

# NATIONAL ASSOCIATION OF JAPANESE CANADIANS

(Formerly known as National JCCA)

National Executive Office: Suite 525-890 West Pender Street, Vancouver, B.C. V6C 1J8

## THE JAPANESE CANADIAN POSITION ON THE PROPOSED CHARTER OF RIGHTS

"There may be cogent reasons why greater powers over the economy may in one era be granted to Parliament, in another era 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."

.... The Honourable Mr. Justice Thomas Berger,  
May 17th 1980, in an address to the Conference  
of the National Association of Japanese Canadians.

The historic struggle of the Japanese Canadians to achieve their full rights as Canadian citizens compels them to take the strongest position to ensure the irrevocable entrenchment of a Charter of Human Rights in a Canadian Constitution.

Throughout our early history of settlement on the West Coast of Canada, the weight of the legislative process, enforcing the will of the politically motivated majority upon a visible minority, kept us as second class citizens without franchise. This process culminated in the evacuation of over 22,000 people following the outbreak of World War II, the majority of whom were Canadian citizens by birth: they were uprooted from their homes, forced into internment camps and eventually compelled to either relocate east of the Rockies or face deportation to Japan.

Had there been an unconditional guarantee of rights in our constitution in 1941, the entire episode of the evacuation, which has been described by Lester B. Pearson, as a 'Black Mark' upon Canadian history, and for which Prime Minister Trudeau has expressed regrets, may not have happened.



On the current proposal to entrench the Charter of Rights into the Constitution, the National Association of Japanese Canadians can endorse only the intent to entrench but not the proposal in its entirety. Specifically, we point out that although a number of the crucial clauses do cover the protection of rights, the following phrases permit Parliament to override these clauses:

- . "...reasonable limits as are generally accepted in a parliamentary system of government." (Article 1)
- . "...except in accordance with the principles of fundamental justice." (Article 7)
- . "...except on grounds, and in accordance with procedures, established by law." (Articles 8 & 9)

The above instances provide Parliament with the power to override these very rights by such means as the War Measures Act. The proposal as it stands, does not prevent a repetition of the injustices suffered by the Japanese Canadians. We also wish to add that the aboriginal rights of Canada's native peoples should be reflected in the Constitution. The proposed Charter and Constitutional Reform must be amended to correct these deficiencies.

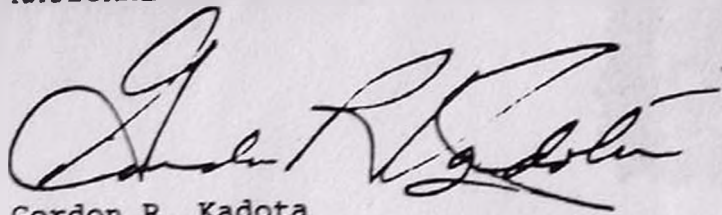
It is our position that all Canadians, whether in British Columbia or Newfoundland, must be guaranteed the same freedoms and rights; and be assured that any possible infringement of such freedoms and rights be adjudicated by the most objective and impartial arbiter, the Judiciary, rather than Parliament or the Provincial Legislatures in which the political powers can determine the outcome. To do otherwise could result, at best, in the absurd and unjust situation of different rights for different groups in different parts of one nation; and at worst, could leave certain groups of Canadians open to the type of discrimination which the Japanese Canadians suffered in the past.

We strongly feel that if indeed Canada is to be a just and democratic society, these rights must be fundamental and sacrosanct and cannot be items of barter, by either federal or provincial governments.

Therefore, we, the National Association of Japanese Canadians, urge the Government of Canada to patriate the Constitution and to include within it 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.

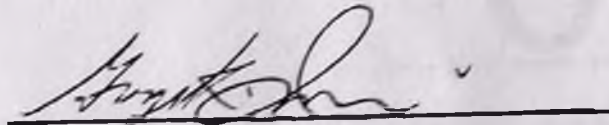
November 25, 1980

NATIONAL ASSOCIATION OF JAPANESE CANADIANS



Gordon R. Kadota

President



George Inai  
National Executive Committee





# NOTICE

## TO ALL PERSONS OF JAPANESE RACIAL ORIGIN

Having reference to the Protected Area of British Columbia as described in an Extra of the Canada Gazette, No. 174 dated Ottawa, Monday, February 2, 1942:-

