

NATIONAL ASSOCIATION OF JAPANESE CANADIANS

(Formerly known as National ICCA)

National Executive Office, Suite 525-890 West Pender Street, Vancouver, B.C. V6C 1J9

PRESENTATION TO THE JOINT COMMITTEE RESPECTING THE CONSTITUTION OF CANADA

LADIES AND GENTLEMEN:

ON BEHALF OF THE NATIONAL ASSOCIATION OF JAPANESE CANADIANS, WE THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU ON SUCH A MOMENTOUS OCCASION.

THE NATIONAL ASSOCIATION OF JAPANESE CANADIANS IS SPEAKING TODAY ON BEHALF OF THE 18 JAPANESE CANADIAN REGIONAL COMMUNITIES. MY FELLOW DELEGATES ARE, MR. ROGER OBATA OF TORONTO, AND DR. HENRY SHIMIZU OF HAMILTON. MY NAME IS GORDON KADOTA, PRESIDENT OF THE ASSOCIATION, AND I AM FROM VANCOUVER.

WE REQUESTED THIS APPEARANCE BECAUSE THE JAPANESE CANADIANS HAVE A UNIQUE EXPERIENCE IN CANADA..... AN EXPERIENCE WHICH, MORE THAN EVER, MUST BE TOLD TO CONTRIBUTE TO THE MAKING OF OUR FUTURE NATION.

OUR HISTORY IN CANADA IS A LEGACY OF RACISM MADE LEGITIMATE BY OUR POLITICAL INSTITUTIONS, AND WE MUST SOMEHOW, ENSURE THAT NO GROUPS OF CANADIANS WILL BE SUBJECTED TO THE WHIMS OF POLITICAL PROCESS, AS WE WERE. WE FEEL THAT THIS CAN ONLY BE DONE BY ENTRENCHING A CHARTER OF RIGHTS IN OUR CONSTITUTION; UNCONDITIONALLY ENTRENCHING, BEYOND THE REACH OF PARLIAMENT AND BEYOND THE REACH OF PROVINCIAL LEGISLATURES.

IN SPEAKING OF THE JAPANESE CANADIAN UPROOTING, THE LATE PRIME MINISTER JOHN DIEFFENBAKER SAID, "ONE FINDS IT DIFFICULT TO FORGET THE WRONGS COMMITTED IN FREEDOM'S NAME, A FEW YEARS AGO." SOME YEARS LATER, MR. LESTER PEARSON REMARKED, "THE ACTION BY THE CANADIAN GOVERNMENT WAS A BLACK MARK AGAINST CANADA'S TRADITIONAL FAIRNESS AND DEVOTION TO THE PRINCIPLES OF HUMAN RIGHTS." PRIME MINISTER TRUDEAU HAS MORE RECENTLY SAID, "THE RECORD OF INTOLERANCE IN PACIFIC CANADA, IN THE DECADES AROUND THE TURN OF THE CENTURY, WAS NOT A PROUD ONE. NO MORE EXEMPLARY WAS THE DECISION TAKEN BY THE FEDERAL GOVERNMENT, IN THE HEAT AND FRIGHT OF WORLD WAR II, TO EVACUATE JAPANESE CANADIANS INLAND FROM COASTAL COMMUNITIES AND TO DEPRIVE SO MANY OF THEIR CIVIL RIGHTS,"

LADIES AND GENTLEMEN, WE COME TO YOU TODAY TO PLEAD FOR AN INVIOLATE ENTRENCHMENT OF THE CHARTER OF RIGHTS.... BECAUSE WE WERE A PEOPLE WHO WERE UNDERMINED, WHO WERE OVERRIDDEN, WHO WERE VICTIMS OF A POLITICAL PROCESS, WHEN SUCH A BASIC AND FUNDAMENTAL THING AS RIGHTS WAS NOT GUARANTEED. AND TODAY, THEY STILL AREN'T.

IT IS IMPORTANT TO KNOW, THAT THE VERY RACISM THAT EXISTS IN OUR SOCIETY TODAY, IS WHAT KEPT US AS SECOND CLASS CITIZENS WITHOUT FRANCHISE, WELL BEFORE THE OUTBREAK OF WORLD WAR II..... AND THAT CANADIANS OF JAPANESE DESCENT COULD NOT BECOME, FOR EXAMPLE, LAWYERS, ARCHITECTS OR TEACHERS, THEY COULD NOT BUY CROWN LAND OR EVEN WORK ON CROWN LAND WITHOUT CERTAIN RESTRICTIONS. IN 1936, THERE WAS A DELEGATION TO OTTAWA REQUESTING, AND BEING DENIED, A FRANCHISE, WHICH SHOULD HAVE BEEN THE BIRTHRIGHT OF THESE CANADIANS. ONE OF THESE VERY DELEGATES, MRS. HIDE SHIMIZU, IS IN THIS CHAMBRE TODAY..... THE JAPANESE CANADIANS SERVED IN THE TWO WORLD WARS; EVEN BOUGHT VICTORY BONDS IN THE INTERNMENT CAMPS, TO PROVE THEIR

