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THE WAR MEASURES ACT

AND HOW IT PENALIZED 21,000 JAPANESE CANADIANS

THE following is a speech given at the War Measures Act Conference on April 23, 1977, at McMaster University in Hamilton. For more extensive details and a listing of sources, the reader can consult the author's *The Enemy That Never Was: A History of The Japanese Canadians* (McClelland & Stewart, 1976). Ken Adachi is the literary editor of the *Toronto Star* and a former lecturer in English literature at the University of Toronto and the University of Maryland.

First of all, let me congratulate the Hamilton organizers of this conference. I think it is really the only significant project in this entire Centennial Year, which supposedly celebrates the arrival of the first Japanese immigrant to Canada in 1877. I can imagine the Centennial organizers in Toronto, in their middle-aged conservatism, to be quite disturbed about the very concept of a War Measures Conference. They no doubt feel that it is quite unseemly to dig up the injustices of the past and parade them before the public like dirty laundry. That sort of attitude is really part of the syndrome of accommodation and compromise that many Japanese Canadians have adopted, part of the dreadful philosophy that conceives of the evacuation as "a blessing in disguise." And so they plan banal and frivolous events like beauty contests or odori festivals, as if to suggest we are all very good but somewhat exotic Canadians eager to contribute to the national mosaic. Or so the theory goes.

Actually, my only pretense for being here is that I wrote a book which is based, to a large extent, on the federal government's use of the War Measures Act to expel, incarcerate and detain some 21,000 people, simply because they were of the same race as Canada's wartime enemy. By means of

the War Measures Act, the government also confiscated and sold their property — though what ownership of property had to do with "national security" is anyone's guess. And by a rather cunning extension of the Act, called the National Emergency Transitional Powers Act of 1946, the government extended its control over all Japanese Canadians well into peacetime, in fact until April, 1949, almost four years after the end of the war. And in the meantime, Prime Minister Mackenzie King and his Cabinet were empowered to deport or repatriate some 10,000 people — three-quarters of whom were Canadian citizens — to a country most of them had never seen.

More recently, some Canadians were appalled by the federal government's use of emergency powers embedded in the War Measures Act to suspend civil liberties and thus quell an "apprehended insurrection" in Quebec. But unlike that episode, the ramifications of which have been thoroughly discussed in newspapers and in a series of books, the story of the use of the War Measures Act in the case of the Japanese Canadians has, to a large extent, been ignored. Indeed, a whole generation of Canadians has grown up ignorant of what Prime Minister Lester Pearson has called "a black mark" in Canada's history and what our present prime minister has called "one of the great scandals of Canadian history."

Unfortunately, there's no guarantee that a similar cataclysm will not occur again. Canadian law still provides for its repetition; and a loaded weapon is ready for a government that can bring forth a plausible claim of an urgent need — as Pierre Trudeau, despite his qualms about the Japanese Canadian case, has demonstrated.

HOW THE WAR MEASURES ACT SINGLED OUT 21,000 PEOPLE FOR PUNISHMENT

But let me trace a bit of the background insofar as it relates to the War Measures Act and the evacuation.

Japan's dawn attack on Pearl Harbor on December 7, 1941, provided anti-Japanese interests in British Columbia with a savoury propaganda item which far exceeded their most optimistic hopes. The very nature of the attack — its "treacherous" and "sneak" method of execution — seemed to underscore all the principal charges about the resident Japanese and their "character." These charges and insinuations — for example, that they were potential saboteurs — had been carefully nurtured and proselytized on the West Coast for at least 40 years before Japan's entry into the war. During those 40 years, of course, there was a concerted attempt to drive Japanese Canadians out of the major industries, such as mining, fishing, lumbering and farming, in the province. The Japanese were simply too diligent and hardworking for their own good — and, of course, for the good of their competitors.

In 1895 the Japanese were disqualified from the right to vote, the provincial legislation, which was upheld by the Privy Council in 1902, based simply on race. "We are of the opinion that this province must be a white man's country . . . We do not wish to look forward to a day when our descendants will be dominated by Japanese . . . or any other race but our own." So editorialized the *Vancouver Province* in 1907. The phrase "Yellow Peril" came into common usage, depicting the mysterious mass of Japanese as ineluctably crushing the white man out of existence. To the fevered imagination of racists, the Japanese immigrants were soldiers in disguise, planted by the Emperor as the first step to the colonization of Canada.

