The Dispossession of Japanese Canadians on Saltspring Island

by

Brian Smallshaw
B.A., University of Regina, 1986

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

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Supervisory Committee

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Abstract

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During World War Two, 77 Japanese Canadians were uprooted from Saltspring Island, and eleven properties were taken from them and later liquidated. The largest belonged to Torazo Iwasaki, and was purchased by the agent for the Custodian of Enemy Property, Gavin Mouat. In contradiction to the widely held view that Japanese Canadians were stoic and accepting of the injustice they faced, a number of Japanese Canadian Saltspringers fiercely resisted what was being done to them. The Iwasaki family launched a court case against the government in 1967 that went all the way to the Supreme Court, and in the face of continued racism the Murakami family returned to Saltspring to rebuild their lives. This thesis investigates the position of the Japanese Canadians in the settler society on Saltspring and how racisms were manifested within it, the government's decision to liquidate Japanese Canadian properties, and the resistance and resilience of some of the island's Japanese Canadians. Racist politicians, including the MLA representing the island, were calling for the removal of Japanese Canadians from the west coast. They led the drive to ethnically cleanse British Columbia, but their success depended on the cooperation and acquiescence of many others. This microhistory explains how this process took place on Saltspring Island, while examining the larger story of the decision to liquidate and challenging the legality of the government's actions. Seventy-five years after the uprooting, a frank acknowledgment of past injustices will be necessary for the full reconciliation of Japanese Canadian survivors and the Saltspring community.

Table of Contents

Supervisory Committee ii

Abstract iii

Table of Contents iv

List of Tables v

List of Figures vi

Acknowledgments vii

Chapter 1 – Introduction 1

Primary Sources 10
Other Secondary Sources 11

Chapter 2 – Saltspring: Early History 15

Early Years of Settlement 17
Frontier Egalitarianism? 21
Early 20th Century 23
The Decade Before WW2 28

Chapter 3 – Uprooting 37

Macgregor Macintosh 37
The Decision to Uproot 40
Saltspringers Uprooted 48
Gavin Mouat: Agent for the Custodian on Saltspring 57

Chapter 4 – Contesting Dispossession 63

The Decision to Liquidate 64
Resistance to Dispossession 76
Sale of Saltspring Properties 81

Chapter 5 – Challenging the Government 92

The Nakashima Ruling 95
Iwasaki and the Bird Commission 97

Chapter 6 – Confronting the Past 114

Iwasaki Goes to Court 116

Chapter 7 – Conclusion 138

Bibliography 149

Appendices 154

List of Tables

Table 1: Japanese Canadians Uprooted from Saltspring Island..... 48

Table 2: Key to Vested Properties 85

Table 3: Ownership Chain of Iwasaki Property 121

List of Figures

Figure 1: Japanese Canadians Leaving Saltspring..... 1

Figure 2: Saltspring Central School – Class of 1929..... 16

Figure 3: Okano family greenhouses in 1941, with other Japanese-Canadian properties in the distance..... 31

Figure 4: Japanese Canadian Properties on Saltspring Island - 1941.....32

Figure 5: Vested Properties on Saltspring Island – 1942-1945 51

Figure 6: Japanese Canadians Departing from Saltspring 54

Figure 7: Notice for the auction of the chattels of Japanese Canadian Saltspringers 82

Figure 8: Vested Properties on Saltspring Island – 1942-1945 84

Figure 9: Notice of the tender bid auction for properties not sold to the VLA.....87

Figure 10: CCF Election Campaign Ad 145

Figure 11: Heiwa Garden, Ganges, Saltspring Island 146

Acknowledgments

Academic life when one is over fifty years old poses different challenges than it does for a person in their twenties or thirties. Working into the wee hours is more difficult and less productive, it takes longer to recover from writing marathons, and the recollection of facts seems harder. The distractions are probably not more numerous, but they're different, and when they come from family, impossible to ignore. That said, it has been a wonderful luxury to be able to spend five years in school at this stage of my life.

I was first encouraged to study history at the University of Victoria by Dr. John Price and I have been extraordinarily fortunate to have had him as my supervisor. I'm grateful for his support when I was feeling overwhelmed and his deep knowledge and love of Asian Canadian history is inspiring. Early on I knew I was in the hands of a seasoned master when I experienced his uncanny ability to simultaneously feed my curiosities while deftly keeping me from going too far down the rabbit holes.

My introduction to Dr. Price was a parting gift from my mentor and our mutual friend, Neil Burton, who I knew from my time at Sophia University in Tokyo during the mid-1980s. It was because of Neil that my wife and I moved with our young son from Japan to Saltspring Island. He is terribly missed since his death in 2010, but his enormous influence on my thinking continues.

This thesis would never have been started, much less completed, without the support of my wife Rumiko Kanesaka. Our shared interest in the Nikkei history of our island home prompted me to dig deeper into the subject. Rumi's support went much further than just shouldering more than her share of the running of our household. Her intellectual strength and fierce work ethic set a standard to which I aspire, and through her work to develop the Salt Spring Japanese Garden she has done a tremendous service in educating people about the island's Nikkei history.

Course work in the Department of History at UVic was a real pleasure. I am grateful to all of my professors, with special thanks to Dr. Eric Sager for his Historiography class. Graduate students in history are an interesting and engaging bunch, and I was impressed with the range of knowledge and experience of my classmates, despite the fact that most of them were less than half my age. Having Dr. John Lutz as my second reader was a privilege and he came to the task with his vast knowledge of the history of this region, and Saltspring Island, his part-time home. Before he became my outside reader, Dr. Donald Galloway from the Faculty of Law generously gave his time in helping me understand the legal aspects of the uprooting of Japanese Canadians. I am indebted to Dr. Jordan Stanger-Ross of the Landscapes of Injustice project for providing access to archival material gathered from Library and Archives Canada.

On numerous occasions Heather Waterlander helped me to navigate the intricacies of the university's administration.

Historians depend on archivists and I am particularly thankful for the help I received from Brad Morrison of the Sidney Museum and Archives, and Frank Neumann and Gillian Watson of the Salt Spring Island Archives. Both institutions do outstanding work on shoestring budgets and deserve all the support their communities can provide.

I would never have encountered this story were it not for the Murakami family: siblings Rose and Richard Murakami, and Mary Kitagawa and her husband Tosh. I'm inspired by their determination to ensure that what happened during World War Two and the years after not be forgotten. I'm grateful to all of the Saltspringers who helped me write about this dark chapter in our island's past. They are too numerous to list in full, but deserving of special mention are Bob MacKie for his steady encouragement and regular reminders to keep on task, Ray Iwasaki, whose father fought a life-long battle against the injustice he faced, and Bob Rush whose father stood up against racism at a time when Japanese Canadians had few allies. Finally, I would like to express my gratitude to the new generation of Japanese Canadian Saltspringers and especially my son Leh. Most of all, this history is for you.

Chapter 1 – Introduction

On 22 April 1942 the CPR ship the SS *Princess Mary* was tied up at the wharf in Ganges on Saltspring Island. It was not a regular ferry run; the ship had been chartered by the Canadian government to take all of the Japanese Canadian residents of the island to Vancouver where they would be held at Hastings Park, a temporary detention centre, before being shipped off to ghost towns in the British Columbia interior and other points further east. It was a traumatic beginning to what would be years of struggle in internal exile from, what would appear in hindsight to have been their idyllic island home.

Figure 1: Japanese Canadians Leaving Saltspring[1]

Prior to the uprooting however, life was hardly idyllic and if they left behind thriving farms and businesses on properties that many of them had owned for decades it was only the result of long years of persistent work. For them and about 22,000 other Japanese Canadians on the west coast, 1942 was the beginning of many hard years that wouldn't end with the Second World War. The racist politicians that drove them from the coast after Pearl Harbor would find ways to keep them away until four years after the war. Even after they were allowed to return, bitter memories of the uprooting meant that few Japanese

[1] Photo courtesy of Sam Mikado

Canadians would choose to return to the places from which they had been forcibly removed. Only the Murakami family would ever return to live on the island. In 1954 they returned to Saltspring to try to buy back the land that had been taken from them. They were unsuccessful, but in the face of racism they decided to start over, purchased land and with relentless drive and hard work managed to once again flourish. They remain on the island to the present, determined to ensure that the injustices of the past are not forgotten.

Soon after moving to the island 22 years ago I heard the Murakami story and it is what prompted me to dig deeper into the history of the dispossession of Japanese Canadian land on Saltspring Island. Later I heard the story of Torazo Iwasaki, who lost a large property in the north end of the island that ended up in the hands of the local agent for the Custodian of Enemy Property, a member of a prominent Saltspring family. There were many conflicting accounts about what happened to the Iwasaki property and like many stories on the island it had entered the realm of folklore. On a small island that many regard as an idyllic paradise, there was a dark story from the past that seemed to be at odds with the island's reputation of harmonious diversity stretching back to the beginning of its settler history in the mid-1800s, a reputation that may not be wholly deserved.

This is a microhistory of the uprooting of Japanese Canadians and the dispossession of their lands as it occurred on Saltspring Island. Focusing on a single place and a limited number of people can reveal things that are lost when looking at the big picture. How did these profoundly disruptive events affect individuals, families, communities? How did they respond to the adversity they faced? What were the long-term effects on the communities in which they lived? Truths can be lost when events are viewed in the aggregate. Homing in on what happened to a small number of people living on a tiny island can shine a light on truths obscured by the generalizations of the bigger story.

In that regard, I engage with the established literature on the Japanese Canadian uprooting during WW2, particularly in regard to the ongoing debate regarding the decisions to forcibly remove all Japanese Canadians from the west coast and

liquidate their property. Often burning underground like a bog fire, earlier writers have offered a range of explanations for the expulsion. Patricia Roy argued that though there may not have been a genuine security threat, in calling for their removal BC politicians were simply responding to fears among the general population that Japanese Canadians posed a danger. She downplays the racist and economic motivations among British Columbians, favouring the view that BC politicians were responding to public fears rather than stoking them, and asserts that a major reason for the uprooting was to protect them from physical attacks that might have followed the verbal assaults.[2] Other scholars, like Daniel Heidt, in writing about Howard Green, argue that while the BC politician may have held racist views about Japanese Canadians, his calls for their removal from the coast were motivated by a genuine concern about security, even if his assessment of Japan's military threat was incorrect.[3]

The views of Roy and Heidt are contrasted by those of Japanese Canadian scholars Adachi[4], Sunahara[5] and Miki[6], who see the intentions of racist BC politicians to remove Japanese Canadians from the coast as the main motivation for the uprooting. Sunahara tackles the question of whether BC politicians were responding to public opinion, or misrepresenting it to further their own goals. She notes interesting differences between the BC mainland and the southern Vancouver Island area, which includes the area under study in this paper:

> *The records of Prime Minister King tell a very different story [about BC public opinion]. Between 17 December 1941 and 10 January 1942, when the matter went to Cabinet, the Office of the Prime Minister received only forty-five letters and resolutions on the subject of Japanese Canadians,*

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[2] Patricia Roy *The Triumph of Citizenship: The Japanese and Chinese in Canada, 1941-67* (Vancouver: UBC Press, 2007) 66
[3] Daniel Heidt 'Howard Charles Green and Japanese Canadians' *BC Studies* No. 164, Winter 2009/10 31
[4] Ken Adachi *The Enemy That Never Was: A History of the Japanese Canadians* (Toronto: McClelland and Stewart Ltd., 1976)
[5] Ann Gomer Sunahara *The Politics of Racism: The Uprooting of Japanese Canadians During the Second World War* (Toronto: James Lorimer and Company, 1981, 2000)
[6] Roy Miki *Redress: Inside the Japanese Canadian Call for Justice* (Vancouver: Raincoast Books, 2005)

> *twenty-eight of which demanded the incarceration of all Japanese Canadians or of only Japanese aliens…*
>
> *Although most of B.C.'s Japanese population lived on the Mainland, in or around Vancouver, of the twenty-eight letters and resolutions demanding the removal of all or part of the Japanese minority, only eight had come from the Mainland. The remaining twenty came from communities in and around Victoria, where the Japanese population was comparatively small…*[7]

A study of what happened on Saltspring supports Sunahara's contention that the loudest demands for the wholesale uprooting of Japanese Canadians weren't coming from the general public, but from local politicians who had been calling for their expulsion for years before Pearl Harbor. Recent work by John Price points to a network of provincial and municipal politicians who were determined to ethnically cleanse British Columbia of Japanese Canadians.[8]

While BC politicians played the lead role in the expulsion, I share Mona Oikawa's view that this conception of power 'does not address how a national project, such as the Internment, could be accomplished if only a few people wielded power over Japanese Canadians.'[9] Assigning responsibility to a few politicians should not absolve others for their active participation in the process. The uprooting could not have been accomplished without a series of deft legal steps taken by the federal government to give itself the power to treat Canadian citizens like enemy aliens. It could not have been accomplished without federal bureaucrats ready to overlook basic principles of justice to acquire land taken from Japanese Canadians to give to returning veterans. It could not have been accomplished without a national security apparatus ready to ignore what their own experts were telling them and participate in the forced removal of thousands of families from the coast. Oikawa quotes Foucault, 'Power is exercised through networks, and individuals do not simply circulate in those networks; they are in a position

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[7] Sunahara, 28
[8] John Price 'Seventy-five Years is Long Enough' Parts 1 & 2 *The Bulletin: a journal of Japanese Canadian community, history and culture* January & February 2017
[9] Mona Oikawa *Cartographies of Violence: Japanese Canadian Women, Memory, and the Subjects of the Internment* (Toronto: University of Toronto Press, 2012) 7

to both submit to and exercise this power.'[10] This is a microhistory, but the events on Saltspring must be situated in the larger picture to be fully understood.

Prior to and during WW2 people of Japanese heritage were never referred to as 'Japanese Canadians', they were simply 'the Japanese' or derogatively, 'the Japs'. The earliest arrivals among them came to the island not long after the first settlers had arrived in 1859 and began displacing the First Nations' owners and inhabitants before the creation of the province that would be known as British Columbia. From the beginning they were racialized as 'Japanese' and like those labeled 'Chinese' or 'Indian' they suffered racist exclusion—they were denied rights and privileges enjoyed by settlers from Europe and the United States.

Racism is a central part of this story; the government orders in council that ordered the liquidation of Japanese Canadian land explicitly referred to 'persons of the Japanese race'. In coming to an understanding of how racism operated against the Japanese Canadians in the years around WW2 I draw upon the work of Timothy Stanley in his book *Contesting White Supremacy*. Stanley explains how racism makes race:

> *...it is not human differences per se that make racisms but racisms make 'race.' It is racism that makes particular differences (both real and imagined) count in specific times and places, that is, that signifies them. Among other things, this means that I do not see racisms only as individual prejudices or discriminatory acts against people because of their so-called race. Although I do not deny that racist prejudice exists and can have consequences, I see racisms as historical phenomena that lead people to believe that racial categories are meaningful and that enact consequences on people based on the categories into which they are placed. As such, racism is not the inevitable outcome of human difference. It is one of the things that make particular real or imagined difference important and that in turn shape how people interact with each other based on these alleged differences. Thus, it is racism, not 'race,' that structures contemporary societies.*[11]

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[10] Ibid.
[11] Timothy J. Stanley *Contesting White Supremacy: School Segregation, Anti-Racism, and the Making of Chinese-Canadians* (Vancouver: UBC Press, 2011) 6

The group of people referred to as the 'Japanese' in the WW2 era were not classified as that because of their nationality or the language they spoke; the majority of them were Canadians (or 'British subjects') and many didn't speak Japanese. Their difference was that they or their parents or grandparents came from Japan, and based on this fact alone they were all, men, women and children, forcibly removed from their homes on the west coast and dispossessed of their property.

Canadians who were born in Germany and Italy, or whose parents or grandparents were born in those two countries, were not rounded up and placed in detention camps and their property was not taken. As Stanley says, 'If racism is not an inevitable outcome of human difference, it is the outcome of human action.'[12] When the orders came to remove 'persons of the Japanese race' from the coast and dispossess their property, Canada had declared war on Japan in solidarity with the United States, but it had not been attacked by Japan and was already more than two years into a brutal war with Germany. While acknowledging that the persecution of the Jews in Europe was a far greater atrocity, the irony of being sent to detention camps by a government committed to fighting the racist Nazi regime was not lost on Japanese Canadians.

It is important to understand that the racialization of Japanese Canadians did not begin with the hysteria that followed the attack on Pearl Harbor. Immigrants from Japan had been racialized from the moment they first began arriving on the west coast in 1877. Most of the settlers who first arrived in the mid-1800s in what would become British Columbia were intent on building a 'white man's province' and as settlement began immigrants arriving from Asia were systematically excluded from political and economic power. The provincial franchise was taken from Japanese Canadians in 1895[13] and immigrants from Japan were excluded from many occupations; they could not be doctors, lawyers, or schoolteachers, and they were prohibited from leasing Crown land for logging. The racism

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[12] Ibid., 7
[13] http://www.japanesecanadianhistory.net/reference_timeline.htm Accessed 26 March 2017

directed at Japanese Canadians during WW2 wasn't an anomaly, it was only a more extreme form of what they'd suffered since arriving in Canada, and indeed, it did not end when the war ended. At the end of the WW2 the government passed the National Emergency Transitional Powers Act, effectively extending the powers it had under the War Measures Act that permitted it to keep Japanese Canadians from returning to the coast. The exclusion would only end in 1949, the same year they finally got the vote.[14]

Japanese Canadians were not passive in the face of the racism they suffered. A narrative within the story of the uprooting is that they were mostly stoic and silent in the face of mistreatment, the Japanese term 'shikatagani', 'it can't be helped' is often used to describe their response. Mona Oikawa has examined how this trope of the 'silent survivor' differs from her own experience as the daughter of detained parents, and how it is part of a national strategy of forgetting the violence that was committed by the Canadian government against some of its citizens. For Oikawa, the use of 'shikataganai' as an explanation of the Japanese Canadian behaviour during the uprooting is itself part of their 'othering', while portraying them as a homogenized group compliant with the injustices of the uprooting. While used by some Japanese Canadians to describe their own reaction to what happened to them, the term is misunderstood as passivity rather than a shorthand to describe a complex strategy for surviving difficult circumstances and catastrophic loss.[15]

Certainly many Japanese Canadians showed remarkable forbearance and restraint despite the mistreatment they received, but from early on in their presence in Canada they fought back against what was happening to them through such actions as Tomokichi Homma's legal battle for the franchise in

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[14] A clause in the federal Elections Act had stated that citizens denied the right to vote in provincial elections would be barred from voting federally as well. That clause was dropped on 15 June 1948, at which time they could vote federally but not provincially. In 1948 the provincial Elections Act was also widened to include Japanese Canadians, but they would not have the right to exercise their provincial franchise until federal restrictions preventing their return to BC were lifted on 1 April 1949. Adachi, 344-46

[15] Oikawa, 51

1900[16] and the resistance by Japanese Canadian fishermen to exclusionary licensing practices in the 1920s. The contrasting responses to racism are described in the characters of the two aunts in Joy Kogawa's famous novel *Obasan*.[17] Aunt Aya quietly perseveres while Aunt Emily rails against the injustice they are suffering. Oikawa notes how the enormous popularity of the novel brought attention to a history that had previously been mostly ignored, and while it set up the binary of the two aunts, its emphasis on Aunt Aya contributed to the 'silent survivor' representations of Asian Canadians.[18]

As Stanley explains, racisms change over time, are not consistent, and vary among individuals, and so too are responses to them. While being uprooted and having their land taken from them Japanese Canadians found themselves in a 'damned if you do, damned if you don't' situation: resistance could be construed as disloyalty, cooperation could be construed as acceptance of injustice, yet many chose to fight back. In looking at the uprooting and dispossession of Japanese Canadians on Saltspring Island, this history will focus on two families who have been notable for their resistance to racist injustice: the Murakami family who returned to the island after exclusion from the coast was lifted, and Torazo Iwasaki, whose resistance began on the day he was taken from the island, continued during the Bird Commission hearings, and culminated in a lawsuit he brought against the government in the 1960s in an attempt to have his land returned.

Racism suffered by Japanese Canadians depended on the development of language with special terms to separate and exclude. Whether they were born in Canada, naturalized first-generation immigrants or Japanese nationals, Japanese Canadians were always described as 'the Japanese' or 'Japs', the latter becoming pejorative around WW2. It was used to describe people who were born in Canada, and by WW2 even people who were born to parents who themselves had

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[16] Patricia Roy *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: UBC Press, 2003) 21
[17] Joy Kogawa *Obasan* (Toronto: Penguin Group, 1981)
[18] Oikawa, 58-60

been born in Canada, people who spoke English as their first language and who may have spoken little or no Japanese. Describing them as 'the Japanese' is the language of 'othering', of exclusion. Having no wish to perpetuate such exclusionary language, in this paper all people of Japanese heritage, whether born in Canada or not, and whether or not they held Canadian citizenship or not, will be described as 'Japanese Canadian'. It might be argued that individuals who weren't Canadian citizens, either by birth or by naturalization, shouldn't be referred to as 'Canadians', but these were all people living in Canada and with a commitment to the country, which in my view is more important that the legal status of their citizenship. I considered using the term 'Nikkei', a Japanese word meaning 'of Japanese descent' that has been gaining wider usage, but because it is not an English word and being unknown to many English speakers it would inappropriately reinforce notions of foreignness or strangeness.

When Japanese Canadians were being forcibly removed from their homes on the west coast and moved to towns in the British Columbia interior and farms in Alberta, the term used to describe the process was 'evacuation' and the people to whom it was being done were 'evacuees'. These euphemisms served a number of purposes; they masked the forced nature of the removal, making it seem voluntary, as though they were being rescued from the scene of a natural disaster, like a flood. The terms also suggest that the removal was for their own good, sometimes carrying the subtle implication that they faced a threat from Canadians who might have viewed them as the enemy. Throughout their exile from the west coast, even while formulating ways to keep them from returning, they were described as 'evacuees'. I will not be using this term and instead refer to it as the 'forced removal', 'removal', or 'uprooting'.

The process of removing Japanese Canadians from the coast and sending them to camps in the interior is most often referred to as 'the internment', the places where they were held 'internment camps' and they themselves were sometimes called 'internees'. This term carries the connotation of punishment, as though they were being held because of some kind of crime they had committed, or that

they were enemy aliens, which they were not. Since use of those terms tends to perpetuate a false idea I prefer the more neutral terms, 'detention' and 'detainees'.

Primary Sources

In researching this history I have relied mostly on primary sources. The Salt Spring Island Archive[19] is a rich source of information on the island's early history and I am grateful for their generosity in allowing me to reproduce many of the historical photos that I have included in this thesis. The archive of the Salt Spring Japanese Garden Society has also been very useful. Other important primary sources include the newspaper of record for the island before, during and after WW2, the *Saanich Peninsula and Gulf Islands Review*.[20] Though based in Sidney on the Saanich peninsula, it offered good coverage of Saltspring news. Saltspring's own newspaper, *The Gulf Islands Driftwood*, only began publishing in 1960, but was useful for the period that it covered.

I have also looked extensively at the files of the Custodian of Enemy Property at Library and Archives Canada, including internal correspondence and communications, files from the Standing Committee on Orientals in BC, reports, ledgers, files on 'Japanese Matters', files from the Japanese Property Claims Commission; and files from the Soldier Settlement Board. I also reviewed archival material in the Glenn McPherson Fonds at the UBC and the F.G. Shears Fonds at the Thomas Fisher Rare Book Library at the University of Toronto. I am indebted to the Landscapes of Injustice Project based at the University of Victoria for providing access to their copies of files from these sources. At Library and Archives Canada I also accessed the Torazo Iwasaki file, containing material

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[19] The Salt Spring Island Archive has a great deal of material available on their website: http://saltspringarchives.com/ Readers will note that the archive uses 'Salt Spring' instead of 'Saltspring'. There is no consensus on which is the correct spelling of the island's name, nor has there ever been; as with so many things on the island there has been a great deal of debate on the question for many years with no definitive resolution as to which is correct. For no good reason I prefer 'Saltspring' to 'Salt Spring' and will use it in this thesis except where the two-word version is a part of a given name.

[20] The Sidney Museum and Archives maintain an archive of the *Saanich Peninsula and Gulf Islands Review* and I am indebted to them for providing access to it.

assembled for his court trial in 1967, and which in turn included material from his hearing at the Bird Commission. Records of cabinet orders in council and wartime regulations were accessed from the Privy Council archive and the Canada Gazette.

Face-to-face conversations with Rose and Richard Murakami are what first prompted my desire to dig deeper into the history of the Japanese Canadian uprooting on Saltspring, and interviews with others who lived through this period were an important part of this research. I have also made use of recorded interviews by other local historians. While potentially suffering from the limitations of human memory, interviews provide a window into how people felt, and continue to feel about the events of the past.

Other Secondary Sources

Secondary sources have been helpful in researching this history. In addition to the works of Japanese Canadian scholars mentioned above, I have used Maryka Omatsu's *Bittersweet Passage: Redress and the Japanese Canadian Experience*. Local historians have provided much useful material, starting with Rose Murakami's booklet, *Ganbaru: the Murakami Family of Salt Spring Island*; and including Charles Kahn's *Salt Spring: The Story of an Island*; Chris Hatfield's *Forgotten Cusheon Cove, Salt Spring Island*; Peter Murray's *Homesteads and Snug Harbours: The Gulf Islands;* and Ann-Lee and Gordon Switzer's *Gateway to Promise: Canada's First Japanese Community*. For the early history of the island I relied on Chris Arnett's *The Terror of the Coast: Land Alienation and Colonial War on Vancouver Island and the Gulf Islands, 1849-1863*, Ruth Sandwell's *Contesting Rural Space: Land Policy and Practices of Resettlement on Saltspring Island, 1859-1891*, Crawford Kilian's *Go Do Some Good Thing* and Bea Hamilton's *Salt Spring Island*. For background on British Columbia's history and its development as a white settler state I referenced Patricia Roy's trilogy; *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914*, *The Oriental Question: Consolidating a White Man's Province, 1914-41*, and *The Triumph of Citizenship: The Japanese and Chinese in*

Canada, 1941-1967; John Price's *Orienting Canada: Race, Empire, and the Transpacific*; and W Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy Towards Orientals in British Columbia*. For information on the uprooting as it occurred in the US and how it was resisted I relied upon Greg Robinson's *A Tragedy of Democracy: Japanese Confinement in North America*, Roger Daniel's *The Decision to Relocate the Japanese Americans*, and Stephanie Bangarth's *Voices Raised in Protest: Defending North American Citizens of Japanese Ancestry, 1942-49*.

I am keenly aware that I am not and cannot be objective in the writing of this history. I have a personal relationship with a number of the individuals who are important figures in the story that I am telling, and I am a member of the community that it describes. I moved to Saltspring Island in 1994 with my Japanese wife and young son after living in Tokyo for the previous 14 years. When we first moved into the community there were very few Japanese Canadians living on Saltspring other than the Murakami family, but since then the number has steadily grown to the point where it now approaches the number that were resident on the island in 1942. Like us, many of these people are curious about the Japanese Canadian history of the island and this work is most of all for them.