LOYALTY TO THIS NATION. THE UPROOTING AND FORCED REMOVAL FROM THE HOMES OF 22,000 MEN, WOMEN AND CHILDREN, RESULTED IN FAMILIES BEING BROKEN BECAUSE THE MEN WERE SENT TO ROAD CAMPS..... LIVING CONDITIONS WERE OVERCROWDED AND DEPLORABLE..... MEDICAL AND EDUCATIONAL FACILITIES WERE INADEQUATE. WE HAVE ALSO IN THE GALLERY, MR. GEORGE IMAI, WHO VIVIDLY REMEMBERS HIS FORMATIVE YEARS IN THE WOODEN HUTS OF TASHME..... MR. SUMIE WATANABE, ONE OF THE FEW SURVIVING FIRST GENERATION ISSEIS, REPRESENTING THAT GENERATION WHICH PERSEVERED WITH LITTLE BUT THEIR DIGNITY..... WE WISH TO TELL YOU THAT THERE ARE NEW CANADIANS AS REPRESENTED BY MR. TATSUO KAGE, WHO ARE NOW WONDERING, "CAN THAT POSSIBLY HAPPEN TO US?..... IN CANADA?"

YOU HAVE HEARD DURING THE PAST TWO WEEKS, FROM CONSTITUTIONAL EXPERTS, AND FROM PEOPLE WHO HAVE DISECTED THE PROPOSED CHARTER OF RIGHTS, SECTION BY SECTION. THERE APPEARS TO BE A GENERAL CONSENSUS BY THESE GROUPS THAT THE RIGHTS MUST BE ENTRENCHED. HOWEVER, UNLESS WE THE JAPANESE CANADIANS CAN RELATE TO YOU. OUR UNIQUE EXPERIENCE, SO THAT YOU MIGHT FEEL SOME PART OF IT, WE WILL NOT HAVE IMPRESSED YOU ENOUGH, OF HOW IMPORTANT OUR PLEA FOR AN INVIOULATE ENTRENCHMENT IS: AND THAT THERE ARE AREAS IN THE CURRENT PROPOSAL, WHICH WE FEEL CAN UNDERMINE THE FUNDAMENTAL PROTECTION.... THE VERY OBJECTIVE OF WHAT THE PROPOSAL SETS OUT TO DO,

AT THIS TIME PLEASE PERMIT ME TO CALL UPON MY COLLEAGUE, MR, ROGER OBATA, , , ,

ROGER OBATA (PRESENTATION)

DR, HENRY SHIMIZ (PRESENTATION)

22,881 men, women and children were uprooted because of the invocation of the War Measures Act in 1942, so there are at least that many stories to tell. I feel very fortunate that I could be here to speak to you of the human experiences, what it means to be deprived of rights that most Canadians take for granted.

Mrs. Hide Shimizu, who is in the audience today, came to Ottawa in 1936 with three other Japanese Canadians to ask that we, Canadian citizens of Japanese ancestry be given the franchise. Unfortunately Parliament did not grant us this fundamental right until 1949. She is here today, forty four years later, to ask that the proposed Charter of Rights be amended and entrenched in the Constitution, so that the experience of our people may not be repeated. Here is her story:

"I was born in Vancouver and was raised in a non-Japanese neighbourhood, as father wanted to have our family become real Canadians. But can you imagine the shock and disappointment of locked doors in practically every line of pursuit for Nisei like me? Our young women were restricted to three types of work - domestic service, sewing, or helping in corner convenience stores run by the Japanese. Even women trained as typists and stenographers could not find employment. University graduates had to be content with menial jobs in logging camps, fishing, farming, etc. I was trained as a teacher, as were many others, but I was the only one fortunate enough to find work as a teacher in Steveston, a completely Japanese community. They hired me, assuming that I could communicate with the children in the Japanese language, but the joke was on them because I could speak English only.

At the time of the evacuation, no arrangements were made for the schooling of the children. I was asked to organize schools in seven camps, and with the assistance of one other teacher and a number of untrained highschool grads who had to serve as teachers, we set up emergency schools; .

In some cases it was fifteen or twenty years after the evacuation before family members were reunited. Many young people were exiled to Japan. There are lingering bitter memories of those, who to today cannot accept the tragic fate of our wartime experiences. These are part of the trauma of this very sad experience.

It's been thirty five years. I am a Christian woman, so I have forgiven, but it's very difficult to forget."