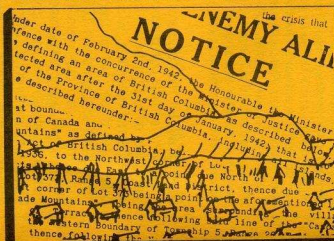
Asiatic Exclusion Leagues were quickly organized, with a bloody riot occurring in September, 1907, in Vancouver and leading to the first restriction of immigration from Japan. In fact, the resident Japanese were in a virtual state of siege throughout most of their lives on the West Coast, harassed as they were by politicians who saw easy votes in an anti-Japanese campaign. One of the most remarkable documents in the history of the Liberal Party in British Columbia is an advertisement inserted in newspapers during the 1935 election campaign: "A vote for the Liberal candidate is a vote against the Oriental . . . Look behind a CCF candidate, and you will see an Oriental leering over his shoulder with an eye on your daughter."

And so it went. So much hysteria had been whipped up that the federal government, shortly before World War II, appointed a special investigating committee to explore the widely disseminated charges of "disloyalty" and "subversive activity." The committee, after holding sessions throughout the province, dismissed these charges and reported that the resident Japanese had "an admirable record as law-abiding and decently behaved citizens." It also concluded that "ill-feelings were kept alive and deliberately inflamed by certain individuals for reasons which can only be ascribed to a desire for personal political advantage."

With the attack on Pearl Harbor, immediate action taken by Ottawa included the arrest

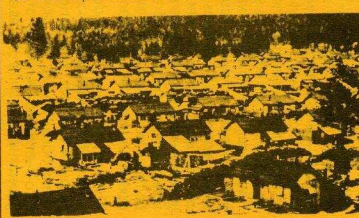
and detention of 38 Japanese allegedly dangerous to national security; the impounding of some 1,200 fishing vessels; the closure of 59 Japanese language schools; the registration of all enemy aliens, an action followed on December 16 by the mandatory registration of all people of Japanese descent, regardless of citizenship — the first indication that their status as Canadian citizens was being eroded in favor of their status as descendants of the Japanese enemy.

Until mass evacuation was announced in February, 1942, hostility to Japanese residents was organized and concentrated as it never had been in preceding decades. A multitude of political, economic and social groups from all sections of society released a stream of propaganda designed to press Ottawa to expel the Japanese from their homes. In the forefront were members of Parliament — Ian Mackenzie, A.W. Neill, Howard Green and Thomas Reid — all of whom spoke darkly of having to protect Canadians from a stab in the back.



Army, Navy and RCMP officials, however, agreed there was no need for mass expulsion. Lieutenant-General Ken Stuart, Chief of General Staff, said: "I cannot see that they constitute the slightest menace to national security." During a meeting in Ottawa in January, 1942, a prominent West Coast politician said privately that "war with Japan was a heaven-sent opportunity to rid the province of the Japanese economic menace forever." He said nothing of national security.

By contrast, none of the 160,000 persons of Japanese ancestry in Hawaii was removed from the island or imprisoned — despite the greater possibility of danger and the fact that all the arguments advanced to justify evacuation in Canada were many times more pertinent to Hawaii. The pressure was irresistible on the mainland, as the well-known political pundit Walter Lipman warned, "since the outbreak of war, there has been no important sabotage on the Pacific Coast . . . This is not, as some have liked to think, a sign that there is nothing to be feared. It is a sign that it is being held back until it can be struck with effect." Canada's politicians — like Howard Green,



who later became Canada's minister for external affairs — took up this theme.

On February 24, 1942, then, Ottawa issued the first of a series of orders-in-council which were to regulate completely the lives of Japanese resident in Canada, regardless of citizenship, on the basis that they were "necessary for the security and defence of Canada." Order-in-council P.C. 1486, for example, empowered the Minister of Justice to remove the Japanese from a 100-mile wide coastal strip, to restrict them in business and employment, to restrict their association or communication with others, and to prohibit possession of such articles as cameras, firearms and radio sets. A three-man Security Commission was set up on March 4 and given absolute power to order evacuation and detention — limited only in that the Minister of Labour had to approve its plans and the Cabinet approve expenditure of more than \$15,000. All property was placed under the control of the Custodian of Enemy Alien Property "as a protective measure only." Dusk-to-dawn curfew was imposed.

The Department of National Defence expropriated Hastings Park in Vancouver and turned it into a "clearing station" or "assembly centre" for some 4,000 people living outside the Vancouver area. The use of the Livestock Building was perhaps symbolic of the entire movement: "We were herded together like a bunch of cattle," one inmate complained. Some 2,000 men were shipped to road camps, another 2,000 went to sugar beet farms on the prairies, and 12,000 were placed in camps in the interior of the province.