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1. EVERY PERSON OF THE JAPANESE RACE, WHILE WITHIN THE PROTECTED AREA AFORESAID, SHALL HEREAFTER BE AT HIS USUAL PLACE OF RESIDENCE EACH DAY BEFORE SUNSET AND SHALL REMAIN THEREIN UNTIL SUNRISE ON THE FOLLOWING DAY, AND NO SUCH PERSON SHALL GO OUT OF HIS USUAL PLACE OF RESIDENCE AFORESAID UPON THE STREETS OR OTHERWISE DURING THE HOURS BETWEEN SUNSET AND SUNRISE;
2. NO PERSON OF THE JAPANESE RACE SHALL HAVE IN HIS POSSESSION OR USE IN SUCH PROTECTED AREA ANY MOTOR VEHICLE, CAMERA, RADIO TRANSMITTER, RADIO RECEIVING SET, FIREARM, AMMUNITION OR EXPLOSIVE;
3. IT SHALL BE THE DUTY OF EVERY PERSON OF THE JAPANESE RACE HAVING IN HIS POSSESSION OR UPON HIS PREMISES ANY ARTICLE MENTIONED IN THE NEXT PRECEDING PARAGRAPH, FORTHWITH TO CAUSE SUCH ARTICLE TO BE DELIVERED UP TO ANY JUSTICE OF THE PEACE RESIDING IN OR NEAR THE LOCALITY WHERE ANY SUCH ARTICLE IS HAD IN POSSESSION, OR TO AN OFFICER OR CONSTABLE OF THE POLICE FORCE OF THE PROVINCE OR CITY IN OR NEAR SUCH LOCALITY OR TO AN OFFICER OR CONSTABLE OF THE ROYAL CANADIAN MOUNTED POLICE.
4. ANY JUSTICE OF THE PEACE OR OFFICER OR CONSTABLE RECEIVING ANY ARTICLE MENTIONED IN PARAGRAPH 2 OF THIS ORDER SHALL GIVE TO THE PERSON DELIVERING THE SAME A RECEIPT THEREFOR AND SHALL REPORT THE FACT TO THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE, AND SHALL RETAIN OR OTHERWISE DISPOSE OF ANY SUCH ARTICLE AS DIRECTED BY THE SAID COMMISSIONER.
5. ANY PEACE OFFICER OR ANY OFFICER OR CONSTABLE OF THE ROYAL CANADIAN MOUNTED POLICE HAVING POWER TO ACT AS SUCH PEACE OFFICER OR OFFICER OR CONSTABLE IN THE SAID PROTECTED AREA, IS AUTHORIZED TO SEARCH WITHOUT WARRANT THE PREMISES OR ANY PLACE OCCUPIED OR BELIEVED TO BE OCCUPIED BY ANY PERSON OF THE JAPANESE RACE REASONABLY SUSPECTED OF HAVING IN HIS POSSESSION OR UPON HIS PREMISES ANY ARTICLE MENTIONED IN PARAGRAPH 2 OF THIS ORDER, AND TO SEIZE ANY SUCH ARTICLE FOUND ON SUCH PREMISES;
6. EVERY PERSON OF THE JAPANESE RACE SHALL LEAVE THE PROTECTED AREA AFORESAID FORTHWITH;
7. NO PERSON OF THE JAPANESE RACE SHALL ENTER SUCH PROTECTED AREA EXCEPT UNDER PERMIT ISSUED BY THE ROYAL CANADIAN MOUNTED POLICE;
8. IN THIS ORDER, "PERSONS OF THE JAPANESE RACE" MEANS, AS WELL AS ANY PERSON WHOLLY OF THE JAPANESE RACE, A PERSON NOT WHOLLY OF THE JAPANESE RACE IF HIS FATHER OR MOTHER IS OF THE JAPANESE RACE AND IF THE COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE BY NOTICE IN WRITING HAS REQUIRED OR REQUIRES HIM TO REGISTER PURSUANT TO ORDER-IN-COUNCIL P.C. 9760 OF DECEMBER 16th, 1941.

DATED AT OTTAWA THIS 26th DAY OF FEBRUARY, 1942.

*Louis S. St. Laurent,*  
*Minister of Justice*

To be posted in a Conspicuous Place



NATIONAL ASSOCIATION OF JAPANESE CANADIANS

NEWS RELEASE

WEDNESDAY, NOVEMBER 19, 1980

FOR IMMEDIATE RELEASE

THE JAPANESE CANADIAN POSITION ON THE PROPOSED CHARTER OF RIGHTS

**TORONTO-** The proposed Constitutional Charter of Rights does not prevent a repetition of the injustices suffered by Japanese Canadians. The proposal allows for Parliament to override the Constitution by such means as the War Measures Act.

The National Association of Japanese Canadians, on behalf of Japanese Canadian organizations and individuals across the country, is calling for an unconditional guarantee of rights to be entrenched in the Canadian Constitution. On November 26, 4:30 pm, the N.A.J.C. will address their concerns to the Joint Parliamentary Committee on the Proposed Constitution.

Japanese Canadians know from personal experience what it means to be denied basic human rights. Through the will of the politically motivated majority upon a visible minority, Japanese Canadians, including Canadian war veterans, were denied the vote, and as a group did not receive the franchise until 1949. 22,000 Japanese Canadian men, women and children were uprooted from their homes, forced into internment camps, compelled to relocate east of the Rockies or face "deportation" to Japan, without trial or compensation. Their properties were confiscated by the government, which returned an average less than 10% of the value to the owners.

Emergency controls were not lifted until four years after the end of World

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War II. No evidence has been found in the thirty five years since the war to justify such extreme measures. Not a single Japanese Canadian has been charged or found guilty of treason or conspiracy against the nation.

Seeking to ensure that civil rights be fundamental and sacrosanct, and in order that no other groups of Canadians be open to the type of discrimination which Japanese Canadians have suffered in the past, the N.A.J.C. brief calls for the enshrinement of rights and fundamental freedoms in the Constitution, above and beyond the reach of Parliament and Provincial Legislatures.

The brief adds that the aboriginal rights of Canada's native peoples should be reflected in the Constitution.

FOR MORE INFORMATION PLEASE CONTACT:

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