

# Orders-in-Council Threaten Your Citizenship!

- The joint opposition of an alert public and Parliament compelled the Government to re-draft Bill 15 and drop the infamous Clause "g."
- Despite this, the Government, flouting public and Parliament, resorted to Orders-in-Council to carry out its previous plan.

● The legality of the Orders-in-Council is being tested in the Supreme Court, and that is therefore not open to public discussion at present. But the principle underlying these Orders and the public policies based upon them demand your attention now.

● Clause "g" of Bill 15 threatened the liberty of every Canadian citizen, but its immediate purpose was to make legally possible the revocation of citizenship and the deportation of Canadian citizens of Japanese origin. When the clause was rejected by public and Parliament, the Government passed Orders-in-Council authorizing the very action which Parliament had refused to sanction.

● ***SUCH EFFRONTERY IS AN INSULT TO PARLIAMENT AND TO THE PEOPLE OF CANADA.***

# Order-in-Council re Deportation of Japanese

P.C. 7355

## The preamble to this Order provokes comment.

It begins:

"Whereas during the course of the war with Japan certain Japanese nationals *manifested their sympathy with or support of Japan* by making requests for repatriation to Japan and otherwise;

"And whereas other persons of the Japanese race have requested or may request that they be sent to Japan;

"And whereas it is deemed desirable that provisions be made to deport the classes of persons referred to above;

"And whereas it is considered necessary *by reason of the war*, for the security, defence, peace, order and welfare of Canada, that provision be made accordingly. . . ."

**Following the preamble, are the operative terms of the Order. It lists those categories of persons who can be sent to Japan:**

(1) Every person 16 years of age or over, other than a Canadian national, who is a national of Japan resident in Canada and who, since December 8, 1941, has made a request for repatriation or who has been interned for any reason since the beginning of the war with Japan.

(2) Every naturalized Japanese, 16 years or over, living in Canada who has requested repatriation: *provided that he has not revoked his request in writing prior to midnight of September 1, 1945.*

(3) Every Canadian-born person of Japanese origin, 16 years or over who has requested "repatriation": provided that he has not revoked in writing such request *prior to the making by the Minister of an order for deportation.*

(4) "The wife and children under 16 years of age of any person for whom the Minister makes an order for deportation to Japan may be included in such order and deported with such person."

The remainder of the Order sets out in considerable detail the powers and duties of the Minister of Labor, in carrying out the deportations. In contrast one recalls Prime Minister King's speech in the House of Commons on August 4, 1944, and particularly this sentence:

**"We must not permit in Canada the hateful doctrine of racialism which is the basis of the Nazi system everywhere."**

These three Orders-in-Council are based solely on racial considerations.

Why were the "repatriation" forms signed? From a number of statutory declarations is selected a typical one which reads:

"Tashme, B.C.,

November 14, 1945.

"I, Kameo Kumano, do hereby submit the following statement: I was willing to go east but my wife is confined in the New Denver Sanatorium and at that time I was told to go east and work on a farm. I have three small children with no one to look after them. I refused to sign at first but Placement Officer Mr. E. F. Roberts threatened to cut me off the Department of Labor, Japanese Division, Payroll and also refused to give me maintenance. With no other alternative I had to sign for repatriation.

"This statement is given voluntarily and is true to the best of my knowledge and belief.

(Signed) "K. Kumano:"

This Order and the other two which follow were dated "December 15, 1945"—more than four months after VJ-Day. The War Measures Act itself expired on December 31, 1945.

Hundreds of persons of various other nationalities have been interned in Canada during the war. None, as far as we know, have been deported because of being interned, nor has the government proposed to deport them.

Speaking in Parliament on December 17, 1945, the day the three Orders were tabled, Prime Minister King said:

"The circumstances of war and the peculiar character of the present problem require more expeditious and broader action than the present statutes allow. (Naturalization and Immigration Acts). But the Orders that have been passed to permit effective action raise no new principles, nor do they depart from any established principles."

Under what Canadian statute or established principle of law can the government deport to a foreign country the wife and Canadian-born children of a person, for no other reason than that they are his wife and children?

## Order-in-Council Revoking Naturalization

P.C. 7356

The purpose of this Order is to revoke the citizenship of all persons deported under the previous Order. After a preamble of similar import to that of P.C. 7355, Sec. 1 reads:

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"1. Any person who, being a British subject by naturalization under the Naturalization Act . . . is deported from Canada under the provisions of Order-in-Council P.C. 7355 of 15th December, 1945, shall, as and from the date upon which he leaves Canada in the course of such deportation, cease to be either a British subject or a Canadian national."

