.

⁴R6 2, (A1a), January 19, 1943, Section (4).

⁵EAR, 104 (s)-1, August 20, 1943, Norman Robertson to King.

⁶EAR, 50076-40 Series, u.s., January 4, Memorandum to the Prime Minister.

⁷Robertson might have been using a statistic from the Special Committee on Orientals in British Columbia, Report and Recommendations, December, 1940: See p.8: 7,200 aliens out of a population of 23,000. But from where did his 25,000 population statistic come?

⁸There were two *Gripsholm* Repatriation Exchanges: June 18, 1942 and September 2, 1943. The June 18th exchange took place at Lourenço Marques, Africa; the September 2nd exchange, Mormugao Bay, India. A third was contemplated in June of 1945 to take place in the Bikini Atoll. R6 25 F(6) Volume 1030, File 246-C, Acting S.S. For Dominion Affairs to the Secretary of State for External Affairs, Circular D. 991, June 5, 1945.

⁹Census of Canada, 1941.

¹⁰R6 2, (A1a) P.C. Order in Council 10773, November 26, 1942. The wife and minor child of any person who ceased to be a British subject, if included in that person's application for repatriation, also ceased to be British subjects, Section 1(b).

¹¹Special Committee on Orientals in British Columbia: Report and Recommendations, December 1940, p. 9. Only a Japanese National who entered in 1939 would not have been able to establish domicile.

¹²R6 25 Volume 3004, File 3464-B-40C, Secretary of State for External Affairs to Vincent Massey, telegramme No. 417, March 13, 1943. Out of a total evacuee internee population of 661.

¹³R6 18 Volume 3568 File C3129-1-7, June 17, 1942, C.H. Hill to S.T. Wood.
For example, April cheques not being delivered until June 10th.

¹⁴P.C. Order 10773 provided Ministerial discretion with regard to the Protecting Power aspect. Also, as in November 1941, there was still no means available to de-nationalize Canadian born Nationals.

¹⁵The 1941 Census.

¹⁶R6 18 Volume 3563, File C-11-19-2-9 Volume 3, R.C.M.P. Report, Civil Security Branch, June 26, 1942.

¹⁷Amendment added to the Defence of Canada Regulations (1941 Consolidation) by P.C. Order 1457 (February 24, 1942), Section (1) "no person of the Japanese race . . . shall have the capacity . . . during the continuation of the state of war . . . to acquire or hold land or growing crops"; Section (4)(a): "The Minister may, if it appears to him to be in the public interest so to do, grant to a person of the Japanese race . . . a license to acquire or hold land or growing crops in Canada." The Department of Justice's Wartime History: R6 35 (7) Volume 24 File The Department of Justice, 1948.

¹⁸EAR, 104 (s)-1, August 20, 1943, N. Robertson to W.L.M. King.

¹⁹After the military defeat at Midway, in June 1942, the Japanese had landed on the westernmost Aleutian Islands of Attu and Kiska. While the Battle of Midway, according to U.S. Admiral Ernest J. King, had "put an end to the long period of Japanese offensive action, and restored the balance of naval power in the Pacific," Edwin T. Layton, Rear Admiral, U.S.N. (Ret.) with Captain Roger Pineau, U.S.N.R. (Ret.) and John Costello, "And I Was There": Pearl Harbor and Midway--Breaking the Secrets, (New York: Quill: William Morrow, 1985) 448, even a small Japanese contingent based in the Aleutians, bore watching by the North American military Chiefs of Staff.

On February 4, 1943, Vice-Admiral Nelles Chief of the Naval Staff and Chairman of the Chiefs of Staff Committee submitted to the Cabinet War Committee a report of the "probable scale of attack on the west coast of North America, prepared by the

Combined Staff Planners. Washington." (R6 2, 7c, Volume 12, February 4, 1943, p.2.) Among the assumptions upon which the appreciation was based were the points that the "main Japanese commitment" was in the "South and Southwestern Pacific," from which they were "unable to disengage without endangering their strategic position" and that the Japanese continued to "maintain a foothold in the Aleutians." As to the "availability of Japanese forces," Kiska was the only base "within aircraft range of the west Coast of North America." Without an airfield "from which bombers [could] operate," it could only be used as a "floatplane and flying boat base." The Combined Planners concluded that although "unlikely" the possibility could not be "entirely ignored," that there might be "light scale, occasional, 'sacrifice,' one-way raids on targets on the mainland by flying boats from Kiska." (R6 2, 7c, Volume 12, Cabinet Document No. 389, January 26, 1943, Appendix "A," p.1-2, 6.)

²⁰HKR, Volume 1 (1939-1944), p. 552.

²¹Globe and Mail, August 23, 1943, p. 6.

²²The Administration of Japanese Affairs in Canada (1942-1944), the Department of Labour, August 1944, p. 39.

²³R6 2, 7c, Volume 14, Cabinet Document No. 617, B.C.S.C. Order No. 1 (New series) Travel of Japanese in Canada (Replacing B.C.S.C. Order dated August 25, 1942 and Regulations re Travel Permits dated March 31, 1943); Memorandum, September 18, 1943, H.A. Dyde to the Secretary of the War Committee.

²⁴R6 2, 7c, Volume 14, September 22, 1943, pp. 7-8.

²⁵R6 2, 7c, Volume 14, October 6, 1943, pp. 1-2.

²⁶R6 2, 7c, Volume 14, Cabinet Document No. 630, Memorandum, October 5, 1943.

²⁷R6 2, 7c, Volume 14, October 6, 1943, pp. 1-2.

²⁸R6 18 Volume 3568, File C3121-1-8, Volume 2, A. MacNamara to George Collins, January 22, 1944.

²⁹EAR, 104 (s)-1, August 20, 1943, N. Robertson to W.L.M. King.

³⁰R6 25 Volume 3004, File 3464-B-40C, October 12, 1943, N. Robertson (drafted by F.H. Seward) to H.L. Keenleyside.

³¹EAR, 104 (s)-1, January 18, 1944, Note for File, drafted by R.G. Robertson.