The assumption that evacuation was based on "national security" or "military necessity" was never questioned by policy-makers, by administrators, by Mackenzie King's political opponents, by newspaper editors or columnists, by the churches, by civil rights groups, by most Canadians. The fact that a group of people was expelled from a large area of the country, without hearings or trials, and that all rights of citizenship were abrogated excited little comment across Canada. Not one effective voice of protest was raised. It was simply assumed that the Japanese were the most dangerous element in the country; and for a period of several years, this assumption was almost entirely unchallenged, and the rather far-reaching implications arising from the evacuation never evolved into a nation-wide issue.

Authority for evacuation and detention was clear-cut and unassailable. The War Measures Act gave sweeping powers to Cabinet "in the event of war, invasion, or insurrection." To protect the "security, defence, peace, order and welfare" of Canada, the Cabinet could pass regulations imposing censorship, appropriation and disposition of property, arrest, detention and deportation. Whether the Japanese posed a real danger or whether their detention was a reasonable one for the purpose of meeting that danger could not, under the language of the War Measures Act, be challenged in the courts. The Cabinet was the sole judge, and its decisions were not subject to review. Some 21,000 persons were evacuated in a record which, as someone said, would not have supported a conviction for stealing a dog.

Thus, for the war years and beyond, came imprisonment; and for taxpayers, a bill of \$15 million. It's tempting to trace and analyze those years of hardship and loss, of resistance and conflict, of compliance and apathy, of the accretion of indignities and private tragedies. But one salient point:

On August 4, 1944, Mackenzie King rose to his feet in the House of Commons and said: "It is a fact that no person of Japanese race . . . has been charged with any act of sabotage or disloyalty during the years of war."

But with the tide of war running full flood in the Pacific for the Allied forces and with the American government preparing to close its detention camps, Canada had other plans for its Japanese. To put it simply, the Japanese were given two choices in the spring of 1945: to remove themselves "east of the Rockies" or to go to Japan — again, under the War Measures Act and again, as a concession to pressure from politicians who wished to block the return of the Japanese to the West Coast. Mackenzie King's edict was succinct:

"Japanese Canadians who want to remain in Canada should now re-establish themselves east of the Rockies as best evidence of their intention to co-operate with the government policy of dispersal. Failure to accept employment east of the Rockies may be regarded at a later date as lack of co-operation with the Canadian government."

The war, of course, had ended before the policy of dispersal and deportation could be put into effect. The National Emergency Transitional Powers Act, however, extended into peacetime the power of the federal government to control — as an emergency measure — the lives of Japanese Canadians. Thoughtful people were asking: Does the law permit the deportation of Canadian citizens despite the fact there was no shred of evidence of overt disloyalty? Is naked executive power still justifiable after a state of emergency has ceased? And if so, why? Suffice to say that the Supreme Court of Canada sanctified the power of Mackenzie King and the Cabinet to deprive citizens of their rights, though a protest

movement forced King to rescind his program on January 24, 1947. By that time, some 4,000 people had opted to go to Japan.

It's often been said that the evacuation was "a blessing in disguise," that the rapidity with which post-war Japanese Canadians have acquired at least the outward signs of middle-class status is an achievement rarely equalled in the history of human migration, and that the evacuation has acted as liberating force, extending the horizons of Japanese Canadians into new areas. But these are, simply, rationalizations for an evil and tragic episode in Canadian history.

The War Measures Act is still in the books. The Canadian Bill of Rights, passed in 1960, guarantees such basic rights as freedom of worship, speech, press, assembly and association, together with equality before the law and the right to a fair trial, but Parliament may suspend them under the War Measures Act. According to the Gallup Poll, 87 percent of Canadians interviewed accepted the suspension of civil liberties during the Quebec crisis of 1970 — just as most Canadians ignored the trampling of the rights of Japanese Canadians during war and peace. The terrifying allegations made in 1970, for example by Jean Marchand, echoed those made in 1941 and 1942 in British Columbia: "These people have infiltrated every strategic place in the province of Québec . . . They are in a position to cause irreparable harm." Similarly, as with Mackenzie King, we had Pierre Trudeau, who imposed on Canadians the most repressive measures available to a Prime Minister and mocked those who opposed him as "bleeding hearts."

There is no guarantee that future governments will not once again shuffle off the imperatives of freedom in the name of "national security." For Japanese Canadians — and for all of us — it ought not to require much imagination to project ourselves back into a time when a midnight knock on the door launched, not merely days or weeks, but years of imprisonment and the demeaning of citizenship.

— Ken Adachi

from a special issue of
Rikka quarterly journal
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