It would be difficult to imagine anything more sinister than this Order which permits a person to be stripped of every citizenship right in the country of his birth or legal residence. Rights embodied in the constitution of the United States prevent this being done there, and even those persons deported are not deprived of their American citizenship.

## Orders-in-Council re Commission to Inquire . . .

P.C. 7357

This Order starts out in similar vein to the two others. Part of its preamble reads:

"And whereas experience during the war in the administration of Order-in-Council P.C. 946 of February 5, 1943, providing for the control of persons of Japanese race has indicated the desirability of determining whether the conduct of such Japanese persons in time of war was such as to make the deportation of any of them desirable in the national interest. . . ."

The most suitable comment here is undoubtedly the statement made by Prime Minister King in the House of Commons on August 4, 1944:

"It is a fact that no person of Japanese race born in Canada has been charged with any act of sabotage or disloyalty during the years of war."

Nor has any evidence since been given of the need for such measures.

The Order states that "it is deemed advisable to make provision for the appointment of a Commission to institute the investigation referred to above," and proceeds to set forth its constitution and powers:

"1. A Commission consisting of three persons shall be appointed to make inquiry concerning the activities, loyalty and *the extent of co-operation with the Government* of Canada during the war of Japanese nationals and naturalized persons of Japanese race in Canada in cases where their names are referred to the Commission by the Minister of Labor for investigation with a view to recommending whether in the circumstances of any such case such person should be deported."

The proposed "loyalty tribunal" cast its shadow over the lives of persons of Japanese origin long before it was created, and became part of the pressure that made them sign for "repatriation." A notice sent out in March, 1945, by T. B. Pickersgill, Commissioner of Japanese placement, included this sentence:

"Failure to agree to re-settlement outside of British Columbia by those evacuated Japanese-Canadians not wanting to sign applications for voluntary repatriation to Japan may be regarded later by the proposed loyalty tribunal, when it is established, as evidence of lack of co-operation with the government of Canada."

Speaking in the House of Commons on Nov. 21, 1945, the Minister of Labor said:

"Let me say, with all the emphasis at my command, that no coercion was exercised in the taking of requests for repatriation from persons of the Japanese race."

The relevant question appears to be: What is coercion?

Clause 2 reads, in part:

"... the Commission may, at the request of the Minister of Labor, inquire into the case of any naturalized British subject of the Japanese race who has made a request for repatriation and which request is final under the said Order-in-Council and may make such recommendations with respect to such cases as it deems advisable."

It is significant that only the Minister has the right to institute action to refer cases to the Commission and he is not compelled to do so. Those who are to be deported have no recourse except to work upon the sympathies of the Minister. His own statement, given above, indicates his general attitude.

The foregoing is the gist of the three Orders-in-Council. In the House of Commons, on December 17 last, Prime Minister King referred to the difficulties of settling the Japanese-Canadian question, and summed up his view of the government's new Orders in these words:

"May I say that we have sought to deal with it (this problem) and in doing so we have followed the ancient precept of doing justly but also loving mercy, and the Orders-in-Council which I now table will give expression to that approach."

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# ***The Issues at Stake . . .***

- The declared policy of the Prime Minister and the will of Parliament is set aside by Order-in-Council.
- Sufficient power already exists in the Statutes of Canada to revoke naturalization and deport persons under certain specified conditions.
- This policy would forcibly separate from their Canadian-born families, aliens who have been obedient to Canadian laws.
- If one group of Canadians can be singled out for deportation, is anyone safe?
- By these Orders-in-Council Canada adopts the hateful doctrine of racialism which threatens to destroy civilization.

## ***We Must Act NOW . . .***

- *Write or wire the Prime Minister and your member of Parliament protesting against Order-in-Council legislation; and urge that the civil rights of persons of Japanese origin be restored.*
- *Demand that every person whose name appears on the repatriation forms and who has asked for cancellation of his application for deportation be given opportunity to be heard, with counsel, before the loyalty Commission.*
- *Arrange public or group protest meetings in your district. Ask for speakers from the local Civil Liberties Union or other organizations which have taken up this cause.*
- *Help finance the TEST CASE now before the Supreme Court. Send your contributions to VANCOUVER CONSULTATIVE COUNCIL.*

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This leaflet is issued by the Vancouver Consultative Council. ADDITIONAL COPIES may be obtained from the secretary, 1806 West 14th Avenue, Vancouver; or from the Co-operative Committee on Japanese-Canadians, 126 Eastbourne Avenue, Toronto; or from the Japanese Defence Committee, 504 Talbot Avenue, Winnipeg. Price: 12 copies for 50c; 100 copies for \$4.00.