³²Thus, the reason for internment (for example, objecting to an abusive foreman) was being linked to the reason for the revocation of the certificate (disaffection and disloyalty). The farther apart these reasons, the greater the need for the punishing authority to transform the reasons for the first into those of the second. To do this, a common semantic connection must be found between them. For example, in the case of 'objecting to an abusive foreman' and 'disloyalty and disaffection' the link might be 'disobedience to' or 'non-coöperation with,' lawful authority during wartime.

³³John Hilliker: Canada's Department of External Affairs (Volume 1) The Early Years, 1909-1946 (Montréal and Kingston: McGill-Queen's University Press, 1990) 293.

³⁴EAR, 104 (s)-1, March 20, 1944, R.G. Robertson to N. Robertson.

³⁵EAR, 104 (s)-1, N. Robertson to W.L.M. King, March 27, 1944.

³⁶The discussion of a special Commission indicates that Immigration Act, c. 93, was not under consideration for carrying out the deportations, for the reasons expressed earlier. E.H. Coleman, the Under-Secretary of State, felt that revocation of nationality should be accomplished through ordinary statutory provisions rather than "under an Order-in-Council."

³⁷Labour also indicated it would begin to draw up a list of those who had declared a desire to return to Japan or placed themselves under the protection of the Protecting Power.

³⁸EAR, 104 (s)-1, Minutes of Meeting, (drafted by R.G. Robertson) April 17, 1944.

³⁹R6 2, 7c, Volume 15, Cabinet Document No. 756, April 18, 1944.

⁴⁰R6 2, 7c, Volume 2, April 19, 1944, p. 7.

⁴¹R6 2, 7c, Volume 15, Cabinet Document No. 756, April 18, 1944, p. 3.

⁴²HCD, August 4, 1944, pp. 5915-5917. The speech had been prompted by Colonel Raiston's unplanned remark in May that the government was preparing a statement about the post-war status of the evacuees.

⁴³R6 2, 7c, Volume 15, Cabinet Document No. 756, April 18, 1944.

⁴⁴EAR, 104 (s)-1, August 20, 1943, N. Robertson to W.L.M. King.

⁴⁵HCD, August 4, 1944, p. 5916. Also Gordon Robertson's draft for the speech, EAR, 104 (s)-1, "Policy with regard to Japanese persons in Canada," July 15, 1944, p. 6.

⁴⁶RG 2, 7c, Volume 15, Cabinet Document No. 756, April 18, 1944. Through the approval in principle of the Report submitted to the War Cabinet Committee on the 19th, this reduction was to be by removing the disloyal.

⁴⁷EAR, 104 (s)-1, March 20, 1944, p.8; April 11, 1944, p. 7.

⁴⁸Report on the Administration of Japanese Affairs in Canada: 1942-44, The Department of Labour, August, 1944, p. 28.

⁴⁹EAR, 104 (s)-1, March 20, 1944, p. 8.

⁵⁰EAR, 104 (s)-1, 6. Robertson to F.P. Varcoe, Deputy Minister of Justice, November 11, 1944. Norman Robertson used the expression "residual population" in his Québec Memo. There was no connection in the Québec Memo between this "residual population" and their loyalty to Canada.

⁵¹An example showing the difficulties faced by an appeal tribunal attempting to dispose of a large number of appeals could be seen during the Conscription Crisis of 1917-18. The Military Service Act's was proclaimed on 30 August 1917. "The laborious task of hearing appeals for exemption began in mid-November By the end of January, most appeals to the appeal tribunal from local decisions had been disposed of For the next five months, [Supreme Court Justice Lyman Peere Duff] and his staff toiled to assemble individual appeals into groups of collective rulings. Group appeals carried the risk that the merits of an individual's case might be overlooked; this was an ever-present danger and one of continuing concern During these five months, he disposed of over forty-two thousand cases; even though the bulk of these were accounted for in groups By August he was in a state of nervous collapse." David Ricardo Williams, Duff: A Life in the Law (Vancouver: University of British Columbia Press, 1984) 91-92.

⁵²All appeals to Justice Duff had been "in writing." He "ruled without seeing or hearing the persons affected." Duff, p. 92; We also know that the Cabinet War Committee had reserved the right to define the Commissioner's functions by "special confidential instructions." RG 2, 16, Volume 2, April 19, 1944.

⁵³EAR, 104 (s)-2, September 5, 1944, A.H. Brown to N. Robertson.

⁵⁴EAR, 104 (s)-2, October 21, 1944, Draft Submission to Council.

⁵⁵along with the Order for the Commission.

⁵⁶EAR, 104 (s)-1, DRAFT, October 10, 1944; October 23, 1944, A. MacNamara to N. Robertson.

⁵⁷EAR, 104 (s)-2, N. Robertson to A. MacNamara, October 31, 1944.

⁵⁸EAR, 104 (s)-2 October 21, 1944, Draft Submission to Council.

⁵⁹Tsutae and Hanako Sato, History of the Japanese Language School in Canada (Tokyo: Nippon Shutsupen Beeki Kaboshiki Kaisha, 1969) 276.

⁶⁰R6 25 Volume 3004, File 3464-6-40, September 5, 1944, Memorandum for Mr. Miles from M.H. Wershef.

⁶¹EAR, 104 (s)-2 September 16, 1944, G. Collins to A. MacNamara.

⁶²EAR, 104 (s)-1, September 5, 1944, A. Brown to N. Robertson.

⁶³EAR, 104 (s)-1, August 8, 1944, G. Robertson to N. Robertson.

⁶⁴EAR, 104 (s)-1, November 20, 1944, G. Robertson to N. Robertson.