Now, my story is to relate the effect of the Evacuation on me personally. Our family consisted of just my mother and I after my father died in 1937. My mother lived alone in Prince Rupert B.C. while I was living in Toronto. When the Evacuation Order was issued, people in Prince Rupert had twenty four hours to vacate their homes. They were only allowed whatever luggage they could carry. All our personal belongings and furniture were looted prior to the forced sale of our home. I

am sure you would not believe that this could happen in a democratic country like Canada, that the government could confiscate homes and sell them without the owners consent. My home was disposed of in this way, while I was in Canadian uniform, and I received, as did others, only ten cents on the dollar.

I am a Japanese Canadian veteran of World War II. I think my experiences and struggle in trying to enlist in the armed services of Canada is typical of the problems faced by several hundred Japanese Canadian volunteers.

Around 1943-1944 after some period of detention in the concentration camps in the interior of B.C., many evacuees came east to resettle in Toronto. An organization, the Japanese Canadian Committee for Democracy was formed to assist in the resettlement, but it also took a leadership role on such issues as the enlistment of the armed forces by Japanese Canadians.

It may be pertinent to note that during World War I, 202 Japanese Canadians volunteered for service. 59 lost their lives in fierce combat in Europe. But during World War II the Canadian government at first refused to accept Japanese Canadian volunteers.

The majority of our friends said we were crazy to advocate enlistment after the way we had been treated in B.C. Our position was that we could not accept any kind of discrimination, even in the matter of service in the armed forces, for to do so would be to accept the

status of second class citizen, Since the whole evacuation was based on suspected disloyalty, the J.C.C.D. was determined to prove the loyalty of Japanese Canadians, It was the ultimate of turning the other cheek.

At this time the British were looking for interpreters to interrogate prisoners in Southeast Asia and translators to prepare propaganda broadcasts for the enemy as well as translate captured enemy documents, and they came to us. But to serve in British uniform would have defeated the whole purpose - we wanted to prove we were Canadians.

Then the government in Ottawa abruptly reversed its stand and decided to accept Japanese Canadians in the Canadian army. The reason for the sudden reversal of policy was revealed after the thirty year official secrecy period had elapsed. It was first made public by the late Judy LaMarsh who served in the Canadian Army Intelligence Corps, as I did, in Washington.

When informed of the J.C.C.D.'s position, Lord Louis Mountbatten advised Winston Churchill who lost no time in contacting Mackenzie King in Ottawa. So it might be said that we have Sir Winston Churchill to thank for making it possible for us to enlist in the Canadian army.

I hope that what I have related will give some idea of what it meant to be a Japanese Canadian in those days. It was as though we were

living in a different country, and I am sure that what you have heard must sound foreign to you, and not Canadian. But it is factual, and it and it did happen right here in Canada. We lived through the worst kind of racism in B.C. for more than seventy years; Imagine having to pay taxes for seventy years without even the right to vote,

Surely, some guarantee of human and civil rights is mandatory in light of the experience of Japanese Canadians. A Charter of Rights entrenched in the Constitution to prevent what we have gone through, is the least that Canada can do to make amends for what has happened to us, and to ensure that such injustices will never be repeated,

Thank you.

Mr. Chairman, Ladies and Gentlemen:

I too wish to thank you as other members of this delegation have, for the opportunity to appear before you this afternoon.

Although we are strongly committed to the principle of the entrenchment of the Charter of Rights in the Constitution, we have serious reservations with the manner in which Section 1 is presently framed; more specifically, the phrase: "only to such reasonable limits as are generally accepted in a free and democratic society with a Parliamentary system of government." Its broadness and vagueness can be interpreted to give the government the license to invoke the War Measures Act or any future Emergency Powers act on inappropriate and possibly frequent occasions.

It is our view, that rather than limiting the rights of individuals and groups on certain occasions, there should be limits put on the definition of what constitutes an emergency, and this principle should be written into the Constitution.

Also, unless the Constitution guarantees that the Charter of Rights is to supercede all past, present and future legislations, then, ladies and gentlemen, we believe that you are not only condoning the past, but you are preparing the way for history to repeat itself.

To conclude my remarks I should like to illustrate our support for the principle of the entrenchment of the Charter of Rights in the Constitution, in the following manner:

Even the architects of discrimination during the second World War recognized the difficulty of a constitutionally entrenched Bill of Rights to carry out their schemes. When the American and the Canadian governments were conspiring to deport and disperse Americans and Canadians of Japanese extraction, the then Undersecretary of State Stettinous expressed his concern of some impediments to their efforts at deportation, and I quote:

"In view of the good number of Japanese of American nationality serving in our army who we could not in justice deport after they had fought for us, and citizenship differing in certain important respects from those of Canada"

He went on to state these citizenship differences:

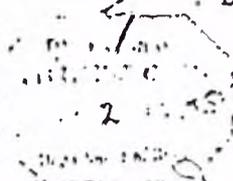
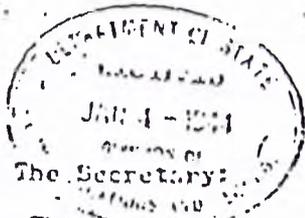
"The Canadians will probably realize that our situation is complicated by our laws relating to citizenship and by the constitutional provision regarding the native-born character of the citizenship of those born here".