I became more interested in the history of the Japanese Canadian uprooting after moving to Saltspring, but I was aware of it at an early age. Growing up in Saskatchewan, a friend of my parents and a colleague of my father's in the provincial government was a Japanese Canadian who had been uprooted from the west coast during WW2. After that experience Tom Tamaki and his brother George both became lawyers, determined to ensure that they would never again be subjected to injustice. Tom became a bureaucrat in Saskatchewan's provincial government working in the Department of Mineral Resources with my father, while George, together with Tom Shoyama, became a part of Tommy Douglas'

'brain trust'[21] after he was elected premier of Saskatchewan. The Tamaki's and Shoyama overcame racist exclusion and joined government. Over the protests of the CCF's British Columbia caucus George Tamaki was hired as a senior legal advisor in 1946.[22] Shoyama was hired shortly after and went on to a long and distinguished career in the provincial and federal governments, being a key figure in the introduction of medicare in Saskatchewan in 1962. Their stories, only vaguely understood when I was young, made me realize that the uprooting of Japanese Canadians was a story of acceptance, but also perseverance and resistance.

I am aware that as a white, male Canadian of British heritage, I am a part of a group that has enjoyed unmerited privilege in Canada's settler society and was responsible for the racist exclusion of First Nations, Asian Canadians and settlers of other nationalities. I wasn't alive when the uprooting happened, but a generation before I was born some Anglo Canadians not unlike myself attempted to ethnically cleanse British Columbia to make it a 'white man's province'.

There may be some who feel that the acknowledgment of injustices perpetrated by individuals in the past unfairly implicates their descendents or their families. Some may also feel that it is improper to hold individuals in the past to the moral standards of the present. Neither of these things is true. Descendents only bear responsibility for the actions of their ancestors if they try to conceal the truth or whitewash what happened. An understanding that moral standards change over time should not deter us from identifying injustices and naming those who perpetrated them. I know that there are people in my community that may find this history to be something that they would prefer were forgotten and that 'time

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[21] Formally titled the Economic Advisory and Planning Board, in addition to Tamaki and Shoyama, the 'Brain Trust' also included Morris Shumiatcher, who would later author the Saskatchewan Bill of Rights and have a long and distinguished career as a lawyer, and George Cadbury, grandson of the founder of the British chocolate dynasty and later president of the national NDP.

[22] Kam Teo 'Kiyoshi Izumi: Saskatchewan Nisei Architect' Nikkei Images Spring 2015, Vol. 20, No. 14 http://centre.nikkeiplace.org/wp-content/uploads/2015/06/Spring-2015.pdf Accessed 1 February 2017

heals all wounds'. This is a history of racist exclusion in a province and country uncomfortable with the discussion of its racist past and three-quarters of a century after the uprooting of Japanese Canadian Saltspringers there are still open wounds. Understanding what happened is the medicine needed for healing, and hopefully preventing similar injuries in the future.

Chapter 2 – Saltspring: Early History

Saltspring Island sits in the sheltered waters between southern Vancouver Island and the mainland, near the northern tip of the Saanich Peninsula. Part of the southern Gulf Islands, it is part of the territory of the Coast Salish Nations of Vancouver Island[23] and has never been ceded by treaty to the settlers who began arriving in 1859. Post-contact Saltspring has been long known for the diversity of its population; in addition to settlers from Britain and other parts of Canada, it was also a destination for settlers from Hawaii who arrived on Hudson Bay Company ships and free African Americans from the US.

Japanese Canadians were an important part of Saltspring's cultural mix from soon after it's post-1859 settlement. This chapter will examine the roles they played in the community, and the shifting and an inconsistent nature of the racisms on the island.

Before WW2 people of Japanese descent were a very small portion of Canada's ethnic mix. As cited in the Canada Year Book 1947, according to the 1941 census, people describing themselves as being of the Japanese race were 23,149 individuals, or 0.20% of the population.[24] The vast majority of these people lived in British Columbia.[25]

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[23] Arnett, Chris 'An introduction to First Nations' history in the Gulf Islands' Salt Spring Archives, http://saltspringarchives.com/multicultural/firstnations/index.html Accessed 20.10.2014.
[24] Statistics Canada web archive *Canada Year Book 1947*. http://www65.statcan.gc.ca/acyb02/1947/acyb02_19470117013b-eng.htm
[25] 1941 Census, 'Percentage of population by birthplace', Vol 1, p. 170.

Figure 2: Saltspring Central School – Class of 1929

In the 1941 Census, the subdivision of 'Saltspring and the Islands' (what are now referred to as the Southern Gulf Islands'), there were 172 Japanese out of a total population of 3,145. [26] At 5.47%, this was likely the highest density of Japanese Canadians in the country, and certainly a higher concentration than at present. Within the Southern Gulf Islands, only Mayne Island likely had a higher density than Saltspring, where it is thought that about one-third of the island's population was Japanese Canadian.[27]

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[26] 'Population by principal origins, for census subdivisions', British Columbia Division 5, Subdivision B, 'Saltspring & Islands' 1941 Census, Vol 2, p. 502-3
This is up from 794 in 1911 and is a bit less than one third of Saltspring's current population of over 10,000. Statistics Canada. 2012. 1911 Census, Saltspring Archives, http://saltspringarchives.com/stats/1911census.htm Accessed 20.10.2014
GeoSearch. 2011 Census. Statistics Canada Catalogue no. 92-142-XWE. Ottawa, Ontario. Data updated October 24, 2012.
[27] With about 80 people on Mayne, it may have even had a higher number of Japanese Canadians, and not just a higher percentage of the population. Marie Elliot *Mayne Island & the Outer Gulf Islands: a History* (Mayne: Gulf Islands Press, 1984) 37

Early Years of Settlement

Governor James Douglas first began encouraging settlers to go to Saltspring in 1858, though no treaty had been concluded with the Hul'qumi'num and WSANEC owners of the island. The first settlers to arrive were clearly aware that they were using land that belonged to others because there was a regular First Nations' presence on the island, but as this diminished over time a narrative developed that is still commonly heard today that Saltspring was only used seasonally and therefore it didn't really belong to anybody prior to their arrival. Chris Arnett has done a great deal to debunk this myth, and his archaeological work has shown that while it may have only be used seasonally at the time of the arrival of the first settlers, this can likely be attributed to the depopulation of the coast by disease before the arrival of settlers and the island was certainly inhabited year round for long periods over the previous millennia.[28]

The written accounts that we have of early settler life on Saltspring concentrate on the white colonialists and give us only glimpses of others who had come to the island, so it is difficult to determine precisely when the first Japanese arrived. The earliest record for a Japanese living in nearby Victoria is 1885[29], the 1891 census lists a number of Chinese and Hawaiians living on Saltspring, but no Japanese although it is likely some were living on the island at the time. There is a birth record for Frank Uyehara on 11 March 1893, so presumably his parents Kinzo Uyehara and Mutsu Murota arrived sometime before that date. Frank grew up to have a storied career running logging camps in the Gulf Islands and elsewhere.[30] The earliest textual records of Japanese living on the island can be found in the writing of Reverend E.F. Wilson; his diary, a monthly newssheet that he published, and a promotional pamphlet he was commissioned to produce in

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[28] Chris Arnett *The Terror of the Coast: Land Alienation and Colonial War on Vancouver Island and the Gulf Islands, 1849 – 1863* (Burnaby: Talonbooks 1999)
[29] Ann-Lee and Gordon Switzer *Gateway to Promise: Canada's First Japanese Community* (Victoria: Ti-Jean Press, 2012) 34
[30] Birth records in the Saltpring Archives, http://saltspringarchives.com/stats/births.html Accessed 19 January 2017. There is sketch of Frank's colourful life in the 1 March 1939 issue of *The New Canadian*, http://newspapers.lib.sfu.ca/tnc-34745/page-3 Accessed 19 January 2017

1894. A diary entry for 1894, probably April, mentions the hiring of a Japanese labourer to dig drainage for a field. In a promotional pamphlet for the island written by Wilson in 1894 and published the following year, there is an approximate population breakdown that suggests the cosmopolitan nature of the island at the time:

> *The present population of the island is estimated to be 450. A large number of different nationalities are represented. There are approximately, old and young, 160 English (or Canadians), 50 Scotch, 20 Irish, 22 Portuguese, 13 Swedes, 4 Germans, 2 Norwegians, 34 Americans, 90 Halfbreeds, 40 Colored, or partly colored people, 6 Sandwich Islanders [Hawaiians], 10 Japanese, also 1 Egyptian, 2 Greeks, 1 Patagonian.*[31]

In December of the following year Wilson records in his diary that Japanese were hired to cut firewood, and in 1899 he reports having a Japanese servant named 'Yammawitch'.[32]

Beyond these textual records are oral histories and undated photographs suggesting that the first Japanese arrived on the island well before 1894. From the recollections of the Ruckle family, early settlers on the island who developed a sizeable farm that would later become Ruckle Provincial Park, it is thought that Henry Ruckle hired Japanese workers to help with land clearing soon after pre-empting land on Beaver Point in 1872.[33] There is a photo of Japanese workers on the Ruckle farm of southeast Saltspring thought to be circa 1880; the caption accompanying it in the archive states that they were employed on the farm 'between 1875 and 1900'. Another white settler family on the south end of the island, the McLennan's, are also known to have hired Japanese workers to help clear their land after their arrival in 1882.[34] Japanese workers are also said to

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[31] E.F. Wilson *Salt Spring Island British Columbia* (Saltspring: Salt Spring Island Historical Society, original 1895, reprint unknown) 24 http://saltspringarchives.com/douments/booklet1894.pdf Accessed 7 October 2016

[32] Reverend Wilson Diary – 1894 http://saltspringarchives.com/wilson/diary.html Accessed 5 October 2016

[33] Charles Kahn *Salt Spring: The Story of an Island*, (Madeira Park: Harbour Publishing, 1998), 91 No reference is provided for this, but Kahn tells me that it comes from an oral history, and therefore the date may not be reliable.

[34] As quoted on 'Salt Spring's Japanese Canadian Community' http://saltspringarchives.com/japanese/index.html Accessed 5 October 2016 This comes from

have been hired for land clearing in 1897 by Raffles Purdy on Beddis Road.[35] A class photo of the Beaver Point schoolhouse circa 1887 has several children who might be Japanese, and if so, it suggests that there might have been Japanese families on the island at the time.[36]

If the earliest of these dates were confirmed, they would rewrite the record for the first arrival of a Japanese person in Canada, now thought to be Manzo Nagano who arrived in New Westminster in 1877.[37]

The 1901 census records about 67 Japanese living on Saltspring.[38] Their relationship to the head of the household is often listed as 'domestic' or 'farm hand', and in one case, 'foreman', but the greatest number are listed as 'lodger'. Whatever the date of their first arrival, by the last years of the 1800s we know there were substantial numbers of Japanese living and working on Saltspring. Most, if not all were men, and most of them were likely working as loggers. They were valued for their hard work and loyalty. Leonard Tolson, a white settler who came to the island in 1889 offered this praise:

> *I employed Jap labour and learned to admire the Japs for their efficiency and faithfulness to their employers. (One of them, Yama, spent the night on the roof with a bucket of water because there was a forest fire nearby. We were away.)*[39]

What is interesting about the photo of the Japanese workers on the Ruckle farm is that they are named ('Omadan and wife') and are not simply anonymous

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p94 (1998) of Charles Kahn's book *Salt Spring: The Story of an Island* which gives no reference, but Kahn has told me that the information comes from an oral history and therefore the dates may not be accurate.

[35] Peter Murray *Homesteads and Snug Harbours* (Ganges: Horsdal & Schubart, 1991) 106

[36] BC Archives photo reproduced in Peter Murray *Homesteads and Snug Harbours* (Ganges: Horsdal & Schubart, 1991) 105

[37] 'Japanese Canadian Timeline' http://centre.nikkeiplace.org/japanese-canadian-timeline/ Accessed 5 October 2016

[38] The number is approximate because in many cases the poor Romanization of the spelling of Japanese names makes it difficult to be sure if the person was Japanese. Other writers have put the number as low as 51, but it was certainly higher than that. 1901 Census http://saltspringarchives.com/stats/census1901.htm Accessed 5 October 2016,

[39] As quoted on 'Salt Spring's Japanese Canadian Community' http://saltspringarchives.com/japanese/index.html Accessed 5 October 2016 Quote is from reminiscences for his family dated 1941, from the Saltspring Archives.

workers, implying a closer relationship between them and the Ruckle family than that of a farmer and his hired help.

Not all Japanese resident on the island before the turn of the century were confined to doing low-paid work for others; in at least one case they were the employer. In his newssheet of October 1898 Reverend Wilson reported:

> *Our Japanese friend, Mr. Kinso, is busy these days converting our Douglas firs into props for Mexican mines, and piles for wharves and bridges in China. There will be a succession of ships coming in to load, and quite a large number of hands, both white men and Japs are at work in the camp.*[40]

What do we know about the position of the Japanese within the society of Saltspring in the last part of the 1800s? Considering the racialized basis for the dispossession of Japanese-Canadian land that took place about a half a century later, it is worth considering the role of race in the social relations in early Saltspring settler society.

In the late 19th century, Saltspring was remarkably cosmopolitan. Immigrants from Britain formed the largest group, but in addition to the Aboriginal people who still lived full-time on the island and the proportionally small number of Asians, there were also a substantial number of blacks and Hawaiians. About half of the island's first settlers were Blacks that had left the US at the invitation of Vancouver Island's second governor, James Douglas and arrived on the island in 1858. Though many moved away in the following decades, they held many prominent positions in the community; the island's first schoolteacher, John C. Jones, was black and he taught for his first ten years without being paid.[41]

In the first decade of settlement after 1858 there was certainly considerable friction between the settlers and the Aboriginal owners of the land. Ruth Sandwell and John Lutz have documented the violence that occurred between the

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[40] Reverend E.F. Wilson Salt Spring Island Parish and Home October 1898 Saltspring Archives http://saltspringarchives.com/wilson/ParishandHome/images/1898/1898010.pdf Accessed 10 October 2016

[41] Bea Hamilton, *Salt Spring Island* (Vancouver: Mitchell Press Limited, 1969), 23-24

first Black settlers and the indigenous residents of the island, highlighted by a number of murders in the first years.[42] As a result of these murders, fearing for their lives a number of black settlers chose to leave the island, which led to the dissolution of the early advantage that black settlers had over their European counterparts in terms of the ownership of the best land.

Frontier Egalitarianism?

Histories of the island such as Bea Hamilton's *Salt Spring Island*[43] emphasize the harmony that existed among different settler groups.

> *There was no problem of integration on the island. The Negro people joined in all the community projects over the years, working side by side with the white people, they held responsible positions in all organizations, sang in the church choirs, ran butcher shops, worked on the highway and were very much a part of island community life.*[44]

This bucolic view of race relations on Saltspring was, of course, the view of a white person. Was the early settler society of Saltspring really so harmonious? Hamilton's contention is supported by the fact that a black, Abraham Copeland was voted in as part of the first elected body on the island, a three-person school board.[45] When the Township of Saltspring was formed in 1873, two of the seven people on the first town council were black. Kilian, in his history of the black pioneers of British Columbia, is in general agreement with Hamilton in his assessment of the relative lack of racism on Saltspring in the early years.[46] He believed it was a result of the hard frontier life on the island; racial prejudice was a luxury few could afford.

> *This lack of racial hostility was no doubt grounded in the same circumstances as in the gold fields. Confronted with a rich but dangerous*

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[42] Ruth Sandwell and John Lutz *Who Killed William Robinson: Race, Justice and Settling the Land* http://canadianmysteries.ca/sites/robinson/home/indexen.html Accessed 12 October 2016 R.W. Sandwell *Contesting Rural Space: Land Policy and Practices of Resettlement on Saltspring Island, 1859-1891* (Montreal: McGill-Queen's University Press, 2005) 159-192
[43] Ibid.
[44] Ibid., 23
[45] Crawford Kilian, *Go Do Some Good Thing* (Vancouver: Douglas & McIntyre, 1978), 113
[46] As notes Kilian, however, this was after the first very violent decade of settlement when there were a number of murders of black settlers.

> *country, Blacks and whites could not afford to be bigoted; prejudice was a luxury of Victoria's comfortable bourgeoisie. When a neighbor's help meant the margin of survival, it scarcely mattered whether he were Black, white, Indian, Hawaiian, or Maori.*[47]

It does seem that the violence that characterized aboriginal-settler relations during the early years of settlement on the island had abated by the 1870s. This has been attributed to the marriages that took place between male settlers and Aboriginal women. By 1881 27 percent of the marriages on the island were between Native women and non-Native men[48]. These mixed ethnicity families remained prominent in the community over time and their descendents continue to live on island a century and a half later.

Did a kind of 'frontier egalitarianism' exist on the island? In her study of early land use on Saltspring, R.W. Sandwell concludes that it was a complicated situation. Certainly there was institutionalized racism. Aboriginal people lost the right to pre-empt land after 1866 and land pre-emption was also not available to people classed as 'Orientals', which at the time meant Chinese and Japanese. On the other hand, blacks and Hawaiians who were unable to purchase land in the US were allowed to pre-empt land on Saltspring. Sandwell's detailed analysis of the size of property holdings by African-Americans found that after enjoying an early advantage over other settlers, in the years that followed the average size of their pre-emptions tended to shrink faster than those of whites.[49]

There are other bits of information that challenge the picture of black-white racial harmony on the island. There were protests when Clark Whims, an African-American, tried to elope with the constable's thirteen-year-old daughter. Those protesting were accused of racism, suggesting that racial tensions existed, but also that racism did not go uncontested. In 1885 there was complaint made that settlers would not tolerate the hiring of an African-American constable. [50] This is also a hint that there were some dark undercurrents in the pool of racial

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[47] Kilian, 102
[48] Sandwell, 178-180
[49] Sandwell, 187
[50] Sandwell, 185

harmony described by some island historians. Saltspring Island in the late 19-century was likely more diverse than it is now and it is certain that there was no uniformity of attitudes about race. Some people were racist, but racism seems to have been less pervasive in the social relations of Saltspringers than it was elsewhere in BC at the time.

Early 20th Century

In the first decades of the 20th century we have evidence of a larger number of Japanese workers on the island, but little is known about many of them. At Cusheon Cove on the island's southeast peninsula there was a sawmill that employed as many as 150 workers, many of them Norwegians and Swedes, but also Chinese and Japanese. The mill operated from 1908 to 1931, and archaeological and historical research done by Chris Hatfield, a later owner of the property, has uncovered evidence that the Chinese and Japanese workers were quartered separately in their own bunkhouses. Among the Japanese workers, only one is known by name; a man named 'Mieto' who died after an accident at the mill. Amongst the broken pottery that Hatfield has excavated from the site of the Japanese bunkhouse are a number of items that may have belonged to a woman, an intriguing clue that it might not have been an all-male workforce.

We know even less about the 'Jap Camp' that existed near Musgrave at the south end of Saltspring. In the recollection of Walmus Newman in 1929 there was a camp of 60 Japanese loggers near Musgrave Landing.[51] An unreferenced source in the Salt Spring Archive says that they were 'cutting pilings for the Japanese government'.[52] Around the same time, Howard Horel, a member of an old Saltspring family that is still present on the island, was said to have been in partnership with a 'Mr. Nakamura' in his logging business.[53] Nakamura is a

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[51] 'Salt Spring's Japanese Canadian Community' Salt Spring Island Archives website http://www.saltspringarchives.com/japanese/index.html Accessed 24 October 2016
[52] 'Salt Spring's Japanese Canadian Community' Salt Spring Island Archives website http://saltspringarchives.com/maps/japanese.htm Accessed 24 October 2016
[53] Charles Kahn *Salt Spring: The Story of an Island*, (Madeira Park: Harbour Publishing, 1998), 207

common family name and it is not known for sure if this person was the Taki Nakamura of Saltspring, but it is not unlikely.

Kyrle Symons, at teacher at the Beaver Point school from 1908 to 1910, wrote in his memoir that Japanese workers at the nearby Monk farm would come to the small log cabin where he lived to get reading lessons.

> *Mr. Monk had some Japs working for him, and they used to come to me at night, to learn to read from an infant's Reader; in return they used to cut and stack a fine lot of fire-wood for us every Sunday. They were deeply interested in the baby. I have snapshots of all these people and things, and very precious they are.*[54]

It is noteworthy that he treasured his memories of interacting with Japanese labourers.

The Murakami family's history on Saltspring dates from the present (2017) back to 1909 when the current generation's maternal grandparents first came to the island. Kumanosuke Okano emigrated from Hiroshima and joined by his wife Riyo Kimura in 1902. Their daughter Kimiko was born in 1904 in Steveston BC, the first Japanese Canadian baby to be born there.

In 1909 the Okano family moved to Duck Bay on Saltspring where they made their living by fishing. Discriminatory licensing, which reduced the number of licenses available to Japanese Canadian fishers, prompted them to turn to farming. In 1919 the family sold its boats and used the money to purchase property on Sharp Road near the end of Booth Inlet, the area of the island where the Japanese Canadian farms on the island would be concentrated. In the years that followed their farm flourished, with their extensive greenhouse operation supplying tomatoes to wholesalers in Vancouver and Victoria.

On a visit to Japan in 1925 young Kimiko was introduced to Katsuyori Murakami and the two married the following year. The 'Gentleman's Agreement' that

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[54] Kyrle C. Symons *That Amazing Institution: The Story of St. Michael's School, Victoria B.C. from 1910-1948* as transcribed on the Salt Spring Archives website http://saltspringarchives.com/symons/amazingInstitution.htm Accessed 20 October 2016

restricted immigration of Japanese men to less than 400 individuals a year made it difficult for Katsuyori to emigrate to Canada, but with the sponsorship of the Okano family he was able to come in 1927, just before immigration from Japan was even further restricted.

During their first five years together the young couple worked on the Okano family farm and by 1932 they had saved enough to purchase 17 acres nearby on Sharp Road. There they built up a prosperous farm, producing vegetables and strawberries for the Victoria market, and an egg operation with upwards of 5,000 birds. Katsuyori and Kimiko were looking forward to paying off the last of their debts after the 1942 harvest, but their hopes were dashed when they were uprooted from the island in April of that year. The couple were fiercely hardworking and tenacious; after the incredible hardship of the uprooting and having their land sold against their will, they were the only Japanese Canadian family to return to the island to start again.[55]

The story of the Tasaka family on Saltspring gives some insights into how Japanese-Canadians were situated within the larger community on the island in the early 20th century. After first coming to North America in 1893, Isaburo Tasaka, the scion of the family in Canada returned to Japan to find a wife. He met Yorie Hato and they came to Canada in 1903 and two years later they were living on Saltspring. The Tasaka family home was located behind what is now Embe Bakery at the corner of Seaview Avenue and the Fulford-Ganges Road in Ganges.[56] They lived at this location until 1929 when they moved to Steveston on the mainland.

In the years that followed Yorie would give birth to 19 children, 15 of whom survived into adulthood. Supporting his large and growing family was challenging and like a lot of islanders Isaburo did whatever he could to make a living.

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[55] Rose Murakami *Ganbaru: the Murakami Family of Salt Spring Island* (Ganges: Japanese Garden Society of Salt Spring Island, 2005), 13

[56] Ted Ohashi and Yvonne Wakabayashi *Tasaka* (North Vancouver: self-published family history, 2005) 13, 38

Members of the family who grew up on the island remember being poor, but always having enough to eat. They grew a big garden and though they didn't often get beef or pork, there was the occasional chicken and Isaburo often brought home fish. The kids would gather oysters, clams or crabs.[57] The family was part of the sharing economy on the island; Isaburo would trade fish for plums with a neighbour, and Mr. Bullock, a well-to-do man on the island, would allow the Tasaka kids to come and pick cherries from his tree.[58]

One of the ways the Tasaka family earned money was through the production of charcoal for use by fish canneries and for the manufacture of explosives and other products. Japanese Canadians operated a number of charcoal kilns throughout the Gulf Islands and the Tasaka kiln was located behind the family home in what is now known as 'Mouat Park'.[59] Isaburo and his sons cut maple and alder in the surrounding forest and turned it into charcoal, which in 1923 was sold in Victoria for soap-making for 30 cents for a rice sack full.[60] It was hard, hot, dirty work but it was an important source of income for the family.

The kiln was situated on land that was owned by Mr. William Allen McAfee, a blacksmith on the island who was very friendly with the Tasakas and other Japanese Canadian families. He permitted the Tasakas to use his property for charcoal-making in return for some charcoal to use in his blacksmithing business. Long after the Tasakas left the island in 1929, in the early-1950s when the Murakami family returned to the island after the uprooting, they remember seeing the meticulously dressed McAfee out for a walk, cane in hand and hat on head. He often stopped in to chat with the Murakamis, and knowing that they were started over again on Saltspring allowed them to harvest whatever firewood they needed from his property.[61]

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[57] Ohashi, Wakabayashi, 42-43
[58] Ohashi, Wakabayashi, 42
[59] Ohashi, Wakabayashi, 40
[60] Recollected by Isaburo Tasaka's son Ty, as told to Stephen Nemtin and recorded in 'Japanese Charcoal Pit Kilns on the Gulf Islands' BC Historical News Vol. 34, No. 3 Spring 2001 3
[61] Recollection of Rose Murakami as related in email correspondence, 25 October 2016
In McAfee's conversations with the Murakamis, he often said that he wanted his property to be

Tasaka family memories of the generosity of individuals like McAfee and Bullock suggests that racist attitudes on the island, though not absent, were far from universal. Family member Masue, daughter of Isaburo, doesn't recall feeling discrimination on the island; the parents were well liked and so were the children. She also remembered being invited to picnics with other 'hakujin' (white) children.[62] As in the early years of settlement, it seems that overt expressions of racism were likely rare on Saltspring, the racism that did exist was more subtle and the Japanese Canadians also had some true allies on the island.

Torazo Iwasaki, who came to own a very large property on the north end of Saltspring, first came to Canada in 1901 from the city of Numazu in Shizuoka prefecture in Japan. He became a naturalized Canadian in 1907 and his wife Fuku (née Shiokawa)[63] were married in 1918 and shortly after moved to Saltspring. Torazo worked as chief engineer on a ship named the 'William Grant' and earned money beachcombing, collecting logs off of the beaches and selling them.[64] In 1928 the Iwasakis moved onto the North Saltspring property given to Carl Walters as a Crown Land Grant on 1 April 1887, and belonging to the Pottinger family of Duncan BC, who had owned it since 15 March 1905.[65]

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turned into a park for the enjoyment of islanders after his death. After he passed away in 1959, they were told by Gavin Mouat (of the Salt Spring Land Co.) that the land would become a park and that they could no longer cut firewood. When it became a park the following year, they were surprised to learn that it was called 'Mouat Park', suggesting that it was a donation from the Mouat family, instead of McAfee Park. The certificate of indenture in which the land was conveyed to Mouat covered no less than twelve titles, only three of which were for the land that would become the park. It may have been that McAfee had a verbal agreement with Mouat that those parcels would be donated to province as a park, but it leaves unanswered the question of why it came to be called 'Mouat Park' instead of 'McAfee Park'.

[62] Ohashi, Wakabayashi, 43

[63] RCMP Information Form dated 5 April 1943 collected while the Iwasaki's were interned in Greenwood, File 59100, Vol 2825 Part 2 1943 – 1968 at Library and Archives Canada

[64] From the transcript of the Evidence on Commission of Torajo (sic) Iwasaki, 8 March 1968, in the Exchequer Court of Canada, 5 July 1968, 7

[65] Land Registry Act Form A in Pocket 5742i at the Land Title and Survey Authority of British Columbia in Victoria, accessed on 5 February 2016 by Wendy Smith of Wendy Smith Registry Services Ltd. In a Certificate of Indefeasible Title granted to Charles Pottinger on 11 November 1924, the property is listed as being 524.8 acres. Title 58307i, at the Land Title and Survey Authority of British Columbia in Victoria, accessed on 5 February 2016 by Wendy Smith of Wendy Smith Registry Services Ltd.

In the years that followed, Iwasaki lived on the property, logging and clearing land for farming, with his pea crop being the most profitable. He had cows that produced seven gallons of milk a day and had a small portable sawmill set up and sold logs off the property to an agent in Vancouver who exported them overseas, and directly to Japanese herring fishermen for the construction of wharves. The last three of their four children were born on the property and went to school on the island.[66]

The Decade Before WW2

As the decade of the 1930s progressed, Saltspringers were reading newspaper accounts of the Japanese advance into China, while local politicians gave fiery speeches about 'the racial question' and fanned anti-Asian sentiments with rumours of illegal immigration from Japan. Immigration from Japan had been severely curtailed for decades, but many racists in the province were convinced that any number was too many and that Japanese were entering the country illegally.

Under the 'Gentlemen's Agreement' concluded between Canada and Japan in 1908 after the race riot in Vancouver the previous year, Japan had agreed to limit the emigration of adult men to 400 per year, and this number was further reduced in 1923 and 1928. Under the 'picture bride' system, more women than men began entering the country from Japan and because the 'Gentlemen's Agreement' was not a written regulation it fueled speculation among Whites who wanted to exclude the Japanese from the coast that large numbers of people were illegally entering Canada.[67]

An alleged human smuggling ring was uncovered by the RCMP in 1931 in which it was asserted that about 2,500 Japanese had illegally entered the country over the previous 15 years. In the highly publicized investigation that followed, it was

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[66] From the transcript of the Evidence on Commission of Torajo (sic) Iwasaki, 8 March 1968 in the Exchequer Court trial, 26 March 1968, 7-8
[67] Adachi, 81-85

concluded that 2,200 of these had fled the country fearing apprehension, 213 were arrested, 161 deported, and 47 were allowed to stay. The rest were thought to be still at large.[68]

Despite the meagre findings of this investigation, rumours of illegal immigration continued to circulate, prompting Mackenzie King to appoint a Board of Review in 1938 headed by Hugh Keenleyside. The board toured the province investigating every available lead, but after that method turned up little it was decided that the RCMP would undertake 'controlled sampling', unannounced spot checks of a number of communities with Japanese populations throughout the province.[69]

Saltspring Island was one of the communities sampled. According to the RCMP report dated 23 July 1938[70], on 18 July 1938 an RCMP team consisting of Lieutenant Corporal R.W. Kells (the writer of the report), Constables Owen-Jones and Henry 'F.', and a 'Mr. Wynd' of the Immigration Department traveled to Saltspring aboard the CP steamship Princess Mary to check on the 'Naturalization Papers, Passports and Birth Certificates of the Japanese Population of the above mentioned island'[71].

They found that out of a reported population of 1200, 62 were Japanese who owned a total of 997 acres which were mostly small properties of 5 to 30 acres, with two owning larger properties of 200 and 600 acres. The report noted that property on the island was valued at $100.00 an acre, which turned out to be considerably higher than the appraisals made when the land was later seized and sold by the government.

The report summarized the Japanese population as:

Adults Male	*19*
Adults Female	*9*

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[68] Ibid., 180
[69] Ibid., 180
[70] RCMP Division File No S49B, Vancouver BC Detachment, 23 July 1938
[71] Ibid.

Children Male	*13*
Children Female	*21*
Total	*62*

and noted that all Canadian-born children spoke English fluently. After completing its investigation, the group returned to Vancouver on the Princess Mary on July 21, and reported that 'no illegal entrants were found on this investigation'.[72]

The RCMP report is interesting in a number of respects. First of all, the people enumerated in the report are referred to as 'the Japanese' as all people of Japanese ancestry almost always were in that era. This was despite the fact that the majority of them are Canadian born, virtually all of them are Canadian citizens, and all of them are legal residents of Canada. The writer of the report had so internalized the concept of Canada as a white settler state that no qualification was given in his description of the nationality of the people he is describing, and there is no suggestion that they are Canadian; they are not 'Japanese-Canadian', or 'Canadians of Japanese descent', 'people of Japanese extraction', etc., they have been completely othered, racialized, as 'Japanese'.

Secondly, in looking at the date of arrival in Canada of many of the older 'issei' members of the community who were born in Japan, many of them had been in Canada a very long time when the report was written. Nakamura Taki, 30 years; Ishijima Magoe, a citizen for 22 years and a 36-year resident of Saltspring; Murakami Tsunetaro, a citizen of 24 years; and Ito Nakazo, 31 years. These 'Japanese' were not newly arrived immigrants acculturating to life in Canada, most of them had been in Canada for decades, had established farms and businesses, and were successfully raising large families.

Thirdly, woven into the bureaucratic language of the report are the outlines of the lives of families that if they could not be described as 'prosperous', are certainly operating as thriving and productive members of their community. Such

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[72] Ibid.

descriptions as, 'Owns 21 Acres. 3 Greenhouses. 4 Poultry Houses. 5 room house. 300 poultry. About 10 acres cultivated, mostly in berries' does not suggest marginalization or poverty.

Figure 3: Okano family greenhouses in 1941, with other Japanese-Canadian properties in the distance.[73]

At the time RCMP were conducting their investigation on Saltspring, there were eleven Japanese Canadian-owned farms on the island, mostly clustered in the fertile land around the end of Booth Inlet. A number of them were running greenhouse operations; those on the Okano farm were very large. These farms were very productive, accounting for a substantial portion of the island's food shipments to off-island markets and employing non-family labour. In the recollection of Don Cunningham, before the war this part of the island was known as 'Japtown'.[74]

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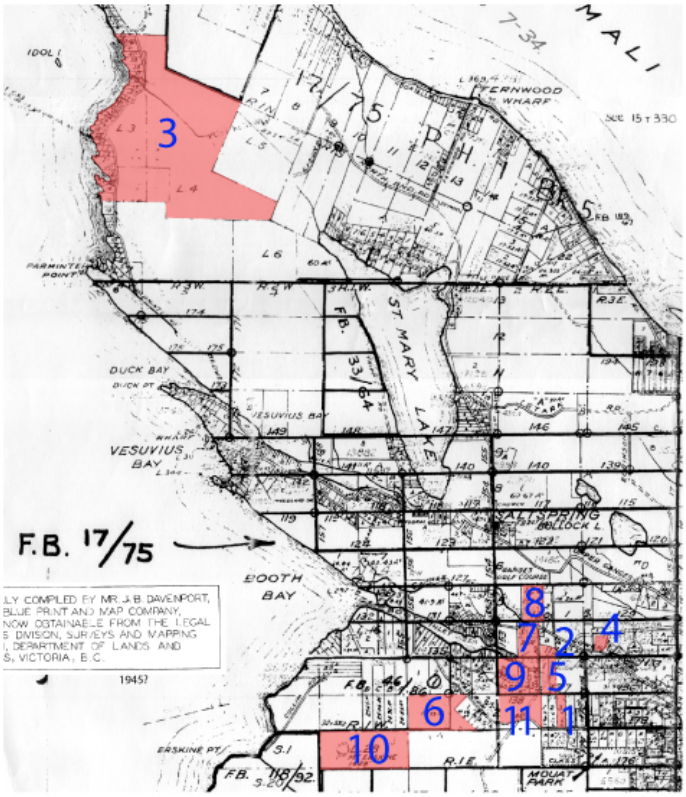
[73] Murakami Family Collection, Salt Spring Archives http://saltspringarchives.com/murakami/pages/2005011001.htm Accessed 28 October 2016
[74] 'Don Cunningham talks about the Old Days of Salt Spring Island. Part 3' https://vimeo.com/202494241 Accessed 2 February 2017

Figure 4: Japanese Canadian Properties on Saltspring Island - 1941



No.	Owner	Acres
1	Masakichi Inouye	9.74
2	Nakazo Ito	5
3	Toraso Iwasaki	598.85
4	Masuo Mikado	5.76
5	Katsuyori Murakami	17.04
6	Masayoshi Murakami	65.89
7	Morihei Murakami	21
8	Tsunetaro Murakami	26.8
9	Kumanosuki Okano	49.32
10	Kumanosuki Okano	100
11	Sueyuki Okano	38.7

[75]

Though the Immigration Board of Review did not find the widespread illegal immigration that some had suspected, there were still many people calling for the expulsion of Asians.

Acutely aware of the growing racism in British Columbia, Japanese Canadians were eager to demonstrate their loyalty in the face of the German-Italian-Japanese axis that was forming. With the first issuance of war bonds in 1940, Japanese Canadians responded enthusiastically and by the summer of 1941 their

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75 Compiled by Jay Thomas with assistance from Dan Arnold, Joni Devlin, and Caffyn Kelley for the Salt Spring Japanese Garden Society, March 2006, corrections and additions by Brian Smallshaw

purchases in the Victory Loan Drive totaled $340,200.[76] Many were also eager to enlist to demonstrate their loyalty. There had been some discussion in within the Army about the formation of all-Nikkei units, but in the end the opportunity to enlist never came. The Dominion Militia Act governing conscription of all British subjects between 18 and 45 made no distinction regarding those without the franchise. Adachi asserts that the issue of the franchise was behind the decision to exclude the Nikkei from military service. Vancouver City Council had specifically asked the federal government for assurance that the franchise would not be granted to Nikkei serving in the armed forces.[77]

A committee formed to study the matter of Nikkei enlistment recommended against allowing it, not because their loyalty was in question, but because of feared reaction of the white population of British Columbia. No doubt recalling the disturbances of 1907 in Vancouver, they felt race riots were a real possibility.[78]

The composition of the committee hints at the seriousness with which the government took the issue: Lt.-Col. A.W. Sparling of the Department of National Defence, Assistant Commissioner F.J. Mead of the RCMP, Dr. Hugh Keenleyside of the Department of External Affairs, and Sir George Sansom, a British historian of Japan. The committee held hearings in Vancouver and Victoria in October 1940, and heard testimony from 57 witnesses, including eight Japanese Canadians. Tasked with trying to determine the causes of hostility between the white and Japanese populations, it specifically tried to determine if the friction constituted a threat, and it existed, the best means of mitigating it. In concluding its study, the committee could find no evidence of disloyalty among the Nikkei population, and in fact, found them to be model citizens. It did, however, find

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[76] Adachi, 186
[77] Adachi, 189
[78] Special Committee on Orientals Report and Recommendations, December, 1940 (Ottawa: King's Printer, 1941) p. 12, as cited by Adachi, 189-190

that ill feeling between the white and Japanese Canadian communities was being stoked by individuals looking for political advantage.[79]

Prime Minister Mackenzie King was concerned enough about the possibility of subversion, however, that he decided to go ahead with a registration of the Japanese Canadian population of British Columbia.[80] This was mostly accepted by the community as being necessary to calm suspicions, receiving a pledge of cooperation from the Japanese Canadian Citizens League.

The RCMP registration ran from early March to the end of August 1941. There were no public notices or articles of any kind in the *Saanich Peninsula and Gulf Islands Review*. A five-man liaison committee established to work with the RCMP included, once again, Lt.-Col. Sparling and F.J. Mead, together with Mayor Fred Hume of New Westminster, Professor Henry Angus of the University of British Columbia and Saltspring MLA Lt.-Col. MacGregor MacIntosh. It was a volatile mix of people, as Angus was known to be sympathetic to the Japanese Canadians, while MacGregor MacIntosh was virulently racist.[81]

Racism is expressed in many ways, and on Saltspring in the years before World War II it likely took subtle forms more often than the overt declarations of racist politicians. About three weeks before Macintosh and Cunliffe spoke in Ganges on 'the racial question', the *Saanich Peninsula and Gulf Islands Review* ran a story at the top of its front page on the 'pretty wedding' of Mary Kazuko Mikado and Peter Murakami at St. Paul's Church in Ganges, complete with long, detailed descriptions of what the bride and bridesmaids wore for the occasion and the beautiful decorations in the house where the reception was held. Continued on the fifth page, it is a happy story of a joyous occasion. A J. N. Rogers offered his toast to the groom, and Captain Best[82] was also present, wishing 'the newly

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[79] Adachi, 190-191
[80] J.W. Pickersgill *The Mackenzie King Record: 1939-1944* (Toronto: University of Toronto Press, 1960) 151
[81] Adachi, 192
[82] Captain V.C. Best of Ganges is an intriguing figure who warrants more study. Kate Siemen's website, *Witnessing Internment* https://witnesstointernment.wordpress.com/, produced as a BA

married couple every happiness in their future life and also, on behalf of the Canadians present, expressed thanks for the invitation and reception, which they had been proud to accept.'[83] The article was full of warmth and genuine goodwill, yet the title, 'Japanese Girl Pretty Bride at Ganges' and the reference to Best speaking on behalf of 'Canadians' when it was likely that virtually everybody in the church was a Canadian citizen belies the divide that existed between 'the Japanese' and 'the Canadians'. In 1938 this divide wasn't a gulf, but if a young woman like Mary Mikado who was born in Ganges could be described as a 'Japanese girl' and a friend could stand up at her wedding and offer a toast on behalf of 'the Canadians', there is a degree of separation.

More evidence of this divide is revealed in the following year in the social column for Saltspring in *The New Canadian*, the English-language newspaper for Japanese Canadians published in Vancouver. In a report on a whist (card game) drive that was run as a benefit for the completion of some public tennis courts, the 'pioneer' participation of Victor and Jimmy Okano, Luke, Phillip, Martha, Peter and Mary Murakami, Gerald and Helen Ito, and Dixie and Isabel Nakamura was favourably noted. 'The local residents are very pleased to see the Nisei taking an active part, and sincerely hope that this is only a beginning.' [84]

For the most part, the Japanese Canadian members of the community were rarely mentioned in the local newspaper, but they were not absent. In the social columns of the *Saanich Peninsula and Gulf Islands Review* there was a lot of news about the comings and goings of the people of the island; who was home to visit, bazaars, bake sales, church events, weddings, and so on. Japanese names occasionally appear. When the uprooting begins in the early months of 1942, were there any expressions of solidarity or sympathy with the Japanese Canadian

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Honours thesis, is a rich source of information.

[83] 'Japanese Girl Pretty Bride at Ganges' *Saanich Peninsula and Gulf Islands Review* 14 December 1938, 1, 5

[84] 'Ganges Gleanings', *The New Canadian* 15 February 1939, 5. http://newspapers.lib.sfu.ca/tnc-34752/page-5 Accessed 21 January 2017 The writer was V.C. Best, likely the same Captain Best who spoke at the wedding the year before.

members of the community? Other than official notices regarding the 'evacuation', and vesting of property, the only hint of the impending uprooting from Saltspring comes in a little article about a Christian confirmation:

> *GANGES, April 8.–The Lord Bishop of the diocese made a special trip recently to Salt Spring for the purpose of confirming seven young Japanese, who may shortly be leaving the island. The candidates, who were presented for confirmation by Archdeacon G. H. Holmes, included Martha Murakami, Joan Mikado, Edward Numajiri, Paul Hirano, Douglas Mikado, Robert Mikado and George Murakami. The service took place at St. George's Church, Ganges, where the bishop in his very human address to the young candidates, referred to the difficult times through which they were passing…*[85]

A small number of racists had shifted the agenda to make the removal of the entire Japanese Canadian population off the BC coast necessary for the security of the country, despite assurances from the military and police authorities that they posed no threat at all. When the uprooting happened, it occurred without a peep of protest from the rest of the community.

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[85] 'Salt Spring Scene of Confirmation' *Saanich Peninsula and Gulf Islands Review* 8 April 1942 1

Chapter 3 – Uprooting

Japanese Canadians on Saltspring Island and elsewhere on the coast came face to face with the ugly visage of aggressive racism in the late 1930s as Japan's imperial invasion of China in 1937 created fertile terrain for demonization. On Saltspring, the chief proponent for what would culminate as an attempt at ethnic cleansing was Lt. Colonel Macgregor Macintosh, MLA for the island during part of the 1930s[86] Macintosh was one of a number of influential BC politicians who led the drive to forcibly remove Japanese Canadians from the coast. They were not unopposed in that effort, but they succeeded because Japanese Canadians had been thoroughly racialized as 'the Japanese'. In this chapter I document how Japanese Canadians on Saltspring reacted to the resurgence of racism in the 1930s, the events leading up to the decision to uproot them from their homes, and the initial dispossession of their properties.

Macgregor Macintosh

Macgregor Fullarton Macintosh was the Conservative MLA for provincial riding of The Islands. (In 1941, the area was redistributed into the new Nanaimo and the Islands riding.) His racist attitudes towards Asians were well known to his constituents, but this was apparently not a barrier to success at the ballot box; he was first elected in a by-election in 1931, the only nominee in a by-election when the seat had been vacated in 1930 after C.W. Peck resigned to accept an appointment to the Canada Pension Tribunal.[87] Peck chose not to run again in 1933,[88] but Macintosh was not re-elected. Macintosh was elected a second time in

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[86] Various capitalizations have been used in the spelling of Macintosh's name, for example 'Macgregor' and 'MacGregor' and 'Macintosh' and 'MacIntosh'. Newspaper spellings of the day seemed to prefer 'Macgregor Macintosh' so that is what I have used.
[87] *Elections British Columbia Electoral History of British Columbia 1871-1986* (Victoria: Elections British Columbia and the Legislative Library, no date listed), 171
[88] Interestingly, though Macintosh was virulently anti-Japanese and wanted to deport all Japanese Canadians to Japan, he strongly supported giving the franchise to Japanese Canadian veterans of WW1. When he sat as an MLA in 1931, in the legislature he praised 'unusual bravery' of the Japanese Canadian soldiers and said that granting them the right to vote would be 'a gracious act of recognition for men who fought under the British flag.' As quoted in Adachi, 155.

1937 with 45.12% of the vote, beating out his nearest rival, Liberal Alexander McDonald who only received 32.86%.[89]

Macgregor Macintosh was a veteran of the First World War and a Saltspringer who lived on a farm on Weston Lake in the south end of the island. He lost an arm in the war and the Nikkei islanders referred to him as 'teinashi', or 'armless'[90]. In 1931 he founded the local branch of the Canadian Legion[91], and a decade later on 2 July 1941, by then a colonel, he was re-elected president of that organization, serving together with fellow officer Gavin Mouat. At the outbreak of the European war in 1939, Macintosh rejoined his old regiment Princess Patricia's Canadian Light Infantry and took command of the Canadian Small Arms Training Centre for Western Canada in Lethbridge. After being promoted to Lieutenant-Colonel in Oct. 1940, he retired from the army in May 1941 because of ill health. He ran in the provincial election of October 1941 in the newly formed riding of Saanich, but narrowly lost to the Liberal candidate, Norman Whittaker.

In the late 1930s Macintosh was publicly advocating for the expulsion of all Japanese Canadians, saying that they never could become 'white Britishers, white Canadians'.[92] As an important organizer for the provincial Conservative Party, his statements were reported on in papers as far away as Prince George.[93] On the evening of 27 January 1938, Macintosh addressed a public meeting in Mahon Hall in Ganges (the largest town on Saltspring) with 150 citizens present. After discussing a number of political issues, he turned his attention to 'the Japanese question', a subject that was received with 'great interest' according to the news report on the story. It's noteworthy that he was challenged in his views by a Captain Best:

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[89] Elections British Columbia *Electoral History of British Columbia 1871-1986* http://elections.bc.ca/docs/rpt/1871-1986_ElectoralHistoryofBC.pdf Accessed 20 March 2016, 186

[90] Telephone conversation with Rose Murakami, 16 March 2015

[91] From the Farr section of the notes for *Salt Spring: The Story of an Island* on the Salt Spring Archive website, accessed 15 March 2015

[92] Patricia Roy 'Educating the "East": British Columbia and the Oriental Question in the Interwar Years' *BC Studies* (Vancouver, Summer 1973) *18*, 50

[93] 'Behind the Headlines at Ottawa' Prince George Citizen 10 March 1938 7

> *Captain Macintosh's references to the Japanese penetration of B.C. were received with great interest and the attitude of the Canadian-born Japanese was expressed in a written statement read by their spokesman, Captain V. C. Best. Captain Macintosh in reply said that he was not in any way actuated by personal animosity but that B.C. must answer now the question "Is this province to be for the white man or the Oriental?"*[94]

The story was considered to be important enough to be at the top of the front page, and while the content of Best's statement is not recorded, it's clear that the Japanese Canadian Saltspringers had prepared for the meeting and that there were allies ready to stand up in public meetings and respond to expressions of racism. Near the end of the article it is noted that Macintosh spoke the following day to a well-attended meeting in Fulford on the southern end of the island, in which, 'Many questions were asked on the Japanese problem in B.C.'[95]

The meeting was also covered by *The Daily Colonist*, which reported that in regard to Macintosh on the 'Oriental question', 'He stated he had been severely scored for his speeches and criticism on this matter, but he said he spoke with no animosity to the individual and his remarks were in no way influenced by present conditions in China.'[96] Macintosh was not deterred despite being 'severely scored' for his racist speeches.

The opposition referred to in the *Daily Colonist* article may have come from the Dr. Raymond Rush, the island's doctor at the time. Rose Murakami cites her father's recollection that Dr. Rush stood up in the meeting to demand that Macintosh come with him to see the Okano home and farm, Rose's maternal grandparents' place, to see how they lived.[97] These challenges to his racist views didn't seem to dissuade Macintosh from airing them. A year later he would again be at Mahon Hall, joined by F.S. Cunliffe, federal Conservative candidate for the

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[94] 'Japanese Question to the Fore' *Saanich Peninsula & Gulf Islands Review* 2 February 1938 1
[95] Ibid.
[96] 'Islands Member Heard at Ganges' *The Daily Colonist* 1 February 1938 16 http://ia802703.us.archive.org/28/items/dailycolonist0238uvic/dailycolonist0238uvic.pdf
[97] Rose Murakami *Ganbaru*, (Ganges: Japanese Garden Society of Salt Spring Island, 2005), 13

Nanaimo riding. Cunliffe '...spoke of the difficulties to be contended with regarding the racial question, and mentioned places in Saskatchewan where the English language was not even known.'[98] Given the low number of immigrants from Asia in Saskatchewan, perhaps Cunliffe's racism extended beyond the 'Oriental question'.

The Decision to Uproot

In 1940, the federal government created the Standing Committee on Orientals to gather advice on matters related to Asian Canadians. The committee was composed of four British Columbians: Professor Henry F. Angus of the University of British Columbia; Assistant Commissioner Frederick J. Mead of the Royal Canadian Mounted Police; Lieutenant Colonel A.W. Sparling of the Department of National Defence; and Mayor F.J. Hume of New Westminster. Lt. Col. Macgregor Macintosh joined the committee on 7 January 1941.

A separate Special Committee on Orientals was formed in 1940 to look into the enlistment of Asian Canadians, with Keenleyside, Mead, Sparling from the Standing Committee, plus Dr. George Sansom, a professor of Asian studies at Columbia University. All were strongly in support of allowing Asian Canadians to enlist, with the exception of Sparling who, judging from a statement made later in the war, believed that having them serve alongside White soldiers might lead to racial incidents in the armed forces. Sparling's view prevailed and Japanese Canadians were not allowed to enlist.[99] This was a big disappointment to Japanese Canadians eager to demonstrate their loyalty, and a sharp contrast to what happened in the US, where the Japanese Americans who served in Europe were later widely praised for their exceptional bravery.

Immediately after the attack on Pearl Harbor there was a sharp surge in racial tensions in British Columbia. There were no riots on Saltspring, but there *were*

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[98] 'Market Act and Oriental Discussed' *Saanich Peninsula and Gulf Islands Review* 18 January 1939 1
[99] Sunahara, 11

strong expressions of anti-Japanese sentiment. Alice, the oldest of the Murakami family's children and 13 at the time of Pearl Harbor, was abused by her teachers in front of her classmates. Some of the students from her school threw stones at her on her way to and from school. When her mother Kimiko was shopping, members of her church congregation who she previously had considered friends loudly whispered about 'those Japs' in her presence.[100]

With the upsurge in anti-Japanese Canadian racism muscular colonialists such as Macgregor Macintosh used the situation to advantage. On January 8th and 9th 1942 a conference was convened in Ottawa of the Standing Committee on Orientals in British Columbia to discuss the 'Japanese Problem in British Columbia'. This meeting laid the groundwork for the uprooting of Japanese Canadians that shortly followed. Twenty-five people attended, all of them high-ranking members of the government, military and police, and most of them either current or past residents of BC. The conference was chaired by the strongly anti-Japanese Ian Mackenzie, Minister of Pensions and National Health and included Lieutenant-Colonel Macgregor Macintosh, a Saltspringer and former MLA for the Islands. Mackenzie and Macintosh, along with R.L. Maitland, BC Conservative Leader, and George Pearson, BC Minister of Labour, led the charge for uprooting, using the threat of riots to make their point. The group also included others that were sympathetic to Japanese Canadians like H.F. Angus, Special Assistant to the Under Secretary of State for External Affairs, and H.L. Keenleyside, Under Secretary of State for External Affairs.[101]

The minutes of the conference highlight the tension that existed between some of the British Columbians who wanted the wholesale removal of Japanese Canadians and others who did not, or who had a more restrained view. Many of the British Columbians in the group did not accept the assurances of the military

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[100] Murakami, 15-16
[101] Minutes from the 'Conference on the Japanese Problem in British Columbia' of the Standing Committee on Orientals in British Columbia 8-9 January 1942 LAC RG117 Vol. 0001 File 2 Part 3

and police that the Japanese Canadians posed no threat, while maintaining that the bigger concern was the safety of the Japanese Canadians themselves:

> *The people of British Columbia were definitely alarmed by the Japanese menace. There is grave danger that the anti-Japanese riots may break out and that it will be necessary to call out the troops to defend Japanese residents from attack by other Canadians.*[102]

It seems unlikely that people like Mackenzie and Macintosh who had been calling for the removal of Japanese Canadians from Canada since long before Pearl Harbor were terribly worried about the need to protect them. Their view was countered by members of the conference from Ottawa, including Mr. Couper from the Department of Labour who noted 'the impending labour shortage in Canada and argued that racial discrimination was not only unjust but inefficient and thus affected detrimentally Canada's war effort.'[103]

There was considerable discussion at the conference about the impact that Canada's treatment of Japanese Canadians would have on Japan's treatment of Canadian prisoners of war captured at Hong Kong. Hugh Keenleyside from External Affairs pointed out that Japan would likely retaliate in kind if it believed Japanese Canadians were being mistreated, and that if the Canadian government were to decide on the wholesale internment of Japanese Canadians the action would likely be opposed by the UK government which was concerned about the fate of captured British nationals. Keenleyside's view is interesting in a number of respects: the wholesale internment of Japanese Canadians was already being contemplated; they understood that such an action could be considered mistreatment; and the Canadian government gave consideration to the views of the UK government, but later decided to align with the American policy of wholesale internment.[104]

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[102] Ibid., 6
[103] Ibid., 6
[104] Ibid., 7

The conference concluded with an agreement to drop the proposal that had been discussed to 'remove all persons of Japanese racial origin from the Pacific coast', but to proceed with the removal of all adult male Japanese nationals. In demanding the latter, the representatives from BC 'emphasized that in their opinion it was the minimum necessary to satisfy the people of British Columbia and prevent riots and it was pointed out that the assurances of the Armed Forces and of the Royal Canadian Mounted Police did not extend to denying dangers of anti-Japanese rioting.'[105] In their efforts to remove Japanese Canadians from the coast, racist BC politicians consistently used the threat of rioting as a justification for their position. Was there a possibility of anti-Japanese rioting? Certainly there was a historical precedent for it in the 1907 riots in Vancouver and there were expressions of anti-Japanese sentiment in the month following Pearl Harbor, but responses to the attack fell well short of hysteria.

Several weeks after the attack on Pearl Harbor discussion about the formation of a 'Home Guard' militia appeared in the *Saanich Peninsula and Gulf Islands Review*, which led to the formation of the Gulf Islands Rangers at the beginning of April by Macgregor Macintosh (with its office on the premises of Salt Spring Lands, the real estate firm owned by Gavin Mouat).[106]

The first racist caricatures of the Japanese enemy didn't appear in the local newspaper until two and a half months after Pearl Harbor.[107] If the people of British Columbia were alarmed at the 'Japanese menace' as the BC members of the committee maintained, they were mostly channeling their fear into the creation of militias and organizing blackouts in the case of air raids.

About a week after the Ottawa conference of January 8th and 9th organized by Ian Mackenzie, as a compromise with BC politicians demanding action the

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[105] Ibid., 8
[106] '"Gulf Islands Rangers" Auxiliary Defence Corps Being Formed' 1 April 1942 p1 *Saanich Peninsula and Gulf Islands Review*
[107] 'Stop this Menace' ad for Victory Bonds, 25 February 1942 p3 *Saanich Peninsula and Gulf Islands Review*

government announced on January 14th that all male Japanese nationals between the ages of 18 and 45 would be removed from the coast by April 1st.[108] Under this 'partial evacuation', on March 17th[109] five men were taken from Saltspring by the RCMP (including one who was much older than 45) and sent to the Yellowhead Prison Camp: [110]

1. *Katsuyori Murakami 43*
2. *Masakichi Inouye 61*
3. *Michio Inouye 22*
4. *Masayoshi Murakami 30*
5. *Umeo Luke Murakami 27*

Many years later, Rose Murakami recalled the bitter memory of her father Katsuyori being taken away in the back of a pickup truck by the RCMP. Before leaving, his children lined up and he patted them on the head and made them promise to be good kids and do everything their mother asked. He had had an appendectomy not long before and walked slowly to the truck to leave, too slowly for the RCMP officer who shoved him, causing him to fall down. Painfully picking himself up, he climbed aboard the back of the truck. As the family watched their father leave, the truck jerked forward, he fell again–a painful departure made excruciating by the insensitivity of the police officer.[111] Katsuyori was a Japanese national, having been born in Japan and never naturalized, but his wife Kimiko, though born in Steveston, was also considered to be a Japanese national because she was married to one.[112]

What was not envisioned when the partial evacuation was first planned was the enormous anxiety and hardship that resulted when families were broken up. On Saltspring, after her husband Katsuyori was taken away, Kimiko Murakami was

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[108] Adachi, 208
[109] Murakami, 17
[110] Recollection of Mary Kitagawa as documented in notes in the Salt Spring Japanese Garden Society Archive.
[111] Story told by Rose Murakami in a discussion following a talk given by Brian Smallshaw to the Salt Spring Japanese Garden Society, 18 February 2016, and from Notes from a conversation with Rose Murakami by Brenda Guiled, 12 April 2012
[112] Murakami, 14 There is some doubt as to why Kimiko was considered a Japanese national since she had been born in Canada. The Murakamis believe it was because her husband Katsuyori was a Japanese national, but it may have been because she had left Canada and been out of the country for an extended period. More research is required on this.

left to manage the family farm on her own, with five children between the ages of one and thirteen.[113] The separation of families became a major point of contention that prompted resistance by Japanese Canadians to the 'evacuation' from the coast.

On 16 January 1942, several days after the 'partial evacuation' was announced, Order in Council P.C. 365 was enacted to authorize the creation of a 'protected area' from which enemy aliens could be removed, later defined as the area along the BC coast to 100 miles inland.[114] The federal government was under pressure from anti-Japanese groups in British Columbia who wanted all Japanese Canadians removed from the coast. Though Premier Hart of BC was satisfied with the 'partial evacuation' that had been carried out, other groups and individuals wanted a stronger response. Macgregor Macintosh, no longer an MLA but still very active in the Conservative Party, was taking every opportunity to urge the federal government to remove 'all Japanese of all ages' from the coast, saying that their presence was one of the 'worst menaces' that B.C. faced.[115] Thomas Reid, Liberal MP from New Westminster, was calling for all Japanese Canadians to be 'deported'. The municipal governments of Vancouver and Victoria, and groups such as the Canadian Legion and the IODE wanted them removed from the coast, and no distinctions were made between Canadian-born and naturalized Japanese Canadians. After the 'protected area' was announced, groups in the BC interior protested that they didn't want them there.[116]

Japanese Canadian fishermen had their boats confiscated immediately after Pearl Harbor and having experienced how badly that was handled and the ham-fisted 'partial evacuation' of adult males, Japanese Canadians were not inclined to leave the protected area without assurances that their property would be protected.

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[113] Murakami, 17 A similar number of Japanese Canadians were earlier taken from Mayne Island, either on 14 or 21 April 1942, as reported in the April 22nd issue of the *Saanich Peninsula and Gulf Islands Review*, 5
[114] Order in Council 365 See Apppendix 4
[115] 'The Scoreboard' 13 February 1942, p1 *The New Canadian* http://newspapers.lib.sfu.ca/tnc-33356/page-1 Accessed 20 January 2017
[116] Adachi, 211-213

The federal government was reluctant to uproot Japanese Canadians; Mackenzie King initially thought it would be a 'very great problem to move the Japanese and particularly to deal with the ones who are naturalized citizens or Canadian-born'.[117] King feared attacks on Japanese Canadians over news of Japanese atrocities in Asia and harsh treatment of Canadian prisoners of war captured in Hong Kong, but finally caved to pressure coming from racist politicians, municipal governments and other groups in British Columbia who were demanding complete removal of all Japanese Canadians from the coast. As Adachi noted, when he finally decided that Japanese Canadian civil liberties would be suspended and they would be moved out of the protected area, an act of evil was replacing the threat of evil.[118]

On 24 February 1942 the Privy Council enacted Order in Council P.C. 1486 empowering the Minister of Justice to remove 'any and all persons' deemed a threat to national security from the previously designated 'protected area' along the coast. Though as drafted it was unspecific, it would only be applied to Japanese Canadians,[119] and a February 26th order from Minister of Justice Louis St. Laurent ordered all 'persons of the Japanese race', men, women and children, that they would be required to leave the protected area 'forthwith'. Katsuyori, who was still on Saltspring at the time, and gravely concerned about what would happen and, as matters transpired, he was right to be worried.

A week later, a notice appeared in the local newspaper addressed to 'Persons of the Japanese Race', advising them that under Order in Council P.C. 1665 they were required to vest with the Custodian whatever property they would be unable to take with them when they were removed from the coast. Rather than waiting for the 'evacuation', they were advised to report their property immediately so

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[117] Adachi, citing J.W. Pikersgill The Mackenzie King Record: 1939-1944, (University of Toronto Press, 1960) 354
[118] Adachi, 211
[119] Sunahara, 37

that the Custodian could 'take prompt action to protect and administer the same.' It was signed by G.W. McPherson and dated 11 March 1942.[120]

While some Japanese Canadians feared the worst, that the government was confiscating their land, most were more optimistic. The operative portion of Order in Council P.C. 1665 began with the phrase, 'As a protective measure only…' [121] leading many of those who vested their property to hope that it would be held in trust for them for the duration of their internment and until their return to the island.

At this point, the second key figure in the uprooting and dispossession of Saltspringers appears on the scene. Gavin C. Mouat, a member of a prominent family with a long history on the island (that continues to the present) was chosen to be the Custodian's agent for the Gulf Islands because he was a director of Salt Spring Lands Ltd., a real estate firm that dated from the 1920s, of which he held a 20% equity stake during the years of World War II.

Prior to the uprooting, Mouat had a good relationship with the Japanese Canadian community on the island. In 1939, Mouat was very involved in a community effort to build a new school on the island, an institution that would come to be known as the 'Consolidated School' because it brought together under one roof a number of smaller schools that had been operating. Mouat donated the land where it would be built, and he actively canvassed his fellow islanders to make cash donations to the project.[122] A little article in the newspaper recorded the results of his solicitations in the previous week and Japanese Canadian members of the community responded generously. They made up more than half of the list and he received $25 donations from the Itos, the three different Murakami families, the Okanos, the Mikados, the Numajiris and the Iwasakis.[123]

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[120] 'Notice to Persons of the Japanese Race' 18 March 1942 p2 *Saanich Peninsula and Gulf Islands Review*
[121] Order in Council 1665, See Appendix 8
[122] 'The Board of School Trustees of Salt Spring United' 28 June 1939 p2 *Saanich Peninsula and Gulf Islands Review*
[123] 'Additional Donations for School' 19 July 1939 p1 *Saanich Peninsula and Gulf Islands Review*

Saltspringers Uprooted

As directed by the agent of the Custodian, Japanese Canadian Saltspringers were ordered to sell off their livestock, leave their crops as they were, and prepare to be 'evacuated', as the forced removal from the island was termed. For Kimiko Murakami, this meant selling off approximately 5,000 chickens from the family farm on Sharp Road—the abrupt end of a thriving business that had been painstakingly built up over many years.[124]

The impact of Orders in Council 1486 and 1665 were devastating and meant that all Japanese Canadians on the island were to be uprooted and their property confiscated as shown in the table below.[125] Families that owned property are indicated by a grey background, and the property number corresponds to the numbers on the map which follows, and to the Key to Vested Properties which follows that.

Table 1: Japanese Canadians Uprooted from Saltspring Island

family name, given name	born, birth date, immigration/naturalization/citizenship
Ando, Chiyo	Japan, immigrated 1903
lived in house on Okano K. property	
Hirano, Sugimatsu (Noah)	Fukuoka 1872, d. Toronto ON 1949
Hirano, Komae	Fukuoka ?, d. Toronto ON ?
Hirano, Yoriko (Ruth)	Prince Rupert BC 1923
Hirano, Tsuyoshi (Paul)	Prince Rupert BC ?, d. Toronto ON
two other grown children	living in Vancouver
property 1	
Inouye, Masakichi	Kagoshima 1881, d. New Denver BC, Japanese national
Inouye, Ei	Kagoshima 1886, d. Glenwood AB
Inouye, Michio (Ron)	Japan 1920, Japanese national
Inouye, Takashi	Japan 1927
Inouye, Tamiko	Chemainus BC 1929
Inouye, Teruko	Chemainus BC 1931
Inouye, Kinuko	Chemainus BC 1933
Ishijima, Magoe	Japan 1865, naturalized 1915, d. Vernon BC 15 May 1958
property 2	
Ito, Nakazo	Japan 1877, immigrated/naturalized 1907, d. Vernon BC 1946
Ito, Hatsue	b. Japan 1884, d. Ganges 1928
Ito, Haruko	Ganges 1914
Ito, Masao	1918, d. 1938 Vancouver BC

[124] Murakami, 20

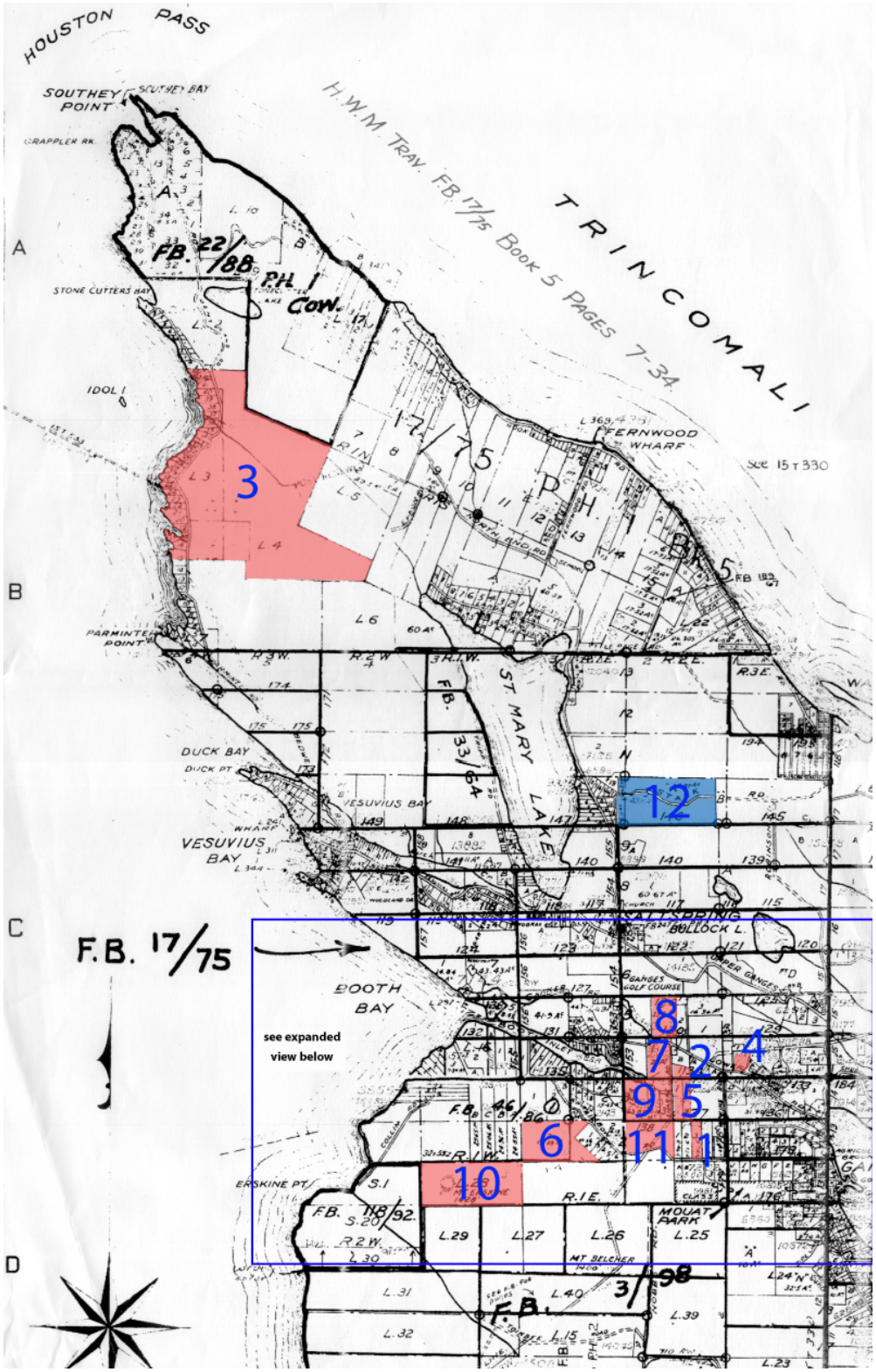
[125] Several people listed on the table indicated by a bullet before their names were not among the detainees, but I have included them because there is some utility in having lists of families that are as complete as possible.

Ito, Kazumi (Jerry)	Ganges 1919
Ito, Eichi (Ken)	Ganges 1921
Ito, Kawano (Grace)	Okanagan 1921
• Ito, Sueko	Mission BC 1924, d. Ganges 1925
property 3	
Iwasaki, Torazo	Japan 1880, immigrated/naturalized 1907, d. Vancouver 1972
Iwasaki, Fuku	Japan, immigrated 1918 - British Consular Certificate, d. Thunder Bay ON 1974
Iwasaki, Hideko (Eileen)	Victoria 1919
Iwasaki, Mitsuko	Ganges 1921
Iwasaki, Setsuko (Iris)	Ganges 1925
Iwasaki, Tsuruko (Sherry)	Ganges 1930
Iwasaki, Torao (Ray)	Ganges 1933
property 4	
Mikado, Masukichi	Hiroshima 1886, immigrated 1924, d. Magrath AB 1955
Mikado, Tsutayo	Hiroshima 1898, Admitted as 'returned' Canadian 30 January 1928, d. Magrath AB 1996
• Mikado, Masayo Okada	Ganges d. Japan 1927
Mikado, Masuo (Mano) (Mark)	Ganges 1917, d. 1 January 2003
Mikado, Shigeko (Martha)	later attached to property 7
Mikado, Kazuko (Mary)	Ganges 1 October 1921
Mikado, Kuniko	Ganges 3 December 1923, d. Lethbridge AB 1944
Mikado, Haruichi (Doug)	Ganges 14 April 1925
Mikado, Shujoso (Shoso) (Bob)	Ganges 19 April 1928
Mikado, Isamu (Sam)	Ganges 12 March 1931
property 5	
Murakami, Katsuyori	Japan, 1899 naturalized 1948, d Saltspring 1988
Murakami, Kimiko (Okano)	Steveston 1904 (Japanese citizenship), d Saltspring 1997
Murakami, Atsuko (Alice)	Ganges 1928
Murakami, Taeko (Violet)	Ganges 1930
Murakami, Keiko (Mary)	Ganges 1934
Murakami, Takako (Rose)	Ganges 1937
Murakami, Katsuhide (Richard)	Ganges 1941
Murakami, Yorohide (Bruce)	New Denver, 1 Oct. 1944, d November 2009 Langley
property 6	
Okano, Masayoshi (Victor)	Japan 1912, immigrated 1922, d. Moose Jaw SK
property 7	
Murakami, Morihei	Hiroshima, immigrated 1931, d. Coaldale AB 1977
Murakami, Sukino (Okano)	Hiroshima, immigrated 1931, d. Coaldale AB 1976
Murakami, Yumeo (Luke)	Japan 1915, immigrated 1931, d. Margrath AB
Murakami, Shigeko	Ganges 1919
Murakami, Katsunori (George)	Ganges 1925
Murakami, Phillip	
Murakami, John (Philip's son)	Ganges 1940
Mikado, Shigeko (Martha)	Ganges 22 August 1919
property 8	
Murakami, Tsunetaro	Japan, naturalized 1914
Murakami, Tameo	Steveston, 1910
Murakami, Peter	
• Murakami, ?	in Rose Murakami's recollection - d. by suicide in ocean?
Nakamura, Taki (Mrs., moved to Victoria?)	Japan, immigrated 1908
Nakamura, Shigeru	Port Hammond BC 1910
Nakamura, Makiyo	Kennedy BC 1920
Nakamura, Suekichi	Strawberry Hill BC 1922
Nakamura, Shichiro	Ganges 1923
Nakamura, Tomiko	Ganges 1927
Nakamura, Haruko	Ganges 1929

Numajiri, Hikotaro (Yoshi)	Japan, naturalized 1909
Numajiri, Shizuko	Japan, wife of naturalized citizen
Numajiri, Sachi	Ganges 1915
Numajiri, Ichiro	Ganges 1918
Numajiri, Kanako	Ganges 1921
Numajiri, Kaoru	Ganges 1925
lived in house on Okano K. property	
Ohara, Sajiro	Japan 1885, naturalized d. Lemon Creek BC 1942
Ohara, Tsuyu	Japan 1900, d. Burnaby BC 1989
Ohara, Emiko	Steveston 1921
Ohara, Ayako	Chemainus 1924, d. Midway BC 1996
Yamasaki, Takeo	Steveston 1911
Ohara, Hiroshi	Duncan 1926, d. Duck Bay, Manitoba 1962
Ohara, Mariko (Rose)	Steveston 1928, d. Vancouver 1955
Ohara, Kazuyo (Mary)	Galiano BC 1929
Ohara, Iwami	Cowachin 1931, d. Burnaby 2001
Ohara, Minoru	Cowachin 1932
property 9, property 10	
Okano, Kumanosuke (Victor)	Japan 1872, immigrated/naturalized 1900 d. Cardston AB 1949
Okano, Evelyn	wife of Victor
Okano, Riyo (Kimura)	Japan 1879, immigrated 1902, naturalized 1903 d. Saltspring 1957
Okano, Sayoko	Ganges 1906 (died 1939)
Okano, Masatoshi	Steveston 1916
property 11	
Okano, Sueyuki (James, Jim)	Ganges 1922, d. Langley BC 1989
Okano, Moritaro (Billy)	Japan 1889 naturalized, d. Vancouver 1967 - Okano Kumanosuke's nephew, returned to Saltspring after fishing boats confiscated
Tottori, Katsutaro	Japan 1870, naturalized 1909, d. New Denver BC
Takebe, Etsujiro	Japan 1874, naturalized 1908, d. Ganges 24 Oct 1951

It should be noted that Murakami is a common family name in Japan and that the several Murakami families on the island were not related.
Compiled based on information from the RCMP Report to the Immigration Act Board of Review of 1938, the memories of the Murakami family (Rose Murakami, Keiko Mary Kitagawa [Murakami]), and information collected by Charles Kahn for his book, *Salt Spring: The Story of an Island*

Figure 5: Vested Properties on Saltspring Island – 1942-1945



Based on work done by Jay Thomas with assistance from Dan Arnold, Joni Devlin, and Caffyn Kelley for the Salt Spring Japanese Garden Society - March 2006

Twelve properties on Saltspring were vested with the Custodian of Enemy Property, eleven of which belonged to Japanese Canadians. The twelfth belonged to Miles Acheson who, though a Canadian citizen, was regarded as an enemy alien because he was resident in Japanese-controlled China at the time. Miles and his wife Hilda de Vere Beauclerk were English aristocrats who had moved to Saltspring during the 1930s. At the beginning of the Pacific War Miles was working in Shanghai with the Chinese Maritime Customs Service, the agency responsible for overseeing foreign trade in China. His wife joined him in September 1941, leaving their two daughters on Saltspring in the care of a nanny. When Shanghai was taken over by Japanese forces the Achesons were trapped in China and they were unable to return to Canada. As residents of Japanese-occupied China their property was vested with the Custodian, but unlike Japanese Canadian-owned properties it was carefully looked after for the duration of the war and not liquidated with the Japanese Canadian properties. After they arrived back in Canada in November 1945 their property was returned to them, highlighting the racism that underpinned the liquidation of Japanese Canadian property.[126]

The months of March and April 1942 were hell for Japanese Canadians on Saltspring. By this point Canada had been at war for two and a half years, but the mood on the west coast had shifted dramatically after Pearl Harbor, the war no longer felt so distant. Despite assurances from military authorities that no serious danger existed, many people succumbed to scaremongering and believed Japan was a genuine threat. For some the shock of a the attack shifted them from a mildly negative view of Japanese Canadians to open hostility.

On Saltspring, the newly formed Air Raid Precautions (Civilian Protection) group held its first meeting in Ganges on March 11th. Gavin Mouat spoke on the need for

[126] File 12177, Vol. 2225, RG117-A-3, LAC

preparedness and cooperation, and Macgregor Macintosh, also in attendance, spoke on the 'Home Guard and his interest in military offensive'.[127]

On March 17th, males without Canadian citizenship were taken away to do road work in the detention camps of the interior. Several weeks later on April 8th, the grim mood of those that remained was revealed in small notice in the newspaper about a hastily organized Christian confirmation service that was held for some young members of the Japanese Canadian community. Attended by Mr. and Mrs. V.C. Best, H.W. Bullock (Harry Bullock, the 'Squire of Saltspring') and other prominent islanders, Bishop H. E. Sexton gave a 'very human address to the young candidates' and 'referred to the difficult times through which they were passing.'[128]

Finally, the order to leave came. On 22 April 1942, the Japanese Canadian population of Saltspring that had not already been taken from the island, about 80 individuals, were ordered to pack up what belongings they could carry (150 pounds for adults, 75 pounds for children). Unsure of when or if they'd be able to return and anxious that their property would be cared for in their absence, as they were preparing to leave Kimiko was assured by Gavin Mouat, 'Don't worry Kimi, not one chopstick will be moved.'[129]

Gauging the reaction of the white residents of the island to the uprooting is difficult three-quarters of a century after the event, but there are some clues. There are two photographs of the event in the archive; the photographer is unknown but the fact that photographs were taken suggests that in some minds at least, the event was important enough to record. There are white residents of the island standing on the wharf—whether they were there to see them off or were just watching out of curiosity we have no way of knowing, but one white

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[127] 'A.R.P. Meeting Attended by Many Citizens' 11 March 1942 p1 *Saanich Peninsula and Gulf Islands Review*
[128] 'Salt Spring Scene of Confirmation' 8 April 1942 p1 *Saanich Peninsula and Gulf Islands Review*
[129] Murakami, 26

resident who was there recalled the event with sadness. Manson Toynbee, a nephew of Gavin Mouat, said he was upset at 'the expulsion… of the Japanese'. In an audio recording of an interview years later he remembered the community-mindedness of the Japanese Canadians of the island and their support for island projects such as the construction of a new school. His best friend throughout his elementary school years was Shoso Mikado and he was dismayed when the boat came to take away the Japanese Canadians. He was on the wharf at Ganges with his father and was saddened that there weren't a lot of other people around, but explained the small numbers by saying: a lot of people were torn by this, they were afraid they might break down, some of them, if they were present.[130]

Figure 6: Japanese Canadians Departing from Saltspring[131]

Like the story of Mary Mikado's wedding, Toynbee's remembrances reveal a great deal about the racialization of Japanese Canadians and how racism operates. There's no reason to doubt that Toynbee had genuine affection and respect for

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[130] '114 Manson Toynbee' audio recording of an interview with Manson Toynbee, date unknown, from the Salt Spring Archive http://saltspringarchives.com/audio/114MansonToynbee.html Accessed 18 January 2017

[131] Photo courtesy of the Salt Spring Archives

the Japanese Canadian members of his community and that one of them was his closest friend growing up. Yet, like everyone else on the island he had thoroughly internalized the idea that they were 'the Japanese', while he was not a 'Shetlander' or 'Scot' or 'White'. Seeing his friends forcibly taken from the island caused him real anxiety—racism harms more than just the racialized—and of course, as a young teenager he was powerless to challenge a racist state policy. In his recollection, people stayed away when the day of removal came because they were afraid of breaking down in public. This might have been true for some, but considering the Murakami children's remembrances of racial slurs and attacks in the months after Pearl Harbor they might have also been concerned about publicly showing sympathy for a group of people who had become 'the enemy'.

The Japanese Canadian Saltspringers were not without friends and allies; why did nobody step forward, or even express some regret about what was happening? Racisms are not uniform or consistent.[132] Some who stayed away likely welcomed their removal, while many more probably shrugged their shoulders and considered it one more thing that had to happen because of the war, like rationing, blackouts and air raid drills. 'Shikataganai'–'it can't be helped', was one of responses of Japanese Canadians to the uprooting, but it was also how some members of the communities from which they were torn coped with the trauma. The 'authorities know best', 'it's for their own protection', 'it's only a temporary evacuation'. In this way does racist state policy march forward with little opposition.

They were then loaded aboard the Princess Mary, a ferry serving the islands, to be taken to the Hastings Park Detention Centre in Vancouver. They were forced to leave behind almost everything they had; farms, businesses, livelihoods and friends. With the notable exception of the Murakami family, they would never return to live on Saltspring. The trauma of being forcibly removed from their beautiful island homes was exacerbated by the fact that they had little idea of

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[132] Stanley, 7

what was to come. In Kimiko Murakami's case, she was distraught at the possibility that she might not be reunited with Katsuyori, still in detention in a road camp. When the boat stopped at Mayne Island, Torazo Iwasaki left the boat declaring that his home and property were back on Saltspring and he was not going to leave them. His act of resistance contradicts the common notion that Japanese Canadians accepted injustice without protest. He was eventually coaxed back onto the boat, but it would not be his last effort to fight back against what was being done to him.[133] Of the removal of Japanese Canadians from Vancouver Island and the Gulf Islands, the BC Securities Commission which managed the process reported several days later: 'No trouble of any kind was experienced and the Japanese people on the Island co-operated willingly and cheerfully in this enforced evacuation.'[134]

There is no mention of the Saltspring uprooting in the *Saanich Peninsula and Gulf Islands Review*, but there was a short entry in the 'Mayne Island' section of the April 22nd issue that says, 'The Japanese on the island are all gone, having left Tuesday by special boat to Vancouver. Their greenhouses are being run by Chinamen till the crop is out.'[135] There was one other reference to the uprooting in the same issue that, though brief, reveals the attitudes of some of the people towards members of their community about to be taken away. In the 'Local Notes and Personals' section for Saanich:

> *In honor of Miss Kinuko Baba, who leaves today (Wednesday) with the Japanese evacuating, for Vancouver, a surprise party was held by the young people of the Children's Church on Tuesday evening when a presentation of a cedar chest of writing paper was made as a farewell gift. An enjoyable evening was spent together.*[136]

Young Kinuko had many friends in the community who were sad to see her go, but for them it was viewed as an 'evacuation', a bit sad but not ill-intentioned, regrettable but just one more sacrifice that had to be made because of the war.

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[133] Ibid., 20
[134] '1500 Total From Vancouver Is.' 25 April 1942, p1 *The New Canadian*
[135] 'Local Notes and Personals' 22 April 1942 p2 *Saanich Peninsula and Gulf Islands Review*
[136] 'Additional Donations for School' 19 July 1939 p1 *Saanich Peninsula and Gulf Islands Review*

Throughout the war the uprooting was described as an 'evacuation', a euphemism that papered over the wrenching dislocation of thousands of people from their homes, lives, farms and businesses, and a surprisingly durable narrative that survives to the present.

After their removal to the Hastings Park Detention Centre in Vancouver, the Saltspringers were transported to internment camps in the interior of British Columbia. They would remain there and in towns in Alberta until 1949, four years after the end of the war, when they were finally permitted to return to the coast. Some would choose to move further east beyond the Rockies.

In many ways the process of vesting the eleven properties that belonged to the Saltspring Nikkei was no different than it was for the 939 farms[137] that were vested on the entire British Columbia coast. The vast majority of the farms that were taken by the Custodian were in the Fraser Valley, and their administration would be managed more directly from the Custodian's Vancouver office. By contrast, the farms of the Gulf Islands were less accessible to administrators, and being so few they were not given much attention by the Custodian's office, preoccupied as it was with trying to cope with the enormous job of suddenly having to manage a huge number of properties and maintain food production for the war effort.

Gavin Mouat: Agent for the Custodian on Saltspring

Mouat served as an agent for the Custodian throughout World War II, but between March 20th and September 30th of 1942 he was also an employee of the Custodian's Vancouver office, receiving a total of $1,269.60 in salary after tax deductions, a handsome fee considering that this was about the same as the price of one of the Ford cars offered by his family's dealership on the island. In his work, Mouat was tasked with renting out and managing the properties that had

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[137] Sunahara, 90

been vested with the Custodian. He would be given a free hand to do this within a month after his employment by the Custodian's office.

Mouat was a busy man involved in a variety of business ventures. His work of renting out and managing the Japanese Canadian properties for the Custodian's office was not a top priority, evidenced by the fact that only five of the eleven properties were rented out in 1942 and the fact that most of what was left behind was vandalized. Years later, after returning to Saltspring, the Murakamis were angered to find the personal property of Japanese Canadians being sold in garage sales, salt in a painful wound.

The extensive greenhouses on several of the Japanese Canadian farms near the end of Booth Inlet were smashed. Three-quarters of a century later the current owners of the properties cannot put their hands into the soil without wearing heavy gloves because of the broken glass. These properties were not situated in a remote part of the island, they were close to the town of Ganges and in the most densely populated area of Saltspring. Even if Gavin Mouat wasn't doing his job in looking after the vested properties, it's difficult to believe that nearby residents weren't aware of the destruction that was going on.

An alternative explanation for the destruction of the greenhouses exists in the memory of at least one Saltspring resident at the time. According to Don Cunningham, in the absence of their owners and people fueling the wood-burning stoves to keep the greenhouses warm in the winter snow loads on their roofs caused panes to break.[138] It's difficult to judge the validity of this memory. While it may be true, and it's also possible that both memories are true, that snow loads broke some glass and vandals broke some, it's not hard to believe that this is part of a collective effort to bury negative memories of the past. The wanton destruction of the island's most impressive farming operation is a blot on the reputation of all Saltspringers who were not uprooted. The effort made to find a

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[138] 'Don Cunningham talks about the Old Days of Salt Spring Island. Part 3' https://vimeo.com/202494241 Accessed 2 February 2017

different way to remember the story reveals the lasting injury suffered by all of the island's residents. The racist policies of the uprooting harmed more than just Japanese Canadians.

On the large Iwasaki property on the north end of Saltspring, the buildings were vandalized and some of the logging equipment that was left behind was stolen, while the rest was vandalized to the point of worthlessness. Mouat filed a list of chattels on the property with the Custodian's office in Vancouver on 7 October 1942, but as was later revealed, officials in the Custodian's office were not pleased to learn that there was nothing left of value on the property and are not satisfied with the excuse that the property is in a remote location. In a letter to Mouat from R.G. Bell of the Custodian's office, he writes:

> *In reviewing this file we find that you wrote our Protection Department ...on the 28th May, 1945, reporting that the place (Iwasaki's property) was in a "terrible mess" and that nothing of any value was left, due to the place being broken into "time and time again".*
>
> *While this very unsatisfactory state of affairs may be attributed to the isolated position of the property, and that it was open to passing boat traffic but not accessible by road, it would still appear to be inadequate to account for the disappearance of such heavy equipment as the portable sawmill, and other items included in the list of chattels checked and confirmed by you in October, 1942.*
>
> *Mr. Iwasaki left the Keys of his property with Mr. B. A. Wilson, his neighbour, and as some, and we hope much, equipment may have been moved to the latter's premises for better protection, we would be obliged if you would again go into this matter and report back as fully and as promptly as possible, to enable us to reply to the proposition we have received through the Department of Labour.*[139]

What Bell didn't realize is that Mouat's own property bordered on Iwasaki's to the north, making the remote location excuse even thinner. Mouat was able to rent out a part of Iwasaki's property in his absence, but it didn't go well. In May 1942, Margaret Simpson agreed to rent the property to grow strawberries for the next 15 months at a cost of five dollars a month. Two months later, furious that

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[139] Letter R.G. Bell to Gavin C. Mouat 30 January 1946 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC

Mouat's sheep kept getting into the garden and destroying her plants, she wrote to him to conclude her lease early:

> *Your suggestion that in order to remedy conditions we should fence a part of the break, and raise the existing fence, entailing considerable labour on our part without your offering any assistance or co-operation in keeping your sheep off Iwasaki's land is so very one sided that it is not worth considering. When I complained to you of the damage done by your sheep and said that I would be forced to give up the place you replied "Please Yourself" so the course I have taken in writing this letter will not be unexpected.*[140]

Internal memos from Glenn McPherson in the Vancouver office of the Custodian suggest that they were not entirely satisfied with his work. One memo to Mr. Wright dated 27 August 1942 states, 'Re: Mr. Mouat I do not think Mr. Mouat should be employed by the Enemy Section.' Another on the same day to Mr. Alexander said:

> *Re: Mr. Mouat*
>
> *Mr. Mouat will be very valuable to the Custodian's Office on the Island, but I do not think there is a position for him here or that he should be used in the Enemy Section.*
>
> *Would you please, therefore, make arrangements with him that he will represent us on the Island and receive the usual Agency Commission on Real Estate Rentals, and any fees for special work that he may do for us.*[141]

It is regrettable that most of the correspondence between the Custodian's Vancouver office and Mouat was destroyed with the office was closed in 1952, but there are bits of information in the archive. The following year, on 23 July 1943, there is another internal memo to K.W. Wright from H.F. Green of the Vancouver office on the subject of Gavin C. Mouat that suggests there was some discussion about whether he should be retained by the office, and if so, in what capacity.

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[140] Letter Margaret Simpson to Gavin C. Mouat 23 June 1942 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC

[141] Excerpts from memos quoted in a letter to R.W. Law of the Civil Litigation Section of the Department of Justice from M. Robitaille, Assistant Deputy Custodian & Counsel in preparation for the 1968 Iwasaki case in Exchequer Court. 1 February 1968 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC

> *Re: Mr. Gavin C. Mouat---Ganges*
>
> *With reference to Mr. Alexander's memorandum to you of July 21st on the above agent, I am giving you the following notes which may be helpful to you when you see him.*
>
> *I should mention that in April last year I was sent over to Salt Spring Island to go into the question of Japanese properties there and on Mayne Island. I then thought that Mr. Mouat was a capable man who would make a satisfactory agent and I still believe that if he has not lost interest, he can serve us satisfactorily. His very familiar with conditions and people on the island and was obviously liked by at least some of the Japanese, very few of whom were evacuated at the time I visited Salt Spring Island.*
>
> *During my visit, I registered most of the Salt Spring Island Japanese and took lists of their chattels. These lists I left with Mr. Mouat for final checking on evacuation, returning to Vancouver with the original "JP"s in most cases bearing the words under Statement of Personal Property "As per lists attached". In some but I believe not all cases, Mr. Mouat did recheck the lists on evacuation but for a number of Japanese we have received no copies of these for our files.*[142]

There follows a paragraph regarding the situation on Mayne Island, and then Green closes with:

> *Attached are enclosures giving chapter and verse for these contentions and the files themselves in order that you may investigate any points which I have not made clear. My main complaint against Mr. Mouat is that he does not answer our letters and in fact, has not I believe, answered one of this Department's letters this year. My fears may be quite unjustified and all chattels may be perfectly in order, but from one perhaps not very reliable report that I have received, I am afraid that a great many things may be found missing.*[143]

Gavin Mouat wasn't doing the job that he was being paid to do. The relationship that existed between Mouat the members of the Japanese Canadian community meant that in April 1942, when they were being moved off the island they believed Mouat's assurances that their property would be kept safe in their absence. That this trust existed meant that when their properties were vandalized

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[142] Memorandum H.F. Green to K.W. Wright regarding Gavin Mouat 23 July 1943 Images 2581, 2582 C-9469, Office Files, Vancouver Office, Office of the Custodian of Enemy Property, Héritage Website LAC http://heritage.canadiana.ca/view/oocihm.lac_reel_c9469/2581?r=0&s=4 Accessed 4 May 2016

[143] Ibid.

and forcibly sold, and Mouat himself ended up with the largest of them, the sense of betrayal was so keenly felt.[144]

[144] Interviews with Rose Murakami and Mary Kitagawa.

Chapter 4 – Contesting Dispossession

The Canadian government's decision to sell off Japanese Canadian properties less than a year after their owners had been forcibly removed from them sent a seismic shock through a group of people still struggling to cope with the trauma of being ripped from their homes and communities. The move felt like an enormous trick: Japanese Canadians had been willing to cooperate with the uprooting on the understanding that their property would be held in safekeeping during their absence. Suddenly the government was breaking the trust and embarking on the wholesale liquidation of their properties. The reaction was instant and forceful but ultimately futile, and the rage and bitterness that was generated would continue for decades.

Japanese Canadian historians have given close attention to the events of 1943-45, unsurprising considering the fact that it stands as the largest dispossession of property in Canada, excepting, of course that suffered by First Nations from before Confederation to the present. The Canadian government's liquidation of property was in striking contrast to actions in the United States, where Japanese American property was held by a special agency established for the purpose, and was returned to their owners at the end of the war. Though Patricia Roy only briefly mentions the dispossession in passing almost as though it was an unavoidable consequence of the uprooting[145], by contrast Adachi, Sunahara and Miki have all carefully analyzed the machinations that led up to, and the repercussions that followed from the decision to liquidate the properties. The research of the Custodian's files presented here builds upon the work of those writers and suggests that though there was no secret master plan to dispossess Japanese Canadians of their properties, the involvement of the Soldier Settlement Board from at least April 1942, while the uprooting was still

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[145] Roy *The Triumph of Citizenship*, 115-17

underway, leads to the conclusion that liquidation was an option under consideration from the outset.

As mentioned previously, Custodian's management of the eleven Japanese Canadian properties on Saltspring didn't go well during 1942. Of the eleven Japanese Canadian properties on Saltspring, five were rented, and there is fragmentary information on the rents that were paid, but Gavin Mouat's poor reporting and the fact that many documents were destroyed when the Vancouver office of the Custodian was closed in the early 1950s leaves us with an incomplete picture of the rental of Saltspring properties. However these issues would pale after the Canadian government introduced new regulations to liquidate the properties owned by Japanese Canadians. Life for the Iwasaki, Murakami and other Japanese Canadian families on the island would never be the same.

The Decision to Liquidate

On 19 January 1943, less than a year after the Japanese Canadians had been removed from the coast, the cabinet of Prime Minister Mackenzie King adopted Order in Council 469[146] giving the Custodian the power to liquidate Japanese Canadian property. The move was shocking for a group of people who had complied with government orders to leave the coast, trusting that the Custodian would be holding their properties 'as a protective measure only'. How had the government come to this decision so soon after the uprooting?

From the time the Japanese Canadians were removed from the west coast there were people in positions of power within government who had other ideas about what should be done with their farms: Japanese Canadians would not be coming back and their farms should be given to returning veterans at the end of the war. Order in Council 1457, enacted in February 1942, prohibited them from purchasing or leasing real estate without a permit from the Minister of Justice.[147]

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[146] See Appendix 10
[147] Humphrey Mitchell, Minister of Labour and Arthur J. MacNamara, Deputy-Minister of Labout and Director of National Selective Service *Report of the Department of Labour on the*

As early as 14 April 1942, Ian Mackenzie, the Minister of Pensions and National Health and a well-known anti-Japanese racist wrote a letter proposing that the Japanese Canadian farms of the Fraser Valley be given to returning veterans, noting that it would be unfortunate to miss the opportunity to acquire them even though the Veterans' Land Act was not yet passed.[148] Major Gordon Murchison, head of the Soldier Settlement Board, refers to Mackenzie's letter in memo he wrote on April 22nd to his superior T.A. Crerar, the Minister of Mines and Resources. Murchison is not entirely convinced of the merits of acquiring the farms for veterans and is concerned about the burden they would be taking on in managing the farms until the end of the war, but proposes that the Soldier Settlement Board should conduct a survey of their values and suitability for returning veterans.

Five days later Murchison received authorization for the surveys and he dispatches his subordinate I.T. Barnet to carry out assessments of the farms in the Fraser Valley and also in the 'unorganized territories'; Vancouver Island, the Gulf Islands and elsewhere. As appraisals got underway the idea that the SSB would be acquiring many of the Japanese Canadian farms acquired a kind of inevitability, for as soon as May 12th an early draft of what would become Order in Council 5523 is prepared. When finally released on June 29th, in addition to authorizing the SSB to conduct appraisals it stipulated that no land owned by Japanese Canadians would be sold or leased without the prior authorization of the Director of the Soldier Settlement Board.[149] Thus, in addition to gaining a veto over sales to other parties, the agency mandated to provide farms for returning soldiers is the agency that will be determining the value of the properties it will be buying. All of this is happening a mere nine weeks after the Saltspringers have been forced off of their properties.

Administration of Japanese Affairs in Canada 1942-1944 (reprint) (New York: Arno Press, 1978) 27

[148] Sunahara, Chapter 5

[149] Order in Council P.C. 5523 see Appendix 11

Officials within the Custodian of Enemy Property's office were keenly aware of the conflict of interest that resulted from the Soldier Settlement Board conducting appraisals of property that it would likely be purchasing. Writing to Murchison on July 7th, Under-Secretary of State and Deputy Custodian of Enemy Property, Dr. Ephraim Herbert Coleman sought confirmation that copies of all appraiser reports would be forwarded to the Custodian's office. He stressed that values as appraised by the SSB should be considered 'approximate' and 'not to be taken as representing prices which your board might have in contemplation for purchase'.[150]

Despite Coleman's expressed concerns, the Soldier Settlement Boards appraisals were the basis for the price they paid for the 769 properties they later purchased. For the duration of the war the government sought to maintain the fiction that the appraisals were fair, but by mid-1944, at least within the Department of Labour (which included the National Selective Service), there was the explicit understanding that the properties had been expropriated (and that word was used) for the purposes of postwar veteran settlement.[151]

Coleman's statements to Murchison about appraised values were not rooted in a concern about the interests of the Japanese Canadians. In the minutes of a meeting held in the Vancouver office, it was confirmed that Regulation 44 (1) of the Consolidated Regulations empowered the Custodian to charge any amount up to 2 percent on property that he administered and that for any property sold, and it was under no obligation to forward the money to the previous owner. Saying a decision would be made once the forced removal of the Japanese Canadians was complete, the minutes stated: 'At present all Japanese evacuated by the Security Commission are being taken care of by the Commission so they should not be in need of money and until the Commission announces the Japanese are all moved out of the protected area no funds should be released.'[152] In the Custodian's

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[150] Letter Coleman to Murchison, 8 July 1942, Part 1, File 57899, Vol. 2496, RG117, LAC
[151] Mitchell, MacNamara, 26
[152] 'Points Discussed at Meeting July 13th, 1942', Folder 6, Box 2, Correspondence, F.G. Shears

office, concern about the interests of the Japanese Canadians was eclipsed by a concern that their forced removal and the vesting of their property would prove to be a burden on Canadian taxpayers.

Glenn McPherson, Deputy Custodian and the official overseeing the operation of the Custodian's Vancouver office writes to Coleman, his superior, on 15 July 1942:

> *We have been careful not to give the Commission any undertaking that we would remit funds to these [wealthy Japanese who moved to the interior ahead of the internment] Japanese. On this point I would suggest that the property having vested in the Custodian is his property and while he owes a duty to the Japanese, he owes a duty also to the creditors, municipal tax collectors, and the tax payers of Canada generally, and the question of maintenance while they are evacuated is for the Security commission rather than the Custodian.153*

Preventing financial liability to Canadian taxpayers was a top priority for the Custodian's office.

Throughout the summer and fall of 1942, the Soldier Settlement Board, in conjunction with the Custodian's office in Vancouver, managed the Japanese Canadian farms. It was a massive undertaking and things quickly started to go wrong. Finding tenants to manage over 800 farms was an enormous challenge during wartime when many able-bodied men were away fighting in Europe. Moreover, the food produced on the farms was vital for the war effort. Japanese Canadians dominated the berry-growing and chicken and egg businesses; the troops could possibly do without the berries, but the production of chickens and eggs was essential. Trying to manage these farms with tenants did not go well. As the Custodian soon learned, a tenant will never work as hard as an owner and they can't simply step in and expect to do well managing something as complex as a farm. [154]

Fonds, Thomas Fisher Rare Book Library

[153] Letter to Coleman from McPherson, 15 July 1942, File 13, Vol. 0001, RG117, LAC

[154] Part 2.1, Vol. 2497, RG117, LAC

By the end of November there was discussion at the ministerial level in Ottawa on the difficulties with leases, the poor productivity of tenants, the complications of the dual SSB-Custodian management arrangement, and uncertainty about the ability to maintain the farms in the absence of their Japanese Canadian owners. On November 30th, Minister of Mines and Resources T.A. Crerar, the minister responsible for the Soldier Settlement Board and Murchison's superior, wrote to Norman McLarty, Secretary of State, to whom the Custodian reported. He reported that appraisals of 939 Japanese Canadian farms had been completed and found to have an aggregate value of $1,059,419, a figure he called 'conservative'. He noted that only two applications for the sale of land had been submitted to the Director of the SSB since the passing of the Order in Council requiring his approval before sale, concluding that '… the Order in Council very definitely checked any local tendency there may have been toward exploiting the circumstances under which these Japanese people were placed'[155], implying his belief that the Order in Council was for the benefit of the Japanese Canadians.

According to Crerar, the problems in administering the Japanese Canadian properties stemmed from the fact that responsibility for it was divided between the SSB and the Custodian. His suggestion that Dr. Coleman might welcome greater assistance from Murchison in managing the properties was clearly a pitch for even greater involvement of the SSB.

At that point Crerar stepped back to take a longer-term view of the management of the Japanese Canadian properties, contemplating that it would be very different if a decision was made about the 'non-return' of the Japanese Canadians to the coast. Considering the events that followed, it's worth quoting in full for all that it reveals about the thinking that was going on in the top levels of government at the end of 1942:

> *The foregoing deals with immediate problems of administration, but future administration of these lands will be considerably simplified*

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[155] Letter from Crerar to Norman McLarty, 30 November 1942, Part 1, File 57899, Vol. 2496, RG117, LAC

> *depending upon what decisions are contemplated with regard to the return or non-return of the Japanese people to the Pacific Coast area, and the basis upon which the Dominion Government may have to consider claims for reparation. As stated above, these farm properties were carefully inspected and appraised early last summer, and therefore the Dominion Government is in a position to determine the equity of the Japanese farmers at the time they were evacuated. If they are not going to return to the farms, the administrative programme should provide for the disposition of the farms in an orderly manner rather than continued attempts to lease them. If this course were followed monies received from such sales could be deposited with the Official Custodian. If the sale price realized were less than the valuations made last summer, consideration would have to be given to the final basis of settlement with the owners. It appears to me that the principle should be accepted of compensating these Japanese people on the basis of values which were believed to exist when they were evacuated from their farms.*[156]

In acquiescing to the racist politicians of British Columbia pushing for the removal of Japanese Canadians from the coast the government created an administrative nightmare for itself. Admitting that it had been a mistake and allowing them to return was never considered as an option, yet if they were not going to return Crerar proposed that they liquidate the farms rather than continuing to try to lease them. They didn't seem to consider the fact that if the SSB purchased the farms, tenants would still be required to operate the farms until the veterans returned, and that was nowhere in sight in November 1942.

In calling for a decision about the return or non-return of 'the Japanese people' Crerar ignored the fact that the majority of them were either naturalized or born in Canada, yet he acknowledged that the government might have to consider claims for reparations. Several paragraphs later, in summing up, he listed three considerations: the 'inevitable deterioration of these Japanese farm properties', 'the fact that the great majority of this group of Japanese people are British nationals' and 'the uncertainty as to the time and circumstances under which these people may ever return to their homes'.[157] Earlier in the letter he'd suggested the properties should be liquidated, but concluded by saying only that

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[156] Letter from Crerar to Norman McLarty, 30 November 1942, Part 1, File 57899, Vol. 2496, RG117, LAC
[157] Ibid.

a decision needed to be made. Crerar's letter had the tone of fair play and due consideration of the rights of owners, while discussing the possibility of selling off their properties against their wishes.

Under Secretary of State Coleman sent a copy of Crerar's letter speculating on what to do with the Japanese Canadian farms to Glenn McPherson on December 7th (exactly one year after the Pearl Harbor attack).[158] In his cover letter he mentioned that he favoured the idea of giving the Soldier Settlement Board 'the rather trying duty of looking after the farm properties'. Five days later McPherson responded with a proposal that all Japanese Canadian properties be liquidated, saying: 'It is obvious, both in the city and country, that Japanese property is going to deteriorate rapidly and will not, in some cases, be sufficiently revenue bearing to pay fixed and operating charges.'[159]

Concern that the deterioration of the properties, particularly the rural ones, would become a financial burden on the government trumped concerns about the legitimacy of selling properties against the wishes of their owners. Secondly he said that the deterioration of the real property and the loss of chattels might soon 'liquidate the capital investment'; i.e., render the properties worthless, while acknowledging that liquidation 'might cause dissatisfaction among evacuees'.[160]

McPherson was advocating this policy with the clear understanding that it would likely be resisted by the Japanese Canadian owners, but he felt that it was fulfilling a government duty to minimize economic loss to the owners and costs to the government. His outline of the differing objectives of the Custodian and Soldier Settlement Board is revealing:

> *1. The Custodian's objective, as I interpret it, is to minimize the economic loss both to the Japanese evacuee and the economic picture generally.*

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[158] Letter from E.H. Coleman to G.W. McPherson, 7 December 1942, Part 1, File 57899, Vol. 2496, RG117, LAC
[159] Letter from Glenn McPherson to E.H. Coleman, 12 December 1942, Part 1, File 57899, Vol. 2496, RG117, LAC
[160] Ibid.

> *2. The Soldier Settlement of Canada's objective, because of the very purpose of their organization, is to obtain the best of the lands and they were not primarily interested in the Japanese. With the Custodian as owner there is no reason why they could not purchase the land if a liquidation policy were decided upon. Criticism from the Japanese and their legal representatives (who are quite voluble even now) would be voiced because of a* ***trustee purchasing trust assets*** *as it were if the Soldier Settlement of Canada takes over completely.*[161] [emphasis mine]

This acknowledgment of the different interests of the Custodian and the SSB reveals their concern about being perceived as violating a trust if the Custodian had simply handed over all responsibilities for the properties to the SSB. That any kind of trust existed between the Custodian and the Japanese Canadian owners would be vigorously denied later when the legality of the sales was challenged in the post-war court cases and we can wonder if those cases might have gone differently had this document been available to the Japanese Canadians' legal counsel.

McPherson's response also highlights the fact that even prior to liquidation, the Japanese Canadians were resisting what was being done to them. They weren't just expressing their dissatisfaction, they had hired legal counsel and McPherson knew he faced a legal battle in liquidating the properties.

To prevent it appearing that the SSB would be selling to itself properties with which it had been entrusted, McPherson then outlined an administrative sleight of hand in which the Custodian would remain as the trustee of the properties (and that word was used), and the Director of the SSB would be appointed as his deputy under Regulation 6 (2) of the Consolidated Regulations Respecting Trading with the Enemy (1939) to handle their management. In the same letter McPherson indicates that he is aware that the plan might be badly received by the Japanese Canadians:

> *I suggest that an amending Order in Council is not necessary and would only confuse the tenants and the Japanese. The Japanese might interpret it as meaning the Soldier Settlement of Canada were taking over and their*

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[161] Ibid.

> *interests would not be protected. I believe the problem can be handled under the Regulations, the Director being in effect the official agent of the Custodian.*[162]

Under this arrangement, the Custodian would continue to hold title to the land, conclude leases as owner, receive rents from the SSB and pay taxes, and, importantly, 'Be in a position of principal to the Director [of the SSB] and continue to deal with the Japanese as trustee.'[163]

Upon receipt by his superiors, Coleman and McLarty, McPherson's letter was forwarded to Minister of Mines and Resources Crerar, and also to the Minister of Pensions and National Health Ian Mackenzie, who promptly replied suggesting that a meeting of a cabinet committee on Japanese questions be convened, which he chaired and which also included Humphrey Mitchell, Minister of Labour and J.G. Gardiner, Minister of Agriculture, with the addition of Norman McLarty, Secretary of State. He also added:

> *My opinion is (but my opinion may not be sustained by Council) that we should take over all these urban properties, as, to my mind, they are very much in the nature of definite slums. Of course, Council may not agree with my already publicly-expressed opinion that these Japanese should never be allowed to return to the coast of British Columbia.*[164]

Unlike fellow Minister Crerar who views the 'return or non-return' to the coast of the Japanese Canadians as an open question, Mackenzie makes it perfectly clear where he stands, and that he's most concerned about the urban properties of his Vancouver Centre riding, with slum clearance being used as a justification for selling off Japanese Canadian property.

The meeting took place on 11 January 1943 in Crerar's office, with Ministers Mackenzie, Crerar, McLarty and Humphrey Mitchell (Minister of Labour) all present, together with Coleman, MacNamara, Murchison and McPherson. It was at this meeting that the decision was finalized to give the Custodian the power to

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[162] Ibid.
[163] Ibid.
[164] Letter from Ian Mackenze to Norman McLarty, 23 December 1942, Part 1, File 57899, Vol. 2496, RG117, LAC

liquidate Japanese Canadian property.[165] It was also decided that two advisory committees of three people each would be convened to oversee the process, one for the urban properties of Vancouver and another for the rural properties; there was no mention at this point that they would include a Japanese Canadian representative, this came later. Contrary to McPherson's earlier recommendation, they decided that all responsibility for the farms should be withdrawn from the SSB, because it was expected that they would soon be buying a large number of them.[166] Not doing so would have looked too much like a conflict of interest.

Within government there was a great deal of discussion about the interpretation of 'management and control' and whether it gave them the power to liquidate.[167] Section 12 of Order in Council 1665, amended and strengthened by Order in Council 2483, vested Japanese Canadian property with the Custodian. The common understanding of the word 'vesting' was that the property was being entrusted to the Custodian for safekeeping, and here it was reinforced by the language of orders in council in which the operative paragraph included the phrases, 'As a protective measure only…' and 'subject to the management and control of the Custodian'. The government did nothing to clarify this thinking, and in fact encouraged it because the removal of Japanese Canadians from the coast would have been far more difficult if they believed that their property was being confiscated. In legal terms, the meaning of the word 'vesting' gave the government complete, unqualified ownership of the properties, with no obligations whatsoever to the original owners. Nevertheless, it was felt that another order in council was required to empower the Custodian to liquidate and

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[165] This pivotal meeting took place in Crerar's office, with Crerar himself present. This contradicts Sunahara's assertions that Crerar never attended Cabinet Committee on Japanese Questions meetings and may not have been aware of the Order in Council ordering the sell-off of Japanese property. Sunahara, 94.
[166] Memo McPherson to Coleman of notes from 11 Jan 1943 meeting, Part 2.1, File 57899, Vol. 2497, RG117, LAC
[167] Ibid.

after the meeting Glenn McPherson drafted what would become Order in Council PC 469.

It was circulated to the Minister of Pensions and National Health (Ian Mackenzie), the Minister of Labour (Humphrey Mitchell), the Minister of Mines and Resources (Thomas Crerar), the Minister of Fisheries (Ernest Bertrand) and the Minister of Justice (Louis St. Laurent). Ian Mackenzie responded the following day with a minor change to the wording (which wasn't adopted) and the rest replied that they were happy with it as drafted, although Mitchell forwarded a note that he received from Deputy Minister of Labour A. MacNamara who was concerned that 'the action will probably make Japanese very difficult to manage' and that '...Sit-down strikes and possibly sabotage may be expected'.[168] His recommendation that liquidation happen gradually would be ignored.

Order in Council 469[169] was enacted on 19 January 1943 giving the Custodian the power to liquidate Japanese Canadian property under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, Section 3 (f) which states, 'Appropriation, control, forfeiture and disposition of property and of the use thereof.'[170] The operative paragraph of the order in council reads:

> *That wherever, under Orders made by your Excellency in Council under the War Measures Act, Chapter 206 of the Revised Statutes of Canada 1927, the Custodian has been vested with the power and responsibility of controlling and managing any property of persons of the Japanese race evacuated from the protected areas, such power and responsibility shall be deemed to include and to have included from the date of the vesting of such property in the Custodian, the power to liquidate, sell, or otherwise dispose of such property and for the purpose of such liquidation, sale or other disposition the Consolidated Regulations Respecting Trading with the Enemy (1939) shall apply mutatis mutandis* ***as if the property belonged to an enemy*** *within the meaning of the said Consolidated Regulations.*[171][emphasis mine]

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[168] Copy of note in file A. MacNamara to Hon. Mr. Mitchell, copied to E.H. Coleman, 18 January 1943, Part 1, File 57899, Vol. 2496, RG117, LAC
[169] See Appendix 10
[170] See Appendix 1
[171] See Appendix 10

Thus, 'evacuee' property was to be treated like enemy-owned property. With this order in council, the Canadian government found a way to treat some of its own citizens like enemies, without every defining them as such. Imagine the paragraph above with 'persons of the Japanese race' replaced with 'British subjects', which the majority of them were.

The SSB was taken out of the picture entirely, putting an extra load on the already over-taxed Custodian's office in Vancouver, but it was understood to be necessary because they needed to put some distance between the SSB and the management of the properties before their purchase by the SSB.[172] The government did not want Japanese Canadians to know about the new policy,[173] but it didn't take long for the cat to get out of the bag, five days to be exact. The Vancouver Sun's headline for 23 January 1943 was, 'Seized Jap Property Will Be Sold – War Veterans to Get First Choice'. Lest anybody be concerned that the sale might be unfair to the owners, readers were told that, 'No confiscation is involved. The price obtained on the open market will be paid over to the Japanese owners.' Those owners were likely not reassured by the next sentence, informing them that 'British Columbia members of Parliament have been pressing for this action for some time, and Hon. Ian Mackenzie placed the matter before the cabinet.'[174]

Examining the bureaucratic route taken in coming to the decision to forcefully liquidate Japanese Canadian land reveals a number of interesting things:

1. Japanese Canadian property was vested with the Custodian of Enemy Property, though the Japanese Canadians were never legally defined as enemies. Other options for the management of the property don't seem to have been considered, despite the fact that Japanese American property was entrusted to an agency created for the purpose.

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[172] Letter McPherson to Shears 'Re: Custodian Matters', 20 January 1943, Part 2.1, File 57899, Vol. 2497, RG117, LAC
[173] Ibid.
[174] 'Seized Jap Property Will Be Sold' *Vancouver Sun* 23 January 1943. Clipping in Part 2.1, File 57899, Vol. 2497, RG117, LAC

2. The Soldier Settlement Board, the agency responsible for providing land to returning veterans, was involved in managing Japanese Canadian property from as early as April 1942. Selling the farms to the SSB would satisfy the demands of influential racist politicians like Ian Mackenzie and Macgregor Macintosh who wanted the land for returning veterans and wanted to make it more difficult for Japanese Canadians to return to the coast after the war.

3. Soon after taking control of Japanese Canadian farms the Custodian's office realized that it was almost impossible to manage them properly, and in their care these assets were rapidly deteriorating.

4. The government officials responsible knew they were on tenuous legal ground in using a regulation intended for enemy property to liquidate property belonging to Canadian citizens, but justified it on the basis that they were protecting Japanese Canadian interests.

5. Selling the farms would save the government money in management costs, and also ensure that more Japanese Canadians would have the money to pay for their own incarceration.

Resistance to Dispossession

Reaction by the Japanese Canadian community was swift. The headline article of *The New Canadian* of February 6th entitled 'Ottawa Order Authorizes Sale of "Seized" Property'[175] had more questions than answers about what was happening, noting that it was yet to be confirmed if the order authorized the sale of property held by the Custodian, even though the order that had vested it stipulated that it was being held 'as a protective measure only'.

By the following week the shock had fully set in, though it was still not known if the order only applied to urban properties or also included farms. It noted that

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[175] 'Ottawa Order Authorizes Sale of "Seized" Property' 6 February 1943, p1 *The New Canadian* http://newspapers.lib.sfu.ca/tnc-32936/page-1 Accessed 19 January 2017

Vancouver city council saw the move as being the 'forerunner of a policy of Japanese exclusion after the war.'[176] It takes a quote from The Province of Alderman G.H. Worthington: 'If these properties are disposed of it will be an additional argument against the reoccupation of Vancouver by Japanese. It is another step in getting the Japs out of our country, and Vancouver must co-operate.'[177]

The costs of maintaining the incarcerated Japanese Canadians was becoming an issue in early 1943. After the BC Securities Commission (the federal agency established to oversee the uprooting) had largely completed its work, the incarceration, control and maintenance of the Japanese Canadians fell to the Department of Labour, headed by Minister Humphrey Mitchell. The costs for this looked set to increase after the BC government announced its intention at the end of January to introduce legislation barring Japanese Canadian children from BC schools. School boards in the interior were refusing to assume the cost of schools, and the legislation being considered was to legalize what was already happening.[178] The growing costs for the federal government added impetus to the effort to find ways to make the Japanese Canadians pay for their own incarceration.

Several weeks later members of the press wanted to know if the sale of Japanese Canadian property meant that their former owners would be banned from returning to the coast. The manager of the Custodian's Vancouver office, F.G. Shears, didn't respond definitively, but indicated that that might be case:

> *A lot of people are assuming that because the property may be sold the Japanese will not come back. The indications are that if this property is sold it is to be done with a view toward this end, but on the other hand it*

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[176] 'Three-Man Board to Advise On Sale Of Property' 13 February 1943 p1 *The New Canadian* http://newspapers.lib.sfu.ca/tnc-32927/page-1 Accessed 19 January 2017
[177] Ibid., 1
[178] 'Controversy on Proprosal to Legalize School Ban' 6 February 1943 p1 *The New Canadian* http://newspapers.lib.sfu.ca/islandora/object/tnc:32936 Accessed 19 January 2017

> *could also mean that the Dominion Government prefers to have the property held for them in cash.*[179]

If the sale of their properties wasn't actually *intended* as a means for preventing the Japanese Canadians from returning to the coast (thought it certainly was for politicians like Ian Mackenzie), members of the public had surmised that it would have that effect. Shears might have also added that if the government preferred to hold their property in cash, it was because they wanted the Japanese Canadians to have the funds to pay for their own incarceration.

Negotiations between the SSB and the Custodian for the sale of Japanese Canadian farms for returning veterans continued through the first three months of 1943. The Custodian was pushing the Board to purchase all of the confiscated rural properties, including those in fishing areas, while also trying to maintain the fiction that these would not be forced sales. An undated document in the files of the Soldier Settlement Board on the terms of reference for the operation of the Rural Advisory Committee under the sub-heading 'Government Policy' states, '(i) Liquidation primarily to preserve assets (ii) Not a forced liquidation.' [180]

For their part, Japanese Canadians were not buying the story that liquidation was anything but forced, and in the Custodian's office they were concerned that they might face legal challenges that would prevent the liquidation. A front-page article in the April 3rd issue of *The New Canadian* called for the formation of a Japanese Canadian property owners association and the pooling of resources to mount a legal challenge.[181] After reading the article, Shears wrote to McPherson expressing his concern that liquidation might be held up if the 'validity of our power to act is attacked'.[182]

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[179] 'Selling [? first word obscured] of Japanese Property Does Not Mean Japs Banned' *The Province* 11 February 1943, Clipping in Part 2.1, File 57899, Vol. 2497, RG117, LAC
[180] Undated file 'The Advisory Committee of Rural Property', Part 2.1, File 57899, Vol. 2497, RG117, LAC
[181] 'Legal Opinion Government Disposal Beyond Government Power' 3 April 1943 p1 The New Canadian http://newspapers.lib.sfu.ca/tnc-32864/page-1 Accessed 19 January 2017
[182] Letter from Shears to McPherson 8 April 1943, Part 2.1, File 57899, Vol. 2497, RG117, LAC

First Legal Challenge to Dispossession

About five weeks later, and two days after receiving an offer from Barnet of the SSB of $750,000 for 769 farms, the validity of their power to liquidate *was* attacked. On May 19th, McPherson wrote to Coleman reporting on a meeting he'd just had with a Mr. MacLennan of Messrs. Norris & MacLennan, solicitors for the now-formed Japanese Property Owners' Association, regarding a suit that he was preparing to launch on behalf of Japanese Canadians should the policy of liquidation be officially announced.

MacLennan told McPherson that he intended to seek an injunction on the liquidation of both urban and rural properties under provincial law and hoped to have it heard as a constitutional question in the Supreme Court of British Columbia.[183] McPherson told Coleman that he had told MacLennan nothing about the negotiations that were going on at that moment for the farm lands, but did tell him that the urban properties would be shortly listed for sale. The court challenge brought against the government by the Japanese Property Owners' Association would come to be known as the Nakashima case after one of the three suppliants in the case and it would become an important act of resistance against the government's actions. There were serious problems with the way the Nakashima case was handled, most notably the three years that the judge in the case, Justice J.T. Thorson, took to make his ruling, perhaps as a deliberate measure to run out the clock while Japanese Canadian properties were being sold off. As Ann Sunahara wrote:

> *While petitions to the Exchequer Court in 1943 normally were heard in four to six weeks, the Japanese Canadian petitions were delayed until 29 May 1944, almost a year later. At the hearing, things went from bad to worse. Before Norris and MacLennan could present their carefully prepared arguments, the case became bogged down on the legal question of whether the Custodian of Enemy Property was in fact a servant of the Crown and therefore accountable in the Exchequer Court. That legal impasse allowed the judge, Mr. Justice J.T. Thorson who as the Hon. J.T. Thorson M.P., Minister of National War Services, had been part of the*

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[183] Sunahara, 95

> *1942 Cabinet that had uprooted the Japanese Canadians to adjourn the case indefinitely while he decided the question. True to the obstructionist policy of the federal government, it took him three years to make up his mind. In 1947, two years after the end of the war, Thorson finally decided that the Custodian was not a servant of the Crown and therefore not accountable before the Exchequer Court.*[184]

The case will be examined in more detail in the following chapter.

McPherson seemed to have an almost schizophrenic attitude regarding the liquidation of the properties; at the very moment that he was doggedly scheming and working to sell 769 farms to the SSB and at the same time trying to head off a legal challenge to what he was doing, he was still insisting that it was not a forced liquidation. On May 22nd in a memo to Shears he wrote:

> *I would again point out that it is not the Custodian's policy to liquidate enemy property unless circumstances indicate liquidation is desirable. As a general rule a property will carry itself and this will include an accumulating of a surplus to cover repairs and possible vacancy. The property should not be sold, but if it appears undesirable to continue the management of the property, when it can be sold in a favourable market as apparently exists to-day, this factor may be considered in arriving at a decision as to the policy to be adopted.*[185]

Desirable for whom, we may wonder. At the same time that he was writing this, a study was underway by the Rural Advisory Committee to check the appraisals of the Fraser Valley farms that had previously been made by the SSB. Messrs. D.E. Mackenzie, Hal Menzies and the Japanese Canadian member of the committee, Yasutaro Tamaga, conducted appraisals of 17 of the properties. Their spot check appraisals were then compared with the SSB figures and found to be, on average, 50% higher. Just when they were finishing, Judge David Whiteside, the committee chair, indicated that he'd be willing to accept $850,000 for the block of 769 properties.[186] According to Sunahara, this was less than 70 percent of the SSB's appraised values[187], which from their spot checks the committee had just

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[184] Sunahara, 95
[185] Memo from McPherson to Shears 22 May 1943 Folder 7, Box 2, Correspondence, F.G. Shears Fonds, Thomas Fisher Rare Book Library
[186] Sunahara, 94
[187] Sunahara actually used the term 'assessed' and not 'appraised', so it's possible she was

found to be very low. Two days later, on May 26th, Yamaga submited his letter of resignation to Whiteside.[188]

While this was going on, Murchison had upped his original offer for the 769 rural properties to $825,000, but this was rejected. On May 29th Murchison formally made his final offer of $850,000[189]. Presented to the Rural Advisory Committee in New Westminster on 14 July 1943, after hearing the terms of sale it was unanimously recommended that the offer be accepted. This was how the first block of farms was sold to the Soldier Settlement Board, all of which were in the Fraser Valley. Sales of the Saltspring properties would not begin until early in 1944.

Sale of Saltspring Properties

Following this sale of the first block of farm properties to the VLA in 1943, sales of chattels from Japanese Canadian properties on Saltspring Island began in the fall. On November 3rd, an auction was held on the Okano and Murakami properties on the island. Interestingly, it was conducted by the auctioneers Thwaites & Bazett from nearby Duncan on Vancouver Island. In the decade that includes the war years the bulk of the auctions on Saltspring advertised in the *Saanich Peninsula and Gulf Islands Review* were held by Salt Spring Lands, the firm partially owned by Gavin Mouat, the Custodian's agent for the Gulf Islands. Perhaps Mouat decided it would be better to let some other firm handle this one.

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referring to their tax assessment values. Ibid., 94

[188] Yamaga's letter to Whiteside quoted in a letter from Shears to McPherson, 2 June 1943 Folder 6, Box 2, Correspondence, F.G. Shears Fonds, Thomas Fisher Rare Book Library

[189] Sunahara writes that it was Barnet who agreed to the purchase, and indeed he did tender the offer of $825,000, but Murchison's correspondence with McPherson confirms that it was Murchison who made the $850,000 offer. Considering the magnitude of the purchase, it's likely that Minister Crerar was also involved. Letter Murchison to McPherson, 29 May 1943, Part 14, File 55908, Vol. 2472, RG117, LAC

AUCTION SALE

Acting under instructions received from Custodian of Japanese Property, we will sell by Public Auction, at the Okano and Murakami properties at GANGES, B.C.,

WEDNESDAY, Nov. 3, 1943,

and commencing at 10 a.m., a quantity of

HOUSEHOLD FURNITURE
FARM MACHINERY
INCUBATORS (some electric)
FISHING GEAR
CARPENTERS' TOOLS
CROSS CUT SAWS
TOOLS OF ALL KINDS
ETC., ETC., ETC.

TERMS OF SALE: STRICTLY CASH

Signed by
THWAITES & BAZETT
Auctioneers

Figure 7: Notice for the auction of the chattels of Japanese Canadian Saltspringers[190]

The Soldier Settlement Board purchased two more smaller blocks of properties in February 1944. One was for 11 properties in the Fraser Valley, for which it offered $6,500 and for which the Rural Advisory Committee recommended acceptance of $6,697.32. The second was for 33 properties on Vancouver Island and the Gulf Islands, which included eight of the 11 Japanese Canadian properties on Saltspring Island. For this block the SSB offered $35,000 and the Committee recommended acceptance of $38,542.42. In both cases, the Committee-recommended prices were 98 percent of the SSB-appraised values of the properties.[191]

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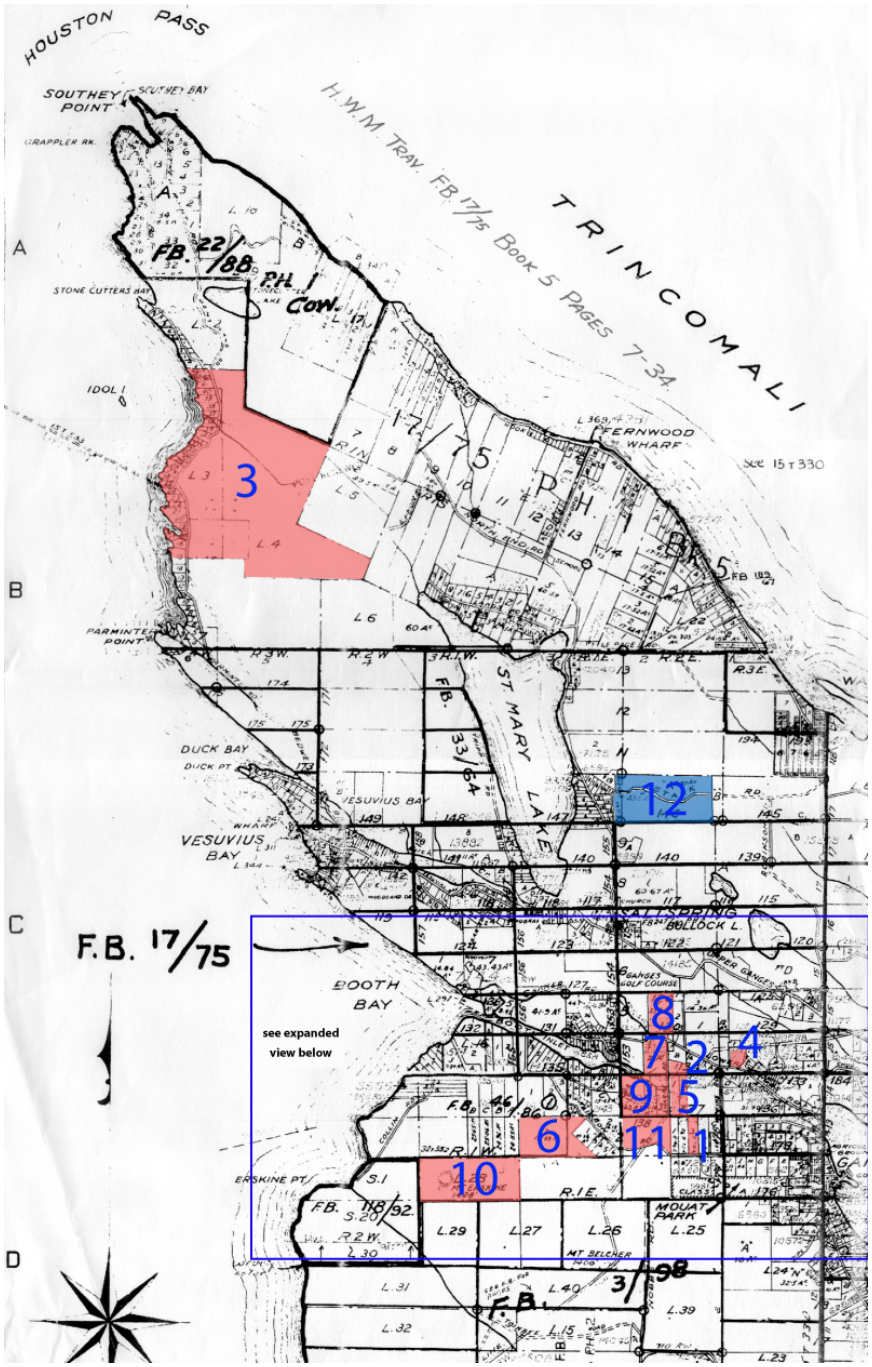
[190] 'Auction Sale' advertisement *Saanich Peninsula and Gulf Islands Review,* 27 October 1943 2, see Appendix 12
[191] Memo from G.W. McPherson 1 February 1944, File 16, Vol. 0002, RG117, LAC

The remaining three properties on Saltspring were among the 687 parcels that remained after the last of the sales to the SSB in February 1944, which were offered for sale in tendered bid auctions. This sale was advertised in the 5 April 1944 issue of the *Saanich Peninsula and Gulf Islands Review*, and it covered the three remaining properties on Saltspring, including the large Iwasaki property which was the most valuable and the one for which there would be much controversy.

Figure 8: Vested Properties on Saltspring Island – 1942-1945[192]



[192] Based on work done by Jay Thomas with assistance from Dan Arnold, Joni Devlin, and Caffyn Kelley for the Salt Spring Japanese Garden Society - March 2006

Table 2: Key to Vested Properties

NO.	OWNER	LEGAL DESCRIPTION	AREA (acres)	SOLD TO	SALE PRICE
1	Masakichi Inouye	Lot 3, Sec.2, Range 2E North SSI, Cowichan Dist. Plan 2495	9.74	Joseph M. Ford March, 1945	$1,550.00
2	Nakazo Ito	Lot 1, Sec. 4, Range 2E North SSI, Cowichan Dist. Plan 3769.	5	VLA, 1944	$969.00
3	Torazo Iwasaki	Lots 3 & 4, North SSI, Cowichan Dist., Incl. Parcel "A", except that part of 4 lying S of S boundary of 3 and its production east to intersection with "A".	598.85	S.S. Lands Ltd. March, 1945	$5,250.00
4	Masuo Mikado	Amended Parcel "G" of Sec. 4, Range 3E, North SSI Cowichan Dist.	5.76	VLA, 1944	$1,544.00
5	Katsuyori Murakami	Lot 1, Sec. 3 Range 2E, Plan 3912, and part of east 1/2 of Sec. 3, Range 2E, Plan 246R, North SSI Cowichan Dist.	17.04	VLA, 1944	$1,284.00
6	Masayoshi Murakami	Lot 2, Sec. 2, Range 1E, North SSI, Cowichan Dist. Plan 4329.	65.89	Fred Orr, 1945	$300.00
7	Morihei Murakami	Part of E 1/2 of W 1/2 of Sec. 4, Range 2E, North SSI Cowichan Dist. lying to S of public road, except east 25 ft. thereof.	21	VLA	$2,342.00
8	Tsunetaro Murakami	Lot C of Sec. 4 and 5, Range 2E, North SSI Cowichan Dist., Plan 2183. 25 ac. and Lot 2 of Sec. 4, North SSI, Cowichan Dist. Plan 3805, 1.77 ac.	26.8	VLA	$988 Lot C $174.00 Lot 2
9	Kumanosuke Okano	W 1/2 of Sec.3, Range 2E, (except E 25') and the N. 20' of Sec. 3, Range 1E lying east of public road, Plan 2143.	About 49.32	VLA, 1944	$2,926.00
10	Kumanosuke Okano	Sec. 1, Range 1E, North SSI, Cowichan Dist.	100	VLA, 1944	$245.00
11	Sueyuki Okano	Part of W 1/2 of Sec.2, Range 2E, North SSI, Cowichan Dist., lying to North of Rainbow Road, Plan DD10980.S.	38.7	VLA, 1944	$189.00
12	Miles Acheson	Pt. Sec. 10, R E, Plan 438-R and parcel A, Sec. 10, R2E, NSSI, Cowichan Dist.	105.88	returned to owner	

Compiled by Jay Thomas with assistance from Dan Arnold, Joni Devlin, and Caffyn Kelley for the Salt Spring Japanese Garden Society - March 2006 - Corrected and updated by Brian Smallshaw

What wasn't controversial at the time (but would be now) is the manner in which the bidding was conducted. Ads for the auction stipulated that bids must be received by noon on 15 June 1944.[193] By the deadline the Custodian's office had received three bids for the Iwasaki property, one for $2500 from a George Bush in Vancouver, another for $4250 from Captain A.M. Smith of 'The Maples' on Saltspring, and a third for $4550 from Salt Spring Lands, the firm that was partially owned by Gavin Mouat, the Custodian's agent for the Gulf Islands.[194] Bush's bid was rejected outright, but on June 27th Shears wrote to the two other bidders informing them that before their bids could be considered they would need to conduct an independent appraisal of the property. Amazingly, the property had been advertised for sale for almost three months, but no valuation of the property had yet been made, and it would be still another five weeks before they would find somebody to do the job.

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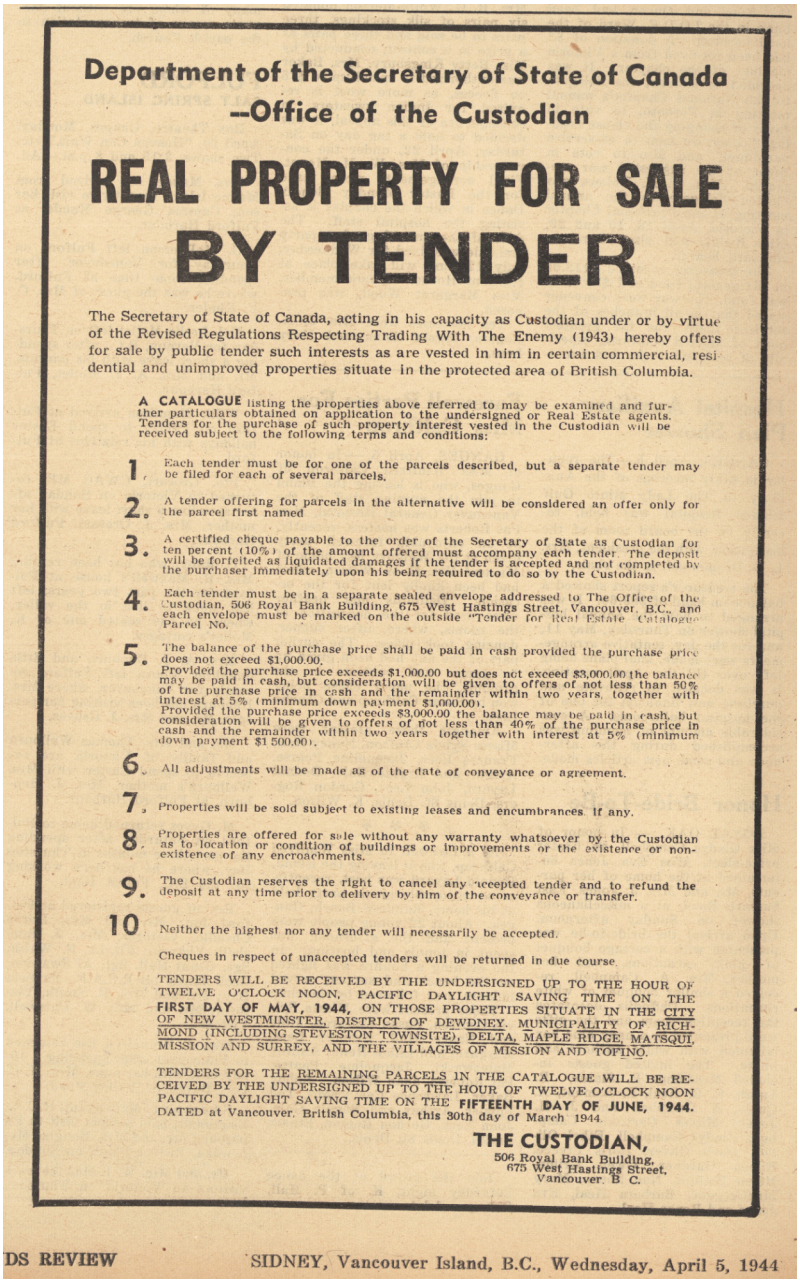
[193] 'Real Property For Sale by Tender' *Saanich Peninsula and Gulf Islands Review* 5 April 1944 p2, see Appendix 13

[194] Correspondence between F.G. Shears and bidders on the Iwasaki property File 59100, Vol. 2825 Part 2, RG117-A-3, LAC



Department of the Secretary of State of Canada
--Office of the Custodian

REAL PROPERTY FOR SALE BY TENDER

The Secretary of State of Canada, acting in his capacity as Custodian under or by virtue of the Revised Regulations Respecting Trading With The Enemy (1943) hereby offers for sale by public tender such interests as are vested in him in certain commercial, residential and unimproved properties situate in the protected area of British Columbia.

A CATALOGUE listing the properties above referred to may be examined and further particulars obtained on application to the undersigned or Real Estate agents. Tenders for the purchase of such property interest vested in the Custodian will be received subject to the following terms and conditions:

1. Each tender must be for one of the parcels described, but a separate tender may be filed for each of several parcels.
2. A tender offering for parcels in the alternative will be considered an offer only for the parcel first named
3. A certified cheque payable to the order of the Secretary of State as Custodian for ten percent (10%) of the amount offered must accompany each tender. The deposit will be forfeited as liquidated damages if the tender is accepted and not completed by the purchaser immediately upon his being required to do so by the Custodian.
4. Each tender must be in a separate sealed envelope addressed to The Office of the Custodian, 506 Royal Bank Building, 675 West Hastings Street, Vancouver, B.C., and each envelope must be marked on the outside "Tender for Real Estate Catalogue Parcel No.
5. The balance of the purchase price shall be paid in cash provided the purchase price does not exceed $1,000.00.
   Provided the purchase price exceeds $1,000.00 but does not exceed $3,000.00 the balance may be paid in cash, but consideration will be given to offers of not less than 50% of the purchase price in cash and the remainder within two years, together with interest at 5% (minimum down payment $1,000.00).
   Provided the purchase price exceeds $3,000.00 the balance may be paid in cash, but consideration will be given to offers of not less than 40% of the purchase price in cash and the remainder within two years together with interest at 5% (minimum down payment $1 500.00).
6. All adjustments will be made as of the date of conveyance or agreement.
7. Properties will be sold subject to existing leases and encumbrances, if any.
8. Properties are offered for sale without any warranty whatsoever by the Custodian as to location or condition of buildings or improvements or the existence or non-existence of any encroachments.
9. The Custodian reserves the right to cancel any accepted tender and to refund the deposit at any time prior to delivery by him of the conveyance or transfer.
10. Neither the highest nor any tender will necessarily be accepted.

Cheques in respect of unaccepted tenders will be returned in due course.

TENDERS WILL BE RECEIVED BY THE UNDERSIGNED UP TO THE HOUR OF TWELVE O'CLOCK NOON, PACIFIC DAYLIGHT SAVING TIME ON THE **FIRST DAY OF MAY, 1944,** ON THOSE PROPERTIES SITUATE IN THE CITY OF NEW WESTMINSTER, DISTRICT OF DEWDNEY, MUNICIPALITY OF RICHMOND (INCLUDING STEVESTON TOWNSITE), DELTA, MAPLE RIDGE, MATSQUI, MISSION AND SURREY, AND THE VILLAGES OF MISSION AND TOFINO.

TENDERS FOR THE REMAINING PARCELS IN THE CATALOGUE WILL BE RECEIVED BY THE UNDERSIGNED UP TO THE HOUR OF TWELVE O'CLOCK NOON PACIFIC DAYLIGHT SAVING TIME ON THE **FIFTEENTH DAY OF JUNE, 1944.**
DATED at Vancouver, British Columbia, this 30th day of March 1944.

THE CUSTODIAN,
506 Royal Bank Building,
675 West Hastings Street,
Vancouver, B. C.

DS REVIEW SIDNEY, Vancouver Island, B.C., Wednesday, April 5, 1944

Figure 9: Notice of the tender bid auction for properties not sold to the VLA[195]

After telephoning Col. E.W. Pope in Victoria on August 2nd in the hope that he could recommend somebody, the following day the Custodian's office in Vancouver wrote to Mr. D.K. Wilson, owner of the Vesuvius Inn on Saltspring,

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[195] *Saanich Peninsula and Gulf Islands Review,* 5 April 1944 2

requesting his help and acknowledging that there would be a conflict of interest in having Mouat do the work:

> *As explained to you, we must have a proper independent appraisal of each property in the catalogue. Mr. Gavin C. Mouat is our representative for Salt Spring and Mayne Islands and, consequently, is debarred from doing this work for us in that area. We telephoned you after consulting our Victoria Agents.*[196]

Though they felt there would be a conflict of interest in having Mouat conduct the appraisal, they didn't feel there was a problem in having his firm bid on the property. Mr. Wilson went right to work, delivering his appraisal on August 5th. It's short enough that it's worth including in full:

> *TORAZO IWASAKI Lots 3 and 4 North Salt Spring Isl. including parcel A thereof, except that part of said lot 4, lying South of said parcel A and South of the South boundary of said lot 3 and its projection East to intersection with said parcel A, consisting of 598.65 Acres. Buildings on this property are to be considered of no value, consisting only of one very dilapidated shack and one tumbled down shed. Water frontage of approximately one half mile is considered to be the most valuable part of this property and includes several very nice bays. The property has, in general, been logged off. There is at present a very rough road to the property boundary but to put in roads through the property would incur considerable expense. I estimate the value of this property to be $5000.00.*[197]

Not counting the legal description of the property, it amounted to five sentences. It contains two serious errors that suggest that if Wilson visited the property at all, he didn't walk very much of it. First, depending on how you measure the length of the shoreline (loosely or tightly following all the small coves), it's either a mile or a mile and a half long. Secondly, it had not been logged off, only about a third of the timber had been taken from the property. It was likely true that by that time the buildings on the property were worthless as they had been seriously

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[196] Memorandum F.G. Shears to D.T. Braidwood during the Bird Commission inquiry quoting earlier correspondence. 1 December 1949 The contents of this memo and the very fact that it was written suggests that there were serious misgivings within the Custodian's office about the way the sale of Iwasaki's property was conducted. 1 December 1949 File 59100, Vol. 2825 Part 2, RG117-A-3, LAC

[197] Letter D. Keith Wilson to R.G. Bell, Office of the Custodian, Vancouver 5 August 1944 File 59100, Vol. 2825 Part 2, RG117-A-3, LAC

vandalized while in Mouat's care (despite the fact that Mouat's property bordered Iwasaki's to the north). The buildings had likely deteriorated rather recently, because two years earlier, in August 1942, an F.E. Larnder had approached the Custodian with an interest in purchasing a 75-acre portion of the Iwasaki's property that included the buildings, an inquiry that Shears had passed on to Iwasaki.[198]

However, a more serious problem with Wilson's appraisal is that it can't be considered independent at all, because he was a former employee of Mouat's, and possibly even a current one. In April 1938 Wilson had joined Salt Spring Lands as manager of their Real Estate Department.[199]

PAGE FOUR

Announcement . . .

Salt Spring Lands, Ltd., have pleasure in announcing the appointment of

Mr. D. Keith Wilson,

late Managing-Owner of Crystal Spring Soda Water Co. Ltd., Victoria, as Manager of their Real Estate Department.

Mr. Wilson has returned to the Island to reside after a long absence in business, and is very optimistic as to the future of the Island.

SALT SPRING LANDS, LTD.
Ganges, B.C.

Affiliated with the Real Estate Board of Victoria.

Figure 4: Announcement in Saanich Peninsula and Gulf Islands Review 13 April 1938

After receiving this very flawed appraisal, on August 8th the Custodian's office in Vancouver wrote to Captain Smith and Salt Spring Lands telling them that they had received an appraisal on the property and saying that they wouldn't be prepared to accept any offer below $5000. Both were offered payment terms of

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[198] Letter Shears to Iwasaki 27 August 1942 No reply found.
[199] 'Announcement…' ad in p4 *Saanich Peninsula and Gulf Islands Review* 13 April 1938 See Appendix 21 File 59100, Vol. 2825 Part 2, RG117-A-3, LAC

40% down with the balance in two years.[200] Captain Smith then increased his bid to $5000 on August 17th[201], but on the 14th, in a letter from Salt Spring Lands signed by Gavin's brother Gilbert, after first writing 'We are willing to make a higher offer, but we do not want to make offers just for the purpose of bidding the place up for someone else', they upped their bid to $5250.[202] On August 23rd, Shears wrote to Salt Spring Lands accepting their offer, and asking for a down payment of $2000.[203] As agent for the sale, Gavin C. Mouat received a commission of $262.50 on the sale of the property to his own firm.

The evidence suggests that the sale was handled with some behind-the-scene management. Was Mouat aware of what the appraisal amount was, or did he even determine what the value would be? Why did the Custodian stop the bidding at that point? They could have gone back to Captain Smith and asked if he'd be prepared to increase his bid. What kind of communication was going on behind the scenes between Gavin Mouat and the Custodian's office. It's also interesting that the written communication between Salt Spring Lands and the Custodian's office was signed by Gavin Mouat's brother Gilbert, despite the former being much more involved in the firm. We're left wondering if this was a small attempt to minimize the appearance of a conflict of interest.

Also highly suspicious was Salt Spring Lands letter of reply (again signed by Gilbert Mouat) in which they enclosed a cheque for $2000 in down payment, which showed their concern about the legality of the sale:

> *We want it clearly understood also that in the event of any Court decision making the sales of these lands illegal, any sums that we have paid will be returned to us. Please confirm and oblige.*[204]

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[200] Letters Shears to Captain W.N. Smith and Salt Spring Lands 8 August 1944 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC
[201] Letter Shears to Captain Smith 23 August 1944 acknowledging bid, but declining it. Part 2, File 59100, Vol. 2825 RG117-A-3, LAC
[202] Letter Salt Spring Lands to Shears 14 August 1944 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC
[203] Letter Shears to Salt Spring Lands 23 August 1944 Part 2, File 59100, Vol. 2825 RG117-A-3, LAC.
[204] Letter Salt Spring Lands to Shears 28 August 1944 Part 2, File 59100, Vol. 2825 RG117-A-3,

This could be interpreted as either that they thought all sales of Japanese Canadian lands might be found to be illegal, or just the particular sale to an agent for the Custodian—clearly the ethics of the sale were on their minds.

The sale was concluded, but wouldn't be formally completed until 20 March 1945, and issues connected with the encumbrance of the timber lease that Iwasaki had concluded with Glen Lake Logging. Questions about the presence or absence of Iwasaki's logging equipment on the property would make things drag on until the middle of 1946. Salt Spring Lands sold the 'Lot 4' part of the Iwasaki property to Gavin Mouat on 17 October 1945 for $1500[205], and the larger 'Lot 3' part was transferred from the company to Mouat personally on 5 September 1946 for $4000.[206]

Torazo Iwasaki was far from impassive in the face of this injustice. Contrary to the narrative that Japanese Canadians meekly accepted what was done to them, Iwasaki fought to have his land returned by bringing a lawsuit against the Canadian government. Other Saltspring Japanese Canadians showed similar determination, returning to the island to seek the restoration of what had been taken from them.

LAC.
[205] See Appendix 23
[206] See Appendix 24

Chapter 5 – Challenging the Government

Japan's surrender on 2 September 1945 at the close of World War II was not the end of internal exile for the Japanese Canadians who had been living in the British Columbia interior and in other parts of Canada after the uprooting. They were up against politicians operating under a racist agenda in which the uprooting and removal form the coast was just the first stage in removing them from the country entirely. In late 1943 at a meeting in Nanaimo attended by Saltspring-based former MLA Macgregor Macintosh, the local Progressive Conservative Association passed a unanimous resolution that went much further than any measures ever taken by the government:

> *"That the Nanaimo Federal Progressive Conservative Association request the Government see that there is not one one [sic] Japanese left in Canada after the war, and that the Government do not allow them ever to immigrate to Canada again."*[207]

The Orders in Council that had removed Japanese Canadians from the 'protected area' of the coast expired on 1 January 1946, but they were extended by Order in Council P.C. 7414 passed under the National Transitional Emergency Powers Act.[208] The uprooting had initially been framed as an 'evacuation', implying that it was a temporary measure for the benefit of those being moved, but by 1945 the government had stepped up its efforts to disperse Japanese Canadians throughout Canada. This was more than just encouragement to move east. A notice issued by T.B. Pickersgill, Commissioner of the Japanese Placement in the Department of Labour included a threat that failure to comply would be regarded as a lack of cooperation with the government:

> *'Japanese Canadians who want to remain in Canada [that is, those who do not agree to be deported to Japan] should now re-establish themselves east of the Rockies as best evidence of their intentions to co-operate with*

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[207] "Leave Not One Japanese In Canada After The War" *Saanich Peninsula & Gulf Islands Review* 6 October 1943 1. That this article was run at the top of page one of the newspaper says a great deal about the paper's owners and editors.
[208] Adachi, 309

> *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 in carrying out the policy of dispersal.'*[209]

After the war ended a program was developed for 'repatriation'–the deportation–of Japanese Canadians to Japan under Orders in Council 7335, 7356 and 7357. For both the Iwasakis and the Murakamis (and all of the other Japanese Canadian families that had been uprooted from Saltspring), the immediate post-war years were as much a struggle as the years before. It wouldn't be until 2 March 1948 that Order in Council P.C. 804 was enacted allowing Japanese Canadians to return to the Pacific Coast, but only a year later on 1 April 1949. Japanese Canadians displayed remarkable resilience in the face of these measures that had no parallel in the United States where Japanese American were, for the most part, able to return to their homes in 1945. Life would never be the same for the Murakami family or for Torazo Iwasaki and his wife Fuku. Yet they continued to seek justice in their own ways.

Katsuyori Murakami had been sent to a road camp at Yellowhead Pass between Jasper, Alberta and Blue River BC when the first people were taken from Saltspring in the uprooting. His wife Kimiko and their five children, Atsuko (Alice), Taeko (Violet), Keiko (Mary), Takako (Rose) and Katsuhide (Richard), were sent to Greenwood in the BC interior on 1 May 1942. When the married men were released from the road camps, on July 21st Katsuyori made his way to Magrath, Alberta where his mother-in-law, father-in-law and brother-in-law (Okano) were staying. Kimiko and the children left Greenwood and arrived in Magrath on August 15th, and the family was reunited. The following day, the Murakamis were sent to live and work on a farm where the living conditions were atrocious. They were forced to live in a 10- by 15-foot shack, without bathing or cooking facilities, while drawing water from a slough that was used by farm animals.[210]

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[209] As quoted in Adachi, 298
[210] Murakami, 23-24

Katsuyori was forced to do such heavy farm work that his health began to deteriorate, prompting the oldest sister Alice to write to the BC Securities Commission in protest. An official from the Commission visited and agreed that the conditions were intolerable, and arranged for the RCMP to escort the family to a camp in Slocan BC in November. There they were required to share a large unheated tent with three other families until January, when they were moved to a camp in Rosebery at the end of Slocan Lake. Conditions in Rosebery were only marginally better than what they had left behind in Alberta. They lived in a 14- by 28-foot uninsulated shack without electricity and a communal tap outside for water. It was a harsh contrast to their home on Saltspring.[211]

The family remained there until the end of the war when the government put pressure on the Japanese Canadians to either accept 'repatriation' to Japan—actually deportation—or move east of the Rockies. Wanting to stay as close as possible to the coast, the Murakamis opted to move to a sugar beet farm in Magrath, Alberta. The government's sugar beet programme in Alberta dated from the beginning of the uprooting, when its desire to move the Japanese Canadians east of the Rockies coincided with the need to increase wartime sugar production. From the outset they faced brutal conditions, being forced to live in shacks that had previously housed migratory workers who only lived in them during the beet-growing season.[212] So it was for the eight members of the Murakami family that moved into a 14- by 25-foot shack with no electricity or running water. Drinking water came from a neighbour's well and wash water was carried from an irrigation ditch. In winter, for water they melted snow on a coal-burning kitchen stove. For their first season the family contracted with a farmer whose fields were five miles away to work 35 acres of sugar beets for $27 an acre.[213]

Faced with the fact that they could not survive on what they earned on the farm, the following spring the family moved into different house that was slightly larger

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[211] Ibid., 24-25
[212] Adachi, 280-281
[213] Murakami, 31, and interviews with Rose Murakami and Mary Kitagawa

than the last, but even drearier and also without running water or electricity. They worked thirty acres of sugar beets in the 1947 season, and Alice worked in a grocery store, providing extra money that was vital for their livelihood. Rose Murakami remembers the owner of the store, a Mr. Ririe, as being very kind in providing the family with opportunities to earn extra money picking beans and working extra acres of sugar beets.[214]

After three seasons in Magrath, in January 1949 the family moved to Cardston, Alberta where Kimiko's father Kumanosuke Okano, their son Jim Okano and a partner were operating a restaurant. Heavily in debt and near bankruptcy, the family took over the business, with Kimiko cooking for two shifts a day, Katsuyori baking bread, buns and pies, and the older children helping out with dishes and waiting on tables. It would take the family six years to pay off their debts.

The Nakashima Ruling

Torazo Iwasaki and his wife Fuku were interned in Greenwood BC and resisted government pressure to move east, although some of their children moved to Ontario.[215] Torazo Iwasaki protested the forced sale of his property by refusing to cash the cheques that were sent to him, and later by bringing a lawsuit against the Canadian government, but he also played an important role in the collective efforts of Japanese Canadians to receive just compensation for the property that had been taken from them. These efforts included the legal challenge begun by the Japanese Canadian Property Owners Association in a 1943 court case shortly after the adoption of Order in Council P.C. 469 ordering the liquidation of their property. Heard in the Exchequer Court of Canada, it came to be known as the Nakashima case, named after one of the three plaintiffs in the case, and it challenged the legality of the dispossession of Japanese Canadian property. The case was heard by Judge J.T. Thorson, who had earlier served as the Minister of

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[214] Ibid., 29
[215] Torazo Iwasaki's son Ray moved to Toronto before returning to Vancouver in the 1970s. Interview, 13 February 2016

National War Service in the cabinet[216] that had ordered the uprooting of Japanese Canadians, calling into question his impartiality in the case.

If this weren't bad enough, Thorson took an astonishing three years to bring down his ruling against the Japanese Canadians, by which point most of their land had already been sold off. This outrageous delay was in itself a denial of justice.

In his judgment, Thorson upheld the validity of Order in Council P.C. 469 and rejected the contention that the Custodian acted beyond the scope of the law in using a regulation for enemy property to liquidate Japanese Canadian property. He wrote:

> *In my opinion even if this were conceded [that the suppliants were not alien enemies within the meaning of the Consolidated Regulations], it would not alter the character of the Custodian's powers and duties. His discretionary powers might be more limited in scope than in the case of alien enemy property but the difference would be one of degree rather than of kind. He would still have very wide, free discretionary powers in the field of control and management. And if P.C. 469 is valid there would be no difference at all in the scope of the Custodian's discretionary powers as between alien enemy property on the one hand and Japanese evacuee property on the other.217[emphasis mine]*

Finding OIC 469 to have been legally enacted, he concluded that the Custodian was within his rights to treat the property of 'evacuee' Japanese Canadians in exactly the same way as that of enemy aliens:

> *It therefore follows that the Custodian is under no trust in favour of an alien enemy, but all the rights and powers of the alien enemy in the property are vested in the Custodian,* ***and the Custodian is in the same position with reference to evacuee property****.[218]* [emphasis mine]

This was the legal mechanism that was used to take the property that belonged to the Japanese Canadians who had their property vested with the Custodian. With

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[216] 'Memorable Manitobans: Joseph Thorarinn Thorson (1889-1978)' Manitoba Historical Society website http://www.mhs.mb.ca/docs/people/thorson_jt.shtml Accessed 18 April 2017
[217] Sheppard quoting P. Thorson in 'Nakashima v. The King (1947) at p496
[218] Sheppard quoting P. Thorson in 'Nakashima v. The King (1947) at p504 Ibid., 13

Order in Council 469, a regulation pertaining to enemy alien property was used against Canadian citizens. It is unlikely that Thorson could have made the same judgment with 'Canadian citizen' or 'British subject' replacing 'evacuee' in both of the above paragraphs. Only because they had been sufficiently racialized as 'Japanese evacuees' could Thorson rule that the order in council was valid.

After taking three years to make up his mind Judge Thorson made an error in judgment: the Custodian of Enemy Property was appointed by the Secretary of State, was accountable to him, operated out of his offices, and communicated under his letterhead. Sunahara's point is well taken that the delay in coming to a decision until 1947, well after most of the properties had been sold off, was an obstruction of justice.

Iwasaki and the Bird Commission

By the time the decision had come down in the Nakashima case in 1947, Japanese Canadians across the country began pressing for compensation for losses incurred during their uprooting. The war was over and with more information becoming public about the abuses that took place the government was coming under pressure to address the issue. The government was initially reluctant to acknowledge their demands because of concerns that admitting that Japanese Canadians had not received fair prices for their properties would open the government to the charge that the internment and the confiscation of property were unjust. Yet even some BC politicians acknowledged that the Japanese Canadians were owed some additional compensation to what they'd received during the war.[219]

On 21 April 1947, the Special Committee on Repatriation and Relocation[220] decided to launch an inquiry into wartime losses, and on July 18th The Royal

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[219] Sunahara, 137

[220] Originally formed on 23 January 1942 as the 'Cabinet Committee on Japanese Questions' and chaired by Ian Mackenzie and also including Humphrey Mitchell, Minister of Labour and J.G. Gardiner, Minister of Agriculture, it was tasked with advising the Cabinet on Japanese Canadian policy. Sunahara, footnote 64, p42. In late December 1942 Mackenzie invited Norman McLarty,

Commission to Investigate Complaints of Canadian Citizens of Japanese Origin was established under the authority of Order in Council P.C. 1810. Justice Henry Bird of the British Columbia Supreme Court was appointed as its head and the commission came to be known as the Bird Commission. Its terms of reference were initially limited to losses where it could be proved that the Custodian had not exercised 'reasonable care' in the supervision or sale of property, but after protests its mandate was later widened to include some redress for properties that had been sold 'below market price'.[221] According to Roy Miki, from the outset King's move to establish the Commission was more about political expediency than actually redressing the injustices of the war years, yet the mood had shifted and it had to take some action to appease the increasingly loud demands for compensation.[222]

Dealing with the claims of over a thousand people spread across the country was unique in the history of Canadian jurisprudence and a huge task, both for the Commission and those bringing claims against the government. Legal counsel was organized by the Co-operative Committee on Japanese Canadians (CCJC) and the National Japanese Canadian Citizens Association (NJCCA), a Nisei organization that had been formed that year in Toronto, with claimants paying a retainer calculated as a percentage of what they were claiming.[223]

Soon after the Commission began hearings in 1948 it became apparent that the range and complexity of the claims meant that it could take years to complete its work and the cost of legal counsel might be beyond the financial resources of the claimants. By the spring of 1949, it was agreed by both sides (with no consensus among Japanese Canadians, and much acrimonious debate that led to lasting rifts within the community[224]) that Bird would come up with a percentage

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Secretary of State, to join the committee. Sunahara, p92. In September 1945 the committee was renamed the Cabinet Committee on Japanese Questions. Sunahara, 109

[221] Adachi, 325-6

[222] Miki, 111-13

[223] Ibid., 326

[224] Miki, 118-126

formula for each category of claim: real property in urban and rural areas, farms sold to the Veterans Land Administration, fishing boats and gear, and miscellaneous property. There would also be the provision for hearing evidence for special cases with 'unusual characteristics'. The Iwasaki claim would be one of these and the hearing that was held for his particular case provides some important insights into one of the earliest steps in the fights for redress.[225]

The Commission continued through the rest of 1949 and when it had completed its work on 3 March 1950, Bird had 1,434 claims totaling over $5 million on 2,420 sales of real and personal property. The transcript ran to over 25,000 pages, and there were almost 9,000 exhibits filed. The Commissioner concluded that the Custodian had been so overloaded with work in the first six months of its operation that it could not efficiently carry its duties, but on the whole it had competently fulfilled the task with which it had been charged.[226]

The Commissioner may have thought the Custodian was competent but the people who had their land forcibly sold didn't, and as Roy Miki has explained, there was a great deal of controversy within the Japanese Canadian community about whether or not they should even participate in the process.[227] On the government side, too big a concession would be tantamount to admitting that the government's actions during the war had not been 'fair and just'. For some Japanese Canadians, the conflicting concern was that if they didn't participate, they might get nothing at all, while on the other hand going along with the limited terms of reference for the commission might preclude future demands for a more just settlement. In the end, they went along with the process as set out by the government, but as the Iwasaki hearing would show, the Bird Commission was an exercise in making a token response to Japanese Canadian claims for compensation without admitting that they'd been treated unfairly.[228]

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[225] Adachi, 327
[226] Ibid., 327-8
[227] Miki, Chapter 5, 111
[228] Miki, 117

For sales of Vancouver properties, Bird concluded that they had been sold at fair market value, except that the expenses incurred in selling the properties were charged to the owners, reducing the amount they received. Bird granted those owners a rebate on the commissions they'd been charged, generally about 5% of the price their properties had been sold for.[229]

For farms sold to the VLA, after looking at the amount received for farms withdrawn from the initial offer to the VLA and subsequently sold by the Custodian, and Land Office Registry records of other sales made in the Fraser Valley in 1943, Bird concluded that claimants did not receive fair market value and awarded claimants an additional 80% to what they had received from the VLA.[230]

The Iwasaki claim was considered a special case outside of the Commission's formulaic approach for dealing with rural properties. A hearing was held in Grand Forks on 2 March 1948 with J.W.G Hunter serving as legal counsel for the government, Robert J. McMaster representing Iwasaki and D.J. Handford acting as the official interpreter at the hearing.

At the outset of the hearing, Iwasaki's counsel, McMaster declared that his client had no special expertise in land values in making his claim that his Saltspring property was worth $60,000 (he and his brother were also making a separate claim on a Vancouver property that they owned together), and McMaster also declared that he also knew little about values for such properties. Bird asked about the acreage, McMaster replies that it is 'quite a large acreage, about 600 acres', and then they moved on to a discussion of the claims for chattels, and the nature of the Vancouver property.[231]

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[229] Adachi, 329
[230] Ibid., 329-30
[231] Though not directly related to the Saltspring property, the amount Iwasaki received for the vacant lot he jointly owned with his brother in Vancouver is worth noting. It was purchased in January 1912 for $3000 and sold by the Custodian in 1944 for $230. When this is pointed out to Bird, he retorts, 'I suppose he has paid taxes for 35 years and he has to get it out of somebody.' To which McMaster, his counsel replies, 'To whence it goes, he expects it to return my lord.'

Once again pleading that Iwasaki had no special knowledge of real estate values, McMaster said it would be a matter of calling expert evidence and offered as exhibits an appraisal together with Iwasaki's prepared statement, 'On behalf of my learned friend I would file what purports to be an extract of the appraisal of D. Keith Wilson with regard to his property, dated August 5th, 1944.'[232] Since the full appraisal was only one paragraph, about one-third of which was the legal description of the property, it's likely that it was the whole appraisal, not just an extract. (The exhibits are not in the archive.)

At this point Bird jumped in to declare:

> *I do not think I will allow this claim to pass, Mr. McMaster, without making some comment on the extravagance of the claim. I know something of Salt Spring Island and anyone who came up with a proposition that Salt Spring Island lands were worth a thousand dollars an acre would make it ridiculous.*[233]

Mr. Bird's knowledge of Salt Spring land prices apparently exceeded his math skills, because a claim of $60,000 for about 598 acres of land comes closer to $100 an acre than $1000 an acre. It's difficult to know if this was a simple error or an intentional ruse to support Bird's contention that Iwasaki was making an 'extravagant' claim. In any case, McMaster didn't catch it, because he replies, 'Probably the problem is the claimant is expanding his idea of the development of the land into the future rather than the present time.' To this Bird replied, 'Very far into the future. However I will say nothing more on the matter at present.'[234]

Whether Bird had simply made a basic math error or it was a deliberate tactic is not clear, but for the duration of the hearing he carries on with the idea that Iwasaki was making extravagant claims for the value of his property. McMaster then read expert evidence, which is missing from the archive but seems to be

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Transcript of the 'Japanese Property Claims Commission, Case No. 252, held before Justice H.I. Bird, Commissioner, Grand Forks BC, 2 March 1948', p2 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

[232] Ibid., 5

[233] Ibid., 5

[234] Ibid., 5

information regarding the timber contract with Glen Lake Logging. This was an important point, because the land would have been worth a lot more if there was a sizable amount of merchantable timber left on the property when it was offered for sale. Bird inquired about the stumpage price in the agreement and upon learning that it was two dollars per thousand board feet, jumps to the conclusion that if the price was so low Glen Lake Logging must have taken all that was accessible. [235]

Neither Bird nor McMaster knew how much timber was left on Iwasaki's property when it was sold, but having other contracts to attend to, Glen Lake Logging had likely ceased cutting sometime in 1943, and government timber scalings for the property strongly suggest that about 1.3 million feet out of a total of somewhere between 4 and 5 million feet had been cut when Salt Spring Lands took possession of the property in 1945. This fact is reinforced by the comment of Hall, who conducted the appraisal during the Bird Commission, that Mouat had conducted logging operations on the land after buying it, and by aerial photos of 1945 and 1950, which show a substantial reduction in forest cover in the interval.[236]

Rather than trying to correct Bird's misconceptions, McMaster took a conciliatory tone with the Commissioner, saying that Iwasaki's valuation of his property was due to his plans to develop it. To this Bird retorted, 'I am reluctant to make any comment with regard to claim, but when a claim so grossly extravagant as this is made, I think comment should be made upon it.'[237] He made similar comments regarding Iwasaki's claim for the chattels on the property, which had been vandalized and stolen after he was forced off the property. After asking for confirmation of what chattels had been left on the property, Bird conceded that

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[235] Ibid., 7
[236] Photos A9363_054 (1945) and BC1052_64 (1950) from the National Earth Observation Data Framework Catalogue of Natural Resources Canada https://neodf.nrcan.gc.ca/neodf_cat3/ See Appendix 19
[237] Transcript of the 'Japanese Property Claims Commission, Case No. 252, held before Justice H.I. Bird, Commissioner, Grand Forks BC, 2 March 1948', p7 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

his view of the matter of chattels was affected by his dim view of the real property claim:

> *In this instance it is a matter of considerable moment as to whether there is any record to show that this chattel property was there. I have indicated in the remarks that I made previously that I have not been at all impressed with this claimant in view of the values he has put on real estate. Now, if there is anything in this chattel claim at all, it is bound to be affected by the view I have taken of the claimant in regard to his real estate, and if the Custodian did make a check on the chattel property, I would like to know it.*[238]

The transcript of the hearing makes it clear that although present, Iwasaki himself was hardly involved. He had a limited command of English, and years later his son wondered if the hearing might have gone differently had he had a better command of the language. [239] His lawyer McMaster did a poor job of defending his interests. He failed to catch the mistake Bird made at the beginning of the hearing in calculating Iwasaki's claim at $1000 per acre when it was actually $100, and thereafter never effectively challenged Bird's view that Iwasaki was wildly exaggerating his real and personal property claims. He did take a stab at challenging the idea that the property had been logged off, but failed to shift Bird's view. When Torazo's son Ray was asked about the Bird Commission hearing, he remembered his father derisively referring to McMaster as 'Makemasu', Japanese for 'I lost'.[240]

Iwasaki's claim of $60,000 for his property was not unreasonable, and in line with property sales at the time. A 7.5-acre property on Saltspring, with a small area cleared and ploughed and about two acres 'partly improved', was offered 'for quick sale' in 1939 just before the outbreak of the European war for $300.[241] At that rate, Iwasaki's property would have been worth $23,920, but Iwasaki's property also had very attractive waterfront, widely acknowledged at the time to be very valuable.

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[238] Ibid., 16
[239] Interview with Ray Iwasaki, Vancouver, 13 February 2016
[240] Ibid.
[241] 'Salt Spring Island' ad by Sidney real estate agent Sparling, *Saanich Peninsula and Gulf Islands Review*, 22 February 1939, 3

After the March 1948 hearing in Grand Forks, the Bird Commission did make some effort to make a better assessment of the value the chattels on the Iwasaki property, although the process seemed directed to confirm Bird's view of Iwasaki's 'extravagant' claims. On 7 May 1948, one P.H. Russell of the Commission wrote to Gavin Mouat, trying to get to the bottom of the chattels question. In writing to the person who bought the property he tried to resolve why Iwasaki would only claim a value of $50 for a logging donkey that was new in 1939, yet should be worth more than this if it was actually going to be used for logging. He partially answers his own question with some remarkable logic to make what has been stolen or vandalized worthless from the beginning:

> *I cannot conceive of any piece of heavy logging equipment such as this being powered effectively with a fifty dollar engine, and therefore think that the inference may arise that the real reason that the machine was never used was because it was completely worthless and had from the outset only scrap value. Furthermore, the scrap value on a relatively remote place like Saltspring Island would be nil to anyone but a Japanese as the motor would not be worth removing.*[242]

Why 'a Japanese' would put a higher scrap value on the engine than other people, and then go to the trouble of transporting it to a 'relatively remote place' apparently didn't cross Mr. Russell's mind, suggesting that he harboured the common stereotype of the day, that Asians were prepared to work for nothing. He likely wasn't surprised to hear that Mouat did not feel the value of the chattels listed for the property he had purchased were undervalued, saying that similar items sold at auction on the island went for lower prices.[243] Perhaps to allay any concerns that he may have paid too little for the property, Mouat added in a postscript a note that he made a visit to the site and felt that the building was a total loss and actually an encumbrance.[244]

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[242] Letter P.H. Russell to Gavin C. Mouat 7 May 1948 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

[243] Though his firm Salt Spring Lands regularly conducted auctions on the island, it did not conduct this one. See Appendix 12

[244] Letter Gavin C. Mouat to P.H. Russell 18 May 1948 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

In this way, the Commission satisfied itself that it had looked into the value of the chattels on the property and found them to be of little value. In representing Iwasaki at the Bird Commission, McMaster ordered another appraisal of the property in 1949 from a W.M. Hall, who gave his report on June 15th of that year. At two full legal-sized pages of single-spaced text, it is far more detailed than the D. Keith Wilson appraisal of 1944, but no less puzzling.

In his appraisal, Hall devoted considerable effort to estimating the amount and value of the timber on the property, since for many properties in British Columbia the amount of wood that they contain is a significant determinant of their value. Working from government timber cruises prior to the war and estimates of the amount cut by Glen Lake Logging, Hall gave a detailed assessment of the timber remaining on the property. He came up with a figure of 3.0 million feet of timber on the property in 1944 or 1945, 3.5 million if 'pee-wee' logs are included, noting that most taxation cruises underestimated the amount of harvestable wood by between 10 and 15 percent. As for the value of the timber that was cut, he said, 'A conservative estimate of the value of the stumpage in 1945 would be $4.00 per M. feet.'[245] Mouat had been actively logging the property since taking possession of it in 1945, and Hall is impressed with the quality of the wood that is being taken:

> *With reference to the present logging operations, I noted in the log boom and dumps that the timber appeared to be of quite good grade, and with the price of logs as it is today, the owner must be doing extremely well out of it.*[246]

An aerial photo of the property taken in 1950[247] shows that Mouat had been logging the property quite intensively in the years after buying the property, and even if he was only receiving the $4.00 per thousand board feet that was the

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[245] Appraisal of Iwasaki property by H.M. Hall for McMaster 15 June 1949 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[246] Ibid.
[247] Photos A9363_054 (1945) and BC1052_64 (1950) from the National Earth Observation Data Framework Catalogue of Natural Resources Canada https://neodf.nrcan.gc.ca/neodf_cat3/ See Appendix 19

going rate in 1945, he'd likely made back his purchase price several times over in logs alone.

While doing his appraisal, Hall learned that Mr. Mouat had already sold two lots:

> *Two parcels have apparently been sold off by Mr. Mouat, one of about two acres, shown the map, to a Major Knapper, taking in cottage that used to be occupied by Mr. Iwasaki, and some of the clearing, for which, I was informed, Major Knapper paid the sum of $3,000.00; and another parcel in the North-Westerly corner, to a Mr. Guilbride; acreage and price not available. I met Major Knapper and he showed me where his boundaries were, approximately. I searched title again this morning, but neither of these sales has apparently been registered so that I could not verify the acreage or prices of these alienations.*[248]

The titles of the lots wouldn't be registered until 1952 and 1953, likely because Mouat was not fully paid for them until then. It's unfortunate that Hall did not investigate these sales more fully, because it turns out that 'Major Knapper' (actually Major W.H. Napper) paid $4,000 for what became Lot 13 of Plan 9115, while Guilbride paid $6,000 for Lot 16 of the same plan.[249]

Like everyone else, Hall was greatly impressed with the waterfront part of the property:

> *The property, especially the sea frontage, together with a strip of land a few hundred feet deep, is an exceptionally desirable one. It can be subdivided into a great many plots, giving a certain amount of sea frontage to each parcel, say in one, two or three-acre blocks. There are a great many delightful building sites, especially where the small bays occur, and along the main bay itself.*[250]

Taking into consideration the value in timber on the property, the beauty of waterfront area, and the sales in the four years since Salt Spring Lands took possession of the property Hall came to the astonishing conclusion that the property was worth $12,000 in 1945. By his own estimate, the stumpage on the

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[248] Appraisal of Iwasaki property by H.M. Hall for McMaster 15 June 1949 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[249] LTSA title searches by Wendy Smith, February 2016 See Appendices 16, 17
[250] Appraisal of Iwasaki property by H.M. Hall for McMaster 15 June 1949 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

trees on the property is worth that much, and that is what would have been received by simply contracting a logging company to cut them down and carry them away. Had he simply multiplied his mistakenly low figure for the sale of the Napper property by a rough guess as to the number of waterfront lots that could be created from the property he would have come up with a much higher figure. Say, for instance, he'd estimated there would be 20 waterfront properties (there would eventually be 31) and multiplied that by the amount he believed the 'Knapper' property had been sold for ($3000) he would have had a figure of $60,000, the amount that Iwasaki was claiming for his property at the time of the Bird Commission inquiry.

The integrity and objectivity of the Hall appraisal was questionable, and there is a hint that there may have been doubts in the Custodian's office as well. Later in the year, on November 14th, F.G. Shears wrote to a Mr. Eustace Smith of Vancouver, asking that he look into the quantity of timber removed from the Iwasaki property after 1 September 1944, that is, *after* it was sold to Salt Spring Lands.[251] Mr. Smith's reply is not in the archive, but why would Shears be asking if not to gain a better understanding of the value of the property?

We do have an undated record of a conversation between Commissioner Bird and Hall, written up as a memo in the Iwasaki file, and it makes one suspect that the total value of the property may have been decided and communicated to Hall before the appraisal was ever carried out. Bird writes:

> *Says approximately 100 acres extending along 1½ miles of water frontage on Satellite Channel, with depth of approximately 300 ft. from high water mark, had a value in August, 1944, of from $50.00 to $100.00 per acre – in all, say, $7,000.00. The remainder of this 597 parcel is of little value, except for the timber standing thereon in August, 1944.*[252]

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[251] Letter F.G. Shears to Eustace Smith, 14 November 1949 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

[252] Claim No.252 – Iwasaki Torazo, Memo of Conversation Between Commissioner and Hall Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

How could he decide it was worth $50-100 per acre, while Hall noted in the appraisal that one two-acre lot had already been sold for $3000 (actually $4000)? The last sentence in this paragraph, regarding the remaining timber, may have been what prompted Shears' letter to Eustace Smith.

Bird's final ruling on Claim No. 252, the Iwasaki property, mirrored the Hall appraisal at $12,000. It awarded its previous owner $6,750, plus any charges that were deducted from the original $5,250 the property was sold for, such as the $262.50 that Salt Spring Lands collected as a commission for selling the property to itself, and minus his share of the legal fees incurred by the Co-operative Committee on Japanese Canadians for a net total to Iwasaki of $7,608.95.[253]

In the three legal-sized page report, he reiterated Hall's calculation of the timber remaining on the property at the time of the sale, 3.0 to 3.5 million feet, yet in his final calculation he decided there is 'not less than 2,000,000 ft… having a stumpage value of $4.00 per M.'[254] He also took the low end of Hall's calculation of the value of the waterfront properties; approximately 100 acres at a minimum of $50 per acre for a total value of $5000. He conceded that the Custodian was 'badly served' by the Wilson appraisal during the war, but seemed to have missed Hall's note that two of the waterfront lots had already been sold, one for $3000 (though it was actually $4000) and the other for an unspecified amount. His tone had changed from the hearing, but he didn't seem to have let go of the idea that Iwasaki was making an 'extravagant claim' of $60,000 for his property.[255]

His conclusion of a $12,000 value for the property is entirely at odds with his own idea 'fair market value', for which a precise legal definition was given in Appendix III of his report on the Commission. Quoting 'the learned author of "Nicholls on Eminent Domain", 2nd Edition, at page 658':

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[253] Claims Account of the Office of the Custodian of Enemy Property in Vancouver Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[254] 'CLAIM No. 252 – IWASAKI TORAZO' Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[255] Ibid.

> *By 'fair market value' is meant the amount of money which a purchaser willing but not obliged to buy the property would pay to an owner willing but not obliged to sell it, taking into consideration all uses to which the land was adapted and might in reason be applied.*[256]

With that as a guiding principle, he then looks to previous court decisions, saying:

> *Examination of the foregoing and other leading decisions in expropriation cases discloses that various tests have been applied by the Courts in assessing the fair market value of property of divers types having various characteristics,* each assessment being made in the light of existing conditions at the given date.[257] [emphasis mine]

In his assessment of the Iwasaki property, Bird looked at its uses for logging and housing lots, but ignored its potential for farming, and made no investigation at all of what 'a purchaser willing but not obliged to buy' would pay, when in fact there had already been at least two buyers of lots within the larger property. In this case, no speculation at all was required to determine its value for building lots, had he simply noted the information provided in the Hall appraisal.

Furthermore, in his terms of reference for judging 'fair market value', Bird said that a valuation should satisfy twenty different tests. Number ten stated that in cases where it is shown that a market existed at or about the given date for property of the type under review "the market price" (at or near the given date) "which if it is not spasmodic or ephemeral is the best test of the fair market value of property of this description".[258]

It's hard to imagine that just before the end of the worst war the world had ever seen and at a time when a large number of Japanese Canadian properties were put on the market at once, market prices could be anything *but* 'spasmodic or ephemeral'.

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[256] Appendix III p1, Bird Commission Report Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[257] Ibid., 2
[258] Citing 'Untermeyer v. A.G. for B.C. (1928) S.C.R. 84, at 91' Appendix III p3-4, Bird Commission Report Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

The property would be subdivided into 31 waterfront lots two years after Hall did his appraisal[259] and in October 1952, three years after the Bird Commission ruling, Gavin Mouat's subdivision Plan 9115 was registered in the Land Registry Office. It included the 31 waterfront properties that were carved out of the Iwasaki property, plus a number of others on the inland portion of the property. Three days after the plan was registered, title deeds for the Napper and Guilbride properties that Hall had noted as being sold when he did his appraisal were registered at the Land Registry Office for $4,000 and $6,000 respectively. Had Hall guessed low and thought that 20 lots could be surveyed, and then multiplied it by his mistakenly low figure for the Napper property ($3000) he would have arrived at a figure of $60,000, the amount Iwasaki asked for during the Bird Commission inquiry. Even considering that land prices would have likely have been at a low point in 1945 when the country was exhausted after a brutal war, if the waterfront lots were valued at half of what Napper paid, Iwasaki's claim of $60,000 wasn't extravagant, it was conservative.[260]

Certainly Mouat had costs associated with subdividing the property; it had to be surveyed and Sunset Drive needed to be built. However it's likely that he was able to more than cover these costs with the revenue derived from logging the property. It was a common practice then (and now) for land developers to make back what they paid for a property by selling logs cut from it, and this seems to be what Mouat did. Bird noted that the going stumpage rate was $4.00 per thousand board feet, but that was what logging companies paid landowners to cut trees on their properties. Mouat logged the property himself, so almost certainly made a great deal more than the stumpage value of the 3.0 to 3.5 million board feet of timber that was on the property when he bought it. Comparing the aerial photos of the property near the times he bought it (1945) and when Commissioner Bird was making his judgment (1950) shows that Mouat had been hard at work

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[259] Survey Plan 9115, A.W. Wolfe-Milner B.C. Land Surveyor, Ganges BC 19 March 1951. Retrieved from the LTSA by Wendy Smith, 4 February 2016

[260] Title deeds retrieved from the LTSA by Wendy Smith, February 2016. See Appendices 16, 17

logging the property.[261] It's very likely that he had made back his purchase price on the land several times over by the time he got started subdividing and selling lots.

Bird's ruling of a $12,000 value for the Iwasaki property supports Miki's contention that the low settlements of the Bird Commission weren't about saving money, they were about defending the government's actions during the war. Thus it seems his indignation at the 'extravagant claim' that he thought Iwasaki making for his property was feigned, and that he began the process with the intention of keeping the settlement for the property as low as possible.

Consider what might have happened if he'd accepted Iwasaki's claim of $60,000, or even some lower figure that Iwasaki might have accepted. If, for instance, Bird had offered Iwasaki $50,000, he'd still have been unhappy, but it's likely that he'd have accepted the money and never brought a lawsuit against the government. But at ten times the original amount that he received (under $5000 after the sales commission and other fees were deducted), that settlement would have thrown the whole process of the Bird Commission into doubt. Bird's 80% formula for compensating rural property owners would have looked like a sham and other claimants would have immediately demanded greater compensation for their properties. Bird knew that he could make an extra concession for the 'special case' of the Iwasaki property, but going too far might have shattered the already shaky confidence in the fairness of the commission and opened the floodgates to a huge number of claims.

From the time Iwasaki's property was sold in 1945 until near the end of 1948 the Custodian's office wanted to close his file, repeatedly issuing cheques that in protest Iwasaki refused to cash. In 1947 he wrote to the Custodian protesting the sale of his property, berating them for failing to protect his equipment stored on

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[261] Photos A9363_054 (1945) and BC1052_64 (1950) from the National Earth Observation Data Framework Catalogue of Natural Resources Canada https://neodf.nrcan.gc.ca/neodf_cat3/ See Appendix 19

the property, and refusing to provide the requested Certificates of Title.[262] While the Bird Commission was underway in 1948, it re-issued a cheque for the monies that it had received from the sale of his properties on Saltspring and in Vancouver, a sum of $4,932.99. It was mailed to him in Greenwood where he was still living, with a short cover letter that included the following statement:

> *Acceptance by you of this cheque does not prejudice in any way, your claim for loss which you may feel you sustained in the sale of your property, as the Commissioner, the Honourable Mr. Justice Henry I. Bird, has made a ruling to this effect.*[263]

Shortly after, on 3 November 1948, he cashed the cheque at the Grand Forks branch of the Canadian Bank of Commerce, writing above his signature, 'Without Prejudice to Property Loss Claim'.[264] Since the fact that he cashed the cheque would later be used against him in court when he brought a suit against the government, the cover letter was a falsehood.

When a cheque was issued for $7608.95 on 8 November 1950 following the ruling of Commissioner Bird, Iwasaki waited about six weeks before cashing it on 27 December 1950. After eight years of incarceration at Greenwood Iwasaki was in very straitened financial circumstances and need funds to look after his family. There is no 'Without Prejudice…' written on the back of the cheque; at that point he may have given up fighting the government for fair compensation or the return of his land.

For a time Torazo Iwasaki continued to live in Greenwood, while the two youngest of his five children joined their older siblings in Ontario. His son Ray worked for the City of Toronto for a number of years, appreciating the greater ease he experienced in finding work in a place where your credentials were more important than what country your parents came from. Eventually, however, he

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[262] Protest letter from Iwasaki to Custodian's Vancouver office, 19 August 1947 See Appendix 22 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[263] Letter W.J. Johnston, Office of the Custodian to Torazo Iwasaki, 5 October 1948 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC See Appendix 14
[264] Cancelled cheque for $4,932.99 5 October 1948 issued by the Royal Bank of Canada Part 2, File 59100, Vol. 2825, RG117-A-3, LAC See Appendix 20

grew tired of the long winters and the lack of fresh seafood and moved back to the West Coast.[265]

Other writers such as Miki[266] and Sunahara[267] have documented the flaws and limitations of the Bird Commission, and how conflicted so many Japanese Canadians were in cooperating with it. The decision to go for a blanket formula for compensation instead of climbing the bureaucratic mountain of individual claims might have been unavoidable, but it guaranteed that many claimants would not get fair compensation. Looking into the details of an individual case highlights just how poorly it served many of the people seeking redress. In examining Iwasaki's case, the Commission neglected a number of important considerations, but a simple math error by Justice Bird (either deliberate or accidental) and a (possibly deliberately) flawed appraisal, coupled with his contemptuous tone throughout the hearing suggests that he was looking for a way to make the facts of Iwasaki's claim fit a predetermined outcome. Reading the transcript of the Iwasaki hearing adds to the understanding of the Bird Commission that we have been given by Sunahara and Miki. In particular, McMaster, as the legal counsel of Japanese Canadians in the Commission, is more of an obsequious and accommodating pleader than a tough negotiator looking out for the best interests of his clients. 'Makemasu' indeed: Iwasaki's chances of getting fair treatment by the Commission were doomed from the outset.

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[265] Interview with Ray Iwasaki, Vancouver, 13 February 2016
[266] Miki, Chapter 5
[267] Sunahara, Chapter 8

Chapter 6 – Confronting the Past

For the Murakamis of Saltspring Island, the 1950s and 1960s were hard years as they attempted to reclaim their land and place on an island that refused to acknowledge the wrongdoing that had occurred.

In September 1954, with Katsuyori at 55 years of age and Kimiko at 50, the Murakami family made the decision to go back to Saltspring Island, the only uprooted family to return permanently to the island[268] and one of very few Japanese Canadian families outside of Steveston who returned to the place from where they had been uprooted.[269]

Twelve years after being torn away from their thriving farm the family returned to the island to start from scratch. They tried unsuccessfully to buy their old property back, sold by the Custodian to the VLA and now in the hands of Cliff Wakelin and Frank Downey, but when that proved impossible they bought unimproved land on Rainbow Road near the edge of Ganges from Frank Speed,[270] ironically using Gavin Mouat's firm Salt Spring Lands to make the purchase.

They were not welcomed back to the island. Shortly after returning a Revenue Canada official appeared at their door, prompted by some islanders to inquire about how they obtained the money to buy the property and return to the island. A senior person from the Anglican Church, into which all of the children had been baptized, came by to inform them that they were not welcome to rejoin the congregation.[271]

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[268] In the memory of Don Cunningham, who has lived his whole life on Saltspring and was a young boy at the time of the uprooting, three Japanese Canadian families returned to the island, but only the Murakamis chose to stay. 'Don Cunningham talks about the Old Days of Salt Spring Island. Part 3' https://vimeo.com/202494241 Accessed 2 February 2017
[269] Murakami, 32-33
[270] Cunningham
[271] Murakami, 34-35

The family was distressed to find that the cemetery at Central, behind what is now the movie theatre, had been neglected, vandalized and used as dump. Many of the Japanese Canadians who had passed away on the island were buried in the cemetery, and in the 12-year period of their forced removal it had been treated very badly. Had other cemeteries on the island received similar treatment it would have prompted a criminal investigation.

In 1967, the Centennial of Canadian Confederation, a park was created on the waterfront in the town of Ganges to honour the island's pioneers. Donations were canvassed from local citizens and the Murakami family donated money for a cherry tree to be planted to honour the Japanese Canadian pioneers who'd first come to the island before the turn of the previous century. Later in the year, returning from the family's only trip to Japan ever, they looked for the tree, only to be told that it had never been planted. As recalled by Rose Murakami:

> *That tree was never planted. A prominent citizen, one of the original directors of the Centennial Park Committee, told mother to get her money back. The Park Committee did not want people of our race to contribute to the park.*[272]

Years later, when Richard decided to open an auto repair business on the family property, the Islands Trust, a local governing body responsible for regulating development on the Gulf Islands, gave the family a great deal of resistance, including an after-hours phone call from one of the trustees threatening to run them off the island. The business also received threats from an RCMP officer, prompting the family to take their concerns to Japanese Canadian Citizens' Association. Shortly thereafter 'No Parking' signs appeared along the road in front of the auto repair shop in an attempt to curtail business.[273]

At other times over the years racists on the island went by to yell racist obscenities at the family, with a number of incidents occurring in the new millennium. The racism of the wartime years didn't end with the war, but

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[272] Murakami, 38
[273] Ibid., 37-38

through many years of hard work and perseverance, the Murakami family again prospered on the island and could count many allies among their fellow citizens, though the island community has never fully acknowledged the wrong that had been committed against them. Torazo Iwasaki, though never returning to the island, had not forgotten and still longed for justice.

Iwasaki Goes to Court

Twenty-two years after his property was taken from him and despite being 86 years old, Torazo Iwasaki decided to go to court to get his land back, or failing that, $1.5 million in compensation. He enlisted the support of two young Vancouver lawyers, Ray MacLeod and Dan Small,[274] who launched the case with a letter to Secretary of State Judy LaMarsh on 18 May 1967. After giving the legal description of the property and then a summary of the events surrounding the sale