Chapter Three

Phase Three [1945-1946]: Transportation

The transportation programme as enunciated in August 1944 had, I have argued, a 'duplex' structure consisting of a facilitated transportation plan and a deportation scheme. Both operations were separate in origin, but equal in aim, which was to reduce the post-war population of the Japanese in Canada. The public had been told that 'transportation' was encouraged, voluntary leave-taking; deportation, forcible expulsion for disloyalty, determined by a Commission. What had not been clearly spelled out for anyone was that both actions carried exactly the same punitive consequence: loss of right of re-entry.¹ The point was this. If reducing the numbers were the driving force behind the policy, any person transported out of or deported from the country could not be allowed to return. Within the scope of a 'reducing the numbers' policy, losing one's right of return was a natural corollary of being removed. Both the Under-Secretary and the Director of Immigration had understood this point in 1941. According to King's 1944 address, Japanese immigration would not be resumed in the immediate post-war period. He said nothing about the re-entry of Japanese Canadians with citizenship or aliens with domicile. While never stated directly in public announcements, this seeking to leave Canada to go to Japan (for whatever the reason --family trapped in Japan or disillusionment about treatment received during the war) and not being allowed to return at a later date (regardless of National status) were part of the same package.²

In January 1945, there was still no Commission. Without a Commission, there were no segregations, no deportees and the potential number of evacuees requiring vetting remained sizable. For all the ongoing inter-departmental discussions, about 66 per cent of the Japanese were still in British Columbia. Relocation to Central Canada was non-existent.³ There was talk of a fourth repatriation exchange to take place in the Bikini Atoll, but it was only in the planning stages. The Labour triumverate of Brown, MacNamara and Mitchell were trying to find a way to get External Affairs to move on what they considered were issues within their jurisdiction --especially about explicit financial guarantees to voluntary repatriates. MacNamara minced no words with the Under-Secretary: "Unless you see some reason against the proposed action [written financial guarantees], it is the opinion of the Minister that he should bring the recommendation forward without delay. We, here, are of the opinion we have a better chance at this stage of the war of obtaining an understanding from a large number of families that they are to return than would be the case at a later date after Japan has lost the war. May I hear from you please [?]"⁴

Labour's persistence finally broke Privy Council ice. On February 2nd, Cabinet approved a memorandum submitted by the Minister of Labour which in effect authorized him not only to give assurances about property and financial matters to potential repatriates, but also to "segregate Japanese who [were] to be repatriated" from those remaining. Mitchell had obtained for his department the authority to take "certain administrative action" in advance of the appointment of the Commission. The official text of the

Conclusion does not specify precisely what the Cabinet approved. Departmental copies of the Conclusion state that the Minister of Labour had received permission "to obtain voluntary applications for repatriation to Japan . . . of as many persons of the Japanese race in Canada as possible and to proceed with immediate segregation of such applicants."⁵ (The longer departmental version also mentions that "free passage will be guaranteed by the Canadian government for repatriated persons."⁶) As well, at the February 2nd Cabinet meeting, the Prime Minister stated that the "desirability of early action along the lines suggested by the [Minister of Labour] had been drawn to his attention by [Norman Robertson] in relation to the appointment of the proposed Commission."⁷

A week later, MacNamara sent Norman Robertson the draft of the Minister of Labour's statement announcing the transportation programme. Guarantees to the transportees included: net proceeds from the disposition of their property, Custodian receipts if they couldn't take all their property with them, free passage and free transportation of their personal property. The statement (dated February 13th) was to be posted in the settlements and published in The New Canadian. The programme was, in actual fact, the first point of the 1943 Québec Memo. The important administrative twist was that within two months, R.C.M.P. survey-takers would travel to the evacuees and provide them with forms to be signed for repatriation. The repatriation survey team arrived at Tashme, B.C. on April 9, 1945.

A letter, drafted by Gordon Robertson and signed by the Under-

Secretary, was sent to the Canadian Ambassador in Washington describing the programme: "For your confidential information, it has been decided to defer appointment of the commission . . . there are certain measures that will . . . facilitate or reduce its work. Cabinet approved . . . action by the Department of Labour to segregate [Japanese] . . . who have indicated a desire to go to Japan after the war. Such segregation on a voluntary basis will reduce the numbers of cases that will have to be considered by the commission, since it is probable that its terms of reference will provide that voluntary applications for repatriation to Japan will be considered to be final To encourage voluntary applications to go to Japan . . . [the Minister] has been authorized to give assurance to voluntary applicants that they can take with them any proceeds realized from their property."⁸

The thrust of the Survey was to reduce the number of cases which would require screening. After a year of frustration in 1944, the Department of Labour had regained some of its earlier momentum that had been lost to External Affairs. The entire programme-- from the posters all the way through to the procedure for taking applications -- was to be supervised by the Department of Labour. Except for one key point. External Affairs had earlier blocked Labour's attempt to place in writing how much indigents would receive in the form of assistance grants. The same ban was again imposed during the repatriation survey. It is this one key point and the pressure that Labour was under to produce numbers which highlights a new 'reducing the numbers' interpretation of the Survey.

The Survey was Labour's baby. The two official posters circulated in

the Interior Housing Projects clearly demonstrated that the department was trying to encourage 'Canadian Japanese' to go east for employment. "Japanese Nationals and others . . . who will be returning to Japan have been informed by notice . . . Japanese Canadians who want to remain in Canada should now re-establish themselves East of the Rockies." Furthermore, "these assurances do not apply to persons of the Japanese race repatriated on other than a voluntary basis."⁹ A memorandum describing the programme to the Prime Minister explained: "Immediately after the publication of posters . . . arrangements are to be made to receive applications." A letter from MacNamara is cited: "You will appreciate the dangers involved in any efforts at undue pressure to sign up."¹⁰ There is no question that the Department of Labour was under enormous pressure to produce signed applications for repatriation. Subtle undertones can be discerned from the official posters. But how much pressure amounts to 'undue' pressure?