DEPARTMENT OF STATE

ASSISTANT SECRETARY

A-1

December 17, 1943



S - The Secretary:

This is more of a question of domestic policy than of foreign policy, though the repatriation phase of it, the foreign citizenship of many of the persons concerned and the similar situation of Canada bring to it a color of foreign affairs.

The Canadian problem is similar to ours but not identical for we have (a) quite a number of these Japanese (of American nationality) serving in our Army whom we could not in justice kick out of the United States after they had fought with us; and (b) laws of citizenship different from those of Canada. However, the Canadian analysis as prepared for the Prime Minister is considered well done.

I have recently gone into this problem in several of its phases. The Department has a responsibility - because of the reciprocal treatment provision in the Geneva Convention - in connection with internment camps, relocation centers and prisoners of war camps in this country where Japanese citizens and American citizens of Japanese race are confined. I have appeared before two committees of the Senate where the subject has been discussed and I say say where an avid interest in the future of the Japanese in the United States has been ~~expressed~~. Legislation will be needed if any large-scale operation is desired - and a large-scale operation to get them out of the United States seems to be the hope of the members of those committees.

The problem has been complicated by our laws relating to citizenship and by the constitutional provision regarding the native born character of the citizenship of those born here. The Attorney General is reported to have said recently to one of the Committees that he had a formula under one of our statutes by which a native-born Japanese or one naturalized could be divested of his American citizenship - thus making him eligible for deportation. However, there has been no official ruling by the Attorney General on this point.

I think the far larger part of official sentiment is to do something so we can get rid of these people when the war is over - obviously we cannot while the war continues.

But sentiment is liable to wane if the authorization measures are not adopted before the war ends.

We have 110,000 of them in confinement here now - and that is a lot of Japs to contend with in postwar days, particularly in the west coast localities where they once lived do not desire their return.

As the problem involves both foreign and domestic policy and as detention, immigration regulations, deportation proceedings, probably authorizing legislation and appropriation of funds to defray costs as well as allocation of tonnage for transport, and as constitutional questions are involved, it seems you may want to suggest to the President that he may want the Attorney General to study the situation and take steps to work it out, keeping you advised as regards those matters which have a bearing abroad.

The letter of Mr. Atherton might be answered to the effect that we are studying the matter here but find it very complicated and that we will let Canada know later what we propose to do.

B. L.

[Rec'd Long, an aide to Secretary of State Bull]

Attached - detailed report from Mr. Potts

LADIES AND GENTLEMEN

IF I MAY, I WISH TO TAKE JUST A FEW MORE MINUTES AND QUOTE THE WORDS OF THE HONOURABLE MR. THOMAS BERGER, A NOTED AUTHOR ON THE RIGHTS OF THE MINORITY PEOPLE, AND WHOSE WORDS REFLECT OUR VIEWS.....

"THERE MAY BE COGENT REASONS WHY GREATER POWERS OVER THE ECONOMY MAY IN ONE ERA BE GRANTED TO PARLIAMENT, IN ANOTHER EAR TO THE PROVINCES. BUT THERE CANNOT BE ANY JUSTIFICATION FOR TRADING JURISDICTION OVER MINORITY RIGHTS BACK AND FORTH ACCORDING TO THE TEMPER OF THE TIMES. MINORITY RIGHTS, TOGETHER WITH THE FUNDAMENTAL FREEDOMS WHICH OFFER THE MEANS FOR ASSERTING THOSE RIGHTS, SHOULD BE ENTRENCHED IN THE CONSTITUTION, BEYOND THE REACH OF PARLIAMENT, BEYOND THE REACH OF PROVINCIAL AUTHORITY. THIS SHOULD BE FUNDAMENTAL TO CANADIAN FEDERALISM."

MEMBERS OF THE JOINT COMMITTEE, WE, THE NATIONAL ASSOCIATION OF JAPANESE-CANADIANS URGE YOUR RECOMMENDATION TO THE GOVERNMENT OF CANADA, TO INCLUDE IN THE CONSTITUTION, A JUST AND UNCONDITIONAL CHARTER OF HUMAN RIGHTS WHICH WILL INSURE THAT THE FUNDAMENTAL RIGHTS OF A FREE SOCIETY BE THE BIRTHRIGHT OF ALL CANADIANS.

THNAK YOU VERY MUCH.