The new Commissioner for Japanese Placement, T.B. Pickersgill, wrote MacNamara suggesting that a two hundred fifty dollar assistance grant (per adult) and a one hundred dollar grant (per child) might have a "marked effect" on families with few or no assets. "If the desire is to remove objections that may retard requests for repatriation, we believe," the Commissioner wrote, "that our proposal would be effective in accomplishing this result." Five days later, MacNamara replied: "We did have a provision for power to give resettlement grants to indigent Japanese repatriates in our original submission, but this provision was deleted at the request of [External Affairs]." It was not, the Deputy

Minister explained, "advisable to reopen this issue at the present time." The Commissioner further indicated to MacNamara that after "considerable discussion" among the Interior Housing Supervisors, it was thought necessary to circularize everyone over the age of sixteen. "If this were not done, the programme would be very disappointing in its results." Left "up to [the] people . . . the vast majority would not [sign]." MacNamara also approved of eliciting a response from all evacuees over sixteen. Finally, just as Labour Minister Mitchell had assured Vancouver Mayor Cornett that the B.C.S.C. (during mass evacuation) would be able to make decisions based upon local developments, the Deputy Minister told the Commissioner: "You should lay down rules . . . which will facilitate . . . an impetus toward repatriation." ¹¹ Pickersgill was under the gun to produce signatures.

On March 7th and 8th, a Staff Conference attended by the Commissioner and all Interior Project Supervisors was held at Vancouver. During the meeting the "steps to be taken to implement the Department's plans of carrying out the voluntary repatriation of Japanese" were outlined. Furthermore, it was announced that "the ability of the Supervisors would be judged in exact ratio to the proportion of Japanese in his Project signing the repatriation declaration" ¹² There was pressure for numbers; there were indigents who might sign if told about an assistance grant. External Affairs had intervened against specifying in writing the exact amount of the grant. The Department of Labour's hands were tied. The detailed procedure for the Survey was never published in an official government poster. Instead, Supervisors and Pickersgill met with Japanese Committees from each settlement. The programme was explained and

questions were allowed. Most of the replies were verbal.

The Committee at Lemon Creek, B.C., for example, compiled an information sheet translated into Japanese and put it on a board which was sent from house to house. This message board was called a *kairanban*. One former resident at Lemon Creek recalls that *sanbyaku doru* (three hundred dollars) was printed on the message board as being the amount the government was offering to indigents --per person. Amy Yamasaki remembers this number vividly because there were five members of her family and she remembers calculating that they would receive fifteen hundred dollars as an assistance grant. (Using the Consumer Price Index for 1990, fifteen hundred dollars would equal thirteen thousand five hundred dollars.) As Yamasaki said: "When you are making the decision of your life for your children, you never forget a number like that." ¹³ Eighty-seven point four per cent of the Lemon Creek evacuees signed for repatriation --the highest percentage of all the settlements.

The actual amount that indigents received was finally placed in writing in the text of P.C. Order 7355 (December 15, 1945): 200 dollars per adult, 50 dollars per dependent child.¹⁴ Even the relatively simple task of informing evacuees about the amount of the assistance grant, underscores the difficulties faced by administrators who were not working from one basic written text. The scheme was replete with complex questions. What was the national status of dependent children who returned to Japan with alien parents? Would relocatees be allowed to buy property or return to the West Coast? Would signers be able to cancel at a later date? The Commissioner could only pass on the basic information (he had received

from his superiors in Ottawa) to the Supervisors who, in turn, passed on what they had been told to the local Japanese Committees. The Commissioner visited each settlement to answer some questions personally.

The Survey was completed by August 1945. Ten thousand three hundred ninety-seven persons had signed.¹⁵ Japan officially surrendered on September 1, 1945. The moment of truth had come for the politicians and mandarins. What should be done?

In September 1945, the main practical problem concerning the transportation scheme was that there were no ships to repatriate such large numbers and the government needed permission to send several thousand persons to Japan. External Affairs sent a message to Washington asking if the Supreme Commander of the Allied Powers in Japan, General Douglas MacArthur, could be contacted about accepting several shiploads of repatriates. MacArthur's answer in the affirmative was not received until October 29th.¹⁶ Next, those who had signed had begun to have second thoughts. On September 12, 1945, the Special Cabinet Committee on Repatriation and Relocation met in the Privy Council Chamber to discuss this matter. It was decided to recommend that all persons of the Japanese race who had signed for repatriation (with the exception of Canadian citizens who had made an application prior to midnight, September 1st) should be deported as should all persons of the Japanese race who were interned.¹⁷

The fundamental problem, as it had been during the war, was numbers of Japanese and where to put them. The provinces were still not eager to accept Japanese --especially British Columbia. And there was a B.C. Provincial election on the agenda at the end of October. Out of 23,000 persons of Japanese ancestry, the government had a pool of some ten thousand persons who had signed for repatriation to Japan. Should the King Government go ahead and convene the Commission? The Prime Minister and the Department of External Affairs had been committed to this by the August 1944 address. There had also been a presumption, earlier in the year, that the Commission might be directed to rule that requesting repatriation to Japan be adequate cause for segregation. However, the logistics of setting up such a tribunal were growing more and more impracticable in the immediate post-war period. Jobs and housing for returning veterans and keeping inflation down --particularly, after the experience of the last war-- were the vital concerns.

If there were to be no Commission, and if the intention were still to reduce the population, then once again the bureaucrats were faced with the problem of the inadequacy of existing legislation. Writing now from the Prime Minister's Office, Gordon Robertson indicated to External Affairs Legal Advisor John Read: "So far as deportation is concerned, the provisions of the Immigration Act appear to be almost useless for the present purpose . . . On the whole, the provisions with regard to both deportation and revocation are at present so inadequate that it might be best to [use an Order in Council] in general and inclusive terms."¹⁸ Robertson had made this exact point in the March Memo of 1944. However,

the main piece of emergency legislation that had enabled the government to control the daily lives of the displaced community by Orders in Council would lapse at the end of the year. If something were going to be done under the War Measure Act, c. 206, time was running out.

The circumstances were slightly different than during the war because the government now had ten thousand signed applications for repatriation to Japan, which is to say, ten thousand pieces of standardized *prima facie* evidence for use by a Commission. In addition, Labour Department files were bulging with notations about work camp agitators, Nisei delinquents protesting mass evacuation and other acts of non-coöperation with lawful authority during wartime. Deportation orders could possibly have been made out against some under the Immigration Act, c. 93. But could those deported under the Immigration Act, c. 93, receive the assistance grant promised by the government or take with them the net proceeds of their property? While the exact amount that the indigent transportees would be given was never officially put into writing, evacuees had, nevertheless, been made promises through their Project Supervisors. The Immigration Act, c. 93, also contained provisions for appeal proceedings. Could Boards of Inquiries be set up to hear appeals in such numbers? The problems, then, would be similar to those of setting up a Commission. The inability to de-nationalize a Canadian born citizen was just as relevant in 1945 as in 1941.

None of the basic policy difficulties --about numbers and where these people should go-- faced during the war had been solved. And now, new

ones had been added: the assistance grant, the poster guaranteeing free passage and the net proceeds of whatever property remained unliquidated. As Gordon Robertson had discussed with John Read, only an Order in Council would give the policymakers the flexibility to incorporate all the aspects of the programme: the financial and property guarantees and punishment meted out as deportation. Executive legislation had the advantage of no Parliamentary scrutiny and the removal of the appeal proceedings contained in the Immigration Act, c. 93.

The bureaucrats had no choice but to retrace their steps to August 1944 and the Prime Minister's only statement on the subject. In drafting the Order in Council to authorize the transportation programme (P.C. 7355, December 15, 1945) the legal sub-committee consisting of representatives from the Departments of Justice, Labour, External Affairs and the Secretary of State returned to the two aspect plan proposed by the Prime Minister: deportation and facilitated transportation. Sections (1) to (5) of P.C. Order 7355 (December 15, 1945) outlined the permissive deportation provisions. These included Japanese Nationals who had been interned or Japanese Nationals, Canadian born and Naturalized Japanese who had made requests for repatriation. Section (6) was the crucial part of the Order: "Any person for whom an order for deportation is made or who, having made a request for repatriation, is proceeding to Japan without the issue of such an order [for deportation], shall be entitled, in so far as the circumstances at the time permit [to receive the financial guarantees specified in the Order]" Emphasis added. There would be those who *might* be deported by a Ministerial Order and those who were

receiving financial guarantees to help them go to Japan. Order in Council P.C. 7355 (December 15, 1945) was simply a legal rendering of the 'duplex' approach: deportation for disloyalty or facilitated transportation with the Québec Memo's financial guarantees.

The memoranda and notes associated with the crafting of the transportation programme seemed generally to be forged in the heat of pushing a policy to an extreme. The final few weeks before P.C. Order 7355 made its public début were no exception. Because the provisions for deportation were so wide in scope, P.C. Order 7355 needed the soon-to-expire War Measures Act, c. 206, as enabling legislation. On October 27, 1945, the Department of Labour submitted a draft of P.C. Order 7355 to External Affairs. The draft was Labour's last effort to pursue to the maximum policy already agreed upon. The problem in the fall of 1945 was not simply to reduce the numbers of Canadian Japanese, but to remove them from the country with the greatest possible speed. During the April 15th inter-departmental meeting, at which the abbreviated version of the March Memo had been discussed, all decisions of the Commission were to be final because an "appeal would only delay matters."

Labour's draft of P.C. Order 7355 included a Section which dispensed with the right of appeal: "No court or judge or officer thereof shall have jurisdiction to review, quash, restrain, or otherwise interfere with any proceeding, decision or order had, made, or given under the provisions of this Order." When John Read examined the draft and, in particular, Section (12), he wrote to the Acting Under-Secretary: "I think we should strongly

urge the striking out of Section (12). Under this Section, if the Deputy Minister of Labour made an Order for the deportation of Mr. Mackenzie King, upon the grounds that he was the wife or minor child of a particular person liable to deportation, and that he was of Japanese race, no court or judge or officer thereof would have jurisdiction to review, quash, restrain or otherwise interfere with the proceeding."¹⁹

Gordon Robertson made a similar assessment of Section (12): "There can surely have been no more bureaucratic section to any order drafted during this war than this section. In effect, by Order in Council, the Government would suspend all normal legal remedies and the jurisdiction of all courts and judicial officers with relation to any matter coming under this order."²⁰

The next version of the draft inserted the same provisions aimed against appeal in a new Section (9). The Chairman of the legal drafting sub-committee, P.M. Anderson from the Department of Justice, drew attention to Section (9) in a note to the Secretary the Special Cabinet Committee (Repatriation and Relocation): "It was considered that this provision might be necessary to prevent undue delay in carrying out the intention of the Order."²¹ Anderson's comment sent the Legal Advisor into action. He wrote the Acting Under-Secretary: "Section 9 involves a partial repeal of the Habeus Corpus Acts and also the Magna Carta. . . . The covering letter of the Chairman calls attention to the Section and points out that it was necessary to prevent undue delay in carrying out the intention of the Order. I am not prepared to question the view that the maintenance of the rights of a Canadian citizen under the provisions of the

Magna Carta and of the Liberty of the Subject Acts would involve some delay, but I do not think that it would be undue delay. This, however, is a question of policy, upon which I cannot do more than draw it to your attention."²² Section (9) in the final version was less harsh. The original intention, however, was still implicit. Once again, the drive to remove large numbers of persons from the country in a short period of time exerted unimaginable pressure on civil servants to cut corners, to take short cuts with the law --even to the extent of tampering with the Magna Carta.

The two companion orders which were approved on the same date rounded out the proposal put forward by the Prime Minister in August 1944. Order in Council P.C. 7356 provided for the revocation of naturalization certificates of the Naturalized Canadians "as from the date he leaves Canada in the course of such deportation." Order in Council P.C. 7357 authorized the "Governor General in Council" to convene the long-awaited Commission for an examination of the "activities, loyalty and the extent of co-operation with the Government of Canada of Japanese Nationals and Naturalized Canadians."

There were two separate appeals concerning these three Orders: The first, a Reference to the Supreme Court of Canada; the second, one of the last appeals to the Judicial Committee of the Privy Council in London. The Reference was a unanimous *intra vires* decision with respect to deporting the Japanese Nationals and the Naturalized, but a split *ultra vires* decision regarding the deportation of their dependent wives and children.

It was announced on February 20, 1946.

While the Supreme Court of Canada Reference has been well-documented in published sources, there is one small footnote to this case. The Justices would surely have not known about the "reducing of numbers policy" being so unwaveringly pursued by those on the Hill. Yet the politicians discretely let the Supreme Court Justices know that a pressing political timetable was on the line. Supreme Court of Canada documents indicate that along with its factum, the government also filed copies of two secret cyphers. The first was addressed to the Canadian Ambassador in Washington and explained the situation the government faced while the transportees remained in Canada: "It is difficult to proceed with redistribution and relaxation of control over Japanese remaining in Canada until repatriates and deportees are removed." The second was the telegramme from Washington with General MacArthur's reply that repatriates and deportees could be sent to Japan.²³ The opinions of the Justices reflected a strict jurisdictional interpretation of emergency law.

The London Appeal Court decision of December 2, 1946 was unanimous in support of the government's authority to deport all categories. By the 24th of December 1946, however, the last of the 3,964 transportees had already sailed for Japan, under the authority of P.C. Order 7355 (transportation provision) and P.C. Order 7356 (revocation of naturalization certificates).

Notes For Pages 108-122

¹During wartime, by P.C. Order 10773, November 26, 1942 transportation to an enemy nation entailed loss of status.

²On June 10, 1947, H.T. Pammett underscored this point of no re-entry for the transportees when he scribbled a message to J.F. MacKinnon, the new Commissioner of Japanese Placement: "We are getting some criticism of our 'Free tourist trips' to Japan for these people who may be able to come back." R6 36 (27) Vol. 16, File 629 "Marine Adder."

³Report on the Re-establishment of Japanese in Canada, 1944-46, Department of Labour, January 1947, p. 16: "In 1944 only about 600 moved east of the Rockies."

⁴EAR, 104 (s)-1, October 23, 1944, A. MacNamara to N. Robertson.

⁵R6 2, 16, Volume 2, February 2, 1945, pp. 2-3; EAR, 104 (s)-2, February 2, 1945. The actual Cabinet Conclusion for February 2, 1945 is a substantially abbreviated version of the December 15, 1944 Policy Memorandum submitted by Labour to Council. There is no mention of obtaining voluntary applications for repatriation in the Cabinet Conclusion. So terse is the text, in fact, that if other copies of the original policy memorandum were not available—for example, EAR 104 (s)-2, December 15, 1944—it would be almost impossible for someone to discover exactly what Cabinet had approved Humphrey Mitchell and the Department of Labour to go ahead with. The Minutes quote Mitchell as being "anxious to obtain authority to make certain administrative changes in advance of the appointment of the Commission which would deal finally with the segregation of persons in Canada of the Japanese race. It was felt, in the present circumstances, steps could profitably be taken to segregate those who would accept voluntary repatriation to Japan. . . . If these policies were approved the department would be able to proceed at once with administrative action along the lines indicated." The Cabinet gave its approval and the Commission was deferred. [The document found in EAR 104 (s)-2 that is entitled: "Approved by Cabinet February 2, 1945" is a verbatim copy of Labour's original Memorandum submission dated December 15, 1944.]

The "administrative changes" referred to in the Minutes presumably included the

obtaining of voluntary applications. Nowhere does it appear in the Minutes that the Minister of Labour had been given authority to obtain applications. He had been granted the authority to segregate evacuees once they had made an application for repatriation.

⁶EAR, 104 (s)-2, February 2, 1945, Approved by the Cabinet.

⁷R6 2, 16, Volume 2, February 2, 1945, pp. 2-3.

⁸EAR, 104 (s)-1 N. Robertson to The Canadian Ambassador to the U.S., February 12, 1945.

⁹Wording taken from the original posters in the private papers of R.L.G.

Nishiguchi.

¹⁰EAR, 104 (s)-2, February 21, 1945, 6. Robertson to the Prime Minister.

¹¹R6 18 Volume 3566, File C315-36-3 Volume 2, February 27, 1945, A.

MacNamara to T.B. Pickersgill; February 22, 1945, T.B. Pickersgill to A.

MacNamara.

¹²R6 36 (27) Volume 7, File 163, "Minutes of Staff Conference Held at 360 Homer St., March 6 and 7, 1945" signed M.L. Brown, Office Manager, March 20, 1945.

¹³Amy Yamasaki interview, March 25, 1987. Yamasaki is a fluently bilingual *Nisei* who was in her mid-thirties during the war period.

¹⁴R6 2, (A1a) Order in Council P.C. 7355 (December 15, 1945), Section (7X1Xa) and (b) in post-war Japan, because of the fixed rate of exchange and crippling inflation, the grants were decreased in worth by an estimated fifty and seventy-five percent. R6 24, Volume 8019, File TOK-1-10, Lt. Col. Oscar Orr, July 4, 1946. I am indebted to Dr. John Schultz for this citation.

¹⁵Report on the Re-Establishment of Japanese in Canada, 1944-46, Department of Labour, January 1947 p. 12.

¹⁶EAR, 104 (s)-2, October 29, 1945, H. Wrong to Baldwin.

¹⁷R6 2 Volume 84, File J-25-1, Special Cabinet Committee, September 12, 1945. The Cabinet approved the recommendations of the Special Cabinet Committee on

September 19, 1945 and agreed that action be taken accordingly. EAR 104 (s)-2.

September 19, 1945, Note for File, Norman Robertson.

¹⁸MG 31 (E87), Volume 1, File 1-11, Japanese in Canada (4/6), G. Robertson to J.E. Read, October 12, 1945.

¹⁹EAR, 104 (s)-2, November 1, 1945, J.Read to Acting Deputy.

²⁰EAR, 104 (s)-2, October 30, 1945, G. Robertson to J. Read.

²¹EAR, 104 (s)-2, December 4, 1945, P.M. Anderson to B.F. Wood.

²²EAR, 104 (s)-2, December 6, 1945, J. Read to the Deputy.

²³Supreme Court of Canada, Case File No 7240, 1946. Secretary of State for External Affairs to the Canadian Ambassador to the U.S., EX-3366, September 17, 1945; Canadian Ambassador to the U.S. to the Secretary of State for External Affairs, WA 5545, October 29, 1945. Both of these telegrammes can be found in EAR, 104 (s)-2.

Conclusion

I began this thesis by exploring the utility of racism and security as explanations for the entire wartime experience of the Canadian Japanese. Recently declassified material and discrepancies in the official record relating to the transportation programme forced me to think about another approach. While the two competing lines of security and racism were useful in focussing my examination of the government's decision for mass evacuation, both lines could advance only a certain part of the transportation story. Indeed, pushing a Line B (racism) analysis to the extreme, policymaking choices became mere reflections of personality and preference rather than part of an overall process for rendering problems into administrative solutions. Furthermore, by the autumn of 1943, employment, and not security, was the main concern of the government. Events had changed. Line A's usefulness waned.

As I put the story together, the documents seemed more and more to point towards a new Line C -- 'reducing the numbers.' Mass evacuation set the stage. The displaced communities were severed from their financial and geographical roots on the West Coast. The evacuees rushed headlong into an enfilade of changing circumstances with grave and sometimes bitter consequences. Examining evacuee life on the sugar beet farms and on the road camps --especially being able to view their difficulties through government documents-- helped me understand the community's story from a new perspective. Investigating the displaced evacuees also aided my understanding of the deportation discussions, with their specific

references to the internees. I began to ponder how discontent might well have been transformed into disloyalty to meet the aims of a much larger policy.

The Quebec Memo drafted by Norman Robertson and the March and April Memos drafted by his Special Assistant provided the theoretical and legal basis for the transportation programme. Representatives from other departments were, in reality, contributing details to fundamental guide-lines already approved by the Prime Minister. While the Department of Labour continued to deal directly with the evacuees, through the Commissioner of Japanese Placement, the real power to render the programme into law and to control key details (for example, whether the amount of the transportation grant would be published before the survey) rested with External Affairs.

The Department of Labour had been caught in a vice --under crushing pressure to get on with relocating the evacuees east of the Rockies, or back to the Far East, but with absolutely no authority to make the concrete assurances necessary to get the job done. Competing spheres of influence between the Departments of External Affairs and Labour as well as the delicate relationship between British Columbia and Ottawa produced sober consequences for the evacuees during 1945 --especially during the Survey. Crucial for the evacuees during the Survey was the fact that External Affairs depended upon Labour to communicate all official information to the evacuees, but could not control exactly what was conveyed or the manner in which it was done.

This thesis ends where it began, with the Prime Minister's Press Release of January 1947. The draft of the release is longer than its published version. In the draft, the Prime Minister states that "[H]e was particularly pleased that it had been possible to carry the policy through without the necessity of any deportations."¹ This sentence does not appear in the released notice.² According to the draft, there had been no deportations. This confirms what Andrew Brewin K.C., the legal counsel who represented the Canadian Japanese in the two appeal cases mentioned earlier, had maintained in June of 1951: "At the time that the constitutionality of these orders was in issue before the Judicial Committee, counsel representing the Attorney General for Canada [Aimé Geoffrion] made the statement in reply to an express question from Viscount Simon, who was presiding, that no orders for deportation had been made pursuant to P.C. 7355." Furthermore, it was Brewin's understanding that "no Orders were subsequently made."³ The draft release statement that the "3,964" were not deported is also underlined by the Immigration Branch Report for the fiscal year 1947 which shows a total of only 334 persons listed as being officially 'deported.'⁴

King's August 1944 address laid out, I have argued, a 'duplex' policy: deportation for disloyalty and facilitated transportation. If no deportation orders were ever made out against 'the 3,964,' then all of the transportees --including the aliens with domicile-- retained their right of return. In that speech, the public first learned about deportation for the disloyal and facilitated transportation for those evacuees who wished to leave. King had said: "There may also be some persons who will voluntarily indicate a

desire to go to Japan. . . . Whatever their national status . . . they would be allowed and encouraged to go as soon as they can.⁵ There was no direct public statement from the Prime Minister that application to go to Japan was a deportable offence (with concomitant loss of re-entry), but, in typical King fashion, nothing was specifically stated to say that it was not. The Prime Minister spoke at length about 'disloyalty' --in fact, he used it or the word 'disloyal' eleven times in thirteen paragraphs-- but, apart from mentioning internment, he gave no other indication of what specific actions constituted disloyalty.

Four months earlier, however, the Cabinet War Committee had already agreed that the "underlying assumption" for the policy of segregation was to achieve a "reduction in the Japanese population of Canada" by removing the disloyal. We also know from that same War Committee meeting that anyone of the Japanese race who sought to go to Japan during the war was liable for automatic segregation. Therefore, seeking to go to Japan had already been established as an act of disloyalty. Those judged disloyal were to be segregated. And segregation was to be punishable by deportation.

Furthermore, we have seen that it was the authority to define an offence punishable by deportation which allowed the officials some control over the flow of evacuees leaving the country. In the Québec Memo, the offense was internment or seeking the protection of the Protecting Power. By the spring of 1944, in the March Memo, the offence had expanded to include seeking to go to Japan, failing to abide by the laws of Canada or

even persuading someone not to coöperate with Canadian authorities. Creating this new 'offence' of segregation had placed before officials a flexible means to carry out the established government policy of reducing the population of post-war evacuees by removing the disloyal. As long as the bureaucrats could define the offense in terms of disloyalty, the potential for substantially reducing the numbers was higher than if they had to rely solely upon ordinary statutory means and definitions.

We also know that in the summer of 1943 there were not many evacuees interested in going to Japan. During the spring of 1945, had the evacuees not been circularized, very few would have been disposed to leave Canada. If reducing the Canadian Japanese community by removing the disloyal were the goal --as expressed in the recommendations approved by the War Committee on April 19, 1944-- then, it became necessary to identify quite substantial numbers of the 'disloyal.' By December 1945, a signature on a survey application had become the practical means to segregate for removal. (The Department of Labour had once suggested Japanese National status be used as a means to segregate -- partly because, using R.C.M.P. registration records, Japanese aliens were easily identifiable.)

But the Québec Memo notion of facilitated transportation --as part of the government's duplex approach to reduction -- was still it seems very much alive and well when King faced the House on December 17, 1945 to announce and explain the three transportation Orders in Council P.C. 7355, 7356 and 7357. While describing P.C. Order 7356 and its provisions for

the removal of British Subject status of Naturalized Canadians, the Prime Minister explained that this would affect "any naturalized persons who now leave Canada for residence in Japan, or are deported. [Emphasis added]"⁶ It would appear that the Prime Minister was under the impression that there were two streams of evacuees leaving Canada: transportees and deportees. The text of Order P.C. 7356 indicates that of these two streams of evacuees, only those naturalized persons who were *deported* lost their citizenship. Therefore, any naturalized person transported to Japan in 1946 should have retained his or her right of re-entry.

This particular point would be critical when some of the transportees would attempt to return to Canada in the 1950's and 1960's. They were barred from re-entering the country by the Immigration Branch of the Department of Mines and Resources. The reason was this. In January 1947, five years after Immigration Director Blair had first contacted him about the Naturalized Canadians who had left on the *Hikawa Maru* in November of 1941, Under-Secretary of State E.H. Coleman himself requested a legal interpretation of the movement of 'the 3964' from the Department of Justice-- in particular, with respect to the Naturalized Canadians. On April 27, 1947, a ruling came down from the Deputy Minister, F.P. Varcoe: "I am of the opinion that a person of Japanese race [a Naturalized Canadian] removed or sent from Canada to Japan pursuant to the arrangements made [under P.C. Order 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 used in P.C. 7355."⁷ We also know from documents produced by the Cabinet Committee on Japanese

Questions that a list of those Naturalized Canadians who left on the transportation programme was compiled in order to bar their return.⁸

Varcoe's ruling in 1947 highlights how deeply the April 1944 Cabinet War Committee decision had penetrated government thinking. If the aim in 1944 had been to reduce the numbers by removing the disloyal, then those who left on the programme had to be classified as disloyal in order for the government to, in Director Blair's words, "close the door against their possible return." The 1946 transportation programme was the ultimate trip with a trap.

An examination of the origins of the programme and its bureaucratic development from the Québec Memo clarifies our understanding about the actual meaning of P.C. Order 7355. It was not simply the deportation Order as it has been dubbed. In reality, it was an omnibus two-aspect Order providing for deportation at the discretion of the Minister of Labour in addition to facilitated transportation. King repealed the deportation provisions in 1947; the transportation provisions remained in force until 1948.

The new 'reducing' line proposed in this thesis brings us once again to 'the numbers.' Chapter Fourteen in The Report of the Deputy Minister of Labour (1947) begins: "During the year ending March 31, 1947, the number of persons of Japanese origin in Canada decreased from 24,177 to 20,645."⁹ On October 1, 1947, the official transportation programme ended by Cabinet Directive.¹⁰ Altogether, the scheme had lasted just under 22

months and had cost the taxpayers \$1,131,733.00.¹¹

We return for the last time to the January 24, 1947 press notice. What the Prime Minister actually stated in the published version of the release was this : "Nearly 4,000 persons of Japanese origin have now left Canada and returned to Japan. Among these were many Japanese whose deportation would have been necessary had they not been prepared to go voluntarily."¹² King was certainly telling the truth. Necessary it seems, because bureaucrats and politicians had so deeply committed themselves to a policy that the policy's own relentless logic kept them struggling to find new ways to achieve its aims. And necessary, perhaps, because King instinctively knew that sacrificing a few thousand Japanese might just go the distance in assuring Canadians that a long apprehended danger was much diminished.

Notes for Pages 126-135

¹RG 2 (18) Volume 84 J-25-1 Japanese in Canada (1947-49) White Folder Label.

²MG 26 (J-13) T-238, January 24, 1947. King himself spent a good part of the morning of January 24th working on the final version of the release. We know he read the draft aloud during a Cabinet meeting the day before. Had a recommendation from a colleague prompted him to delete the sentence?

³R. Kawamoto Private Papers, June 26, 1951, F.A. Brewin to George Tanaka.

⁴These included illegal aliens and aliens who had completed criminal sentences (total: 318). The remaining sixteen were public charges and those convicted under the Opium and Narcotics Act. Immigration Branch Annual Report 1947, p. 242.

⁵HCD, August 4, 1944, p. 5916.

⁶HCD, December 17, 1945, p. 3696.

⁷RG 26 Volume 1, File 33-3-19, April 27, 1947, F.P. Varcoe to the Under-Secretary of State.

⁸Documents on Canadian External Relations: Volume Thirteen 1947 (Eds. Norman Hillmer and Don Page), External Affairs and International Canada, Ottawa, 1993, p. 276. CCJQ, September 3, 1947.

⁹Deputy Minister's Report, Year Ending March 1947, p. 5.

¹⁰RG 2 (16) Volume 10, October 1, 1947.

¹¹RG 25 Volume 1868, File 263-38, Part IV.

¹²RG 25 AR, Volume 2089, File AR 23-16, p. 2.

Public Archives of Canada Record Group Numbers

RG 2 : Privy Council
RG 13 : Justice
RG 18 : Royal Canadian Mounted Police
RG 22 : Indian Affairs and Northern Development
RG 24 : National Defence
RG 25 : External Affairs
RG 26 : Citizenship and Immigration
RG 27 : Labour
RG 27 (36) : British Columbia Security Commission
RG 76 : Immigration Branch

Public Archives of Canada Manuscript Group Numbers

MG 26 (J4) : Mackenzie King Papers
MG 26 (J13) : Mackenzie King Diary
MG 31 (E87) : Gordon Robertson Papers

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Department of Indian Affairs and Northern Development

Department of Justice

Department of Labour

Department of Labour (British Columbia Security Commission)

Department of Mines and Resources (Immigration Branch)

Department of National Defence

Parliament

Secretary of State

The Royal Canadian Mounted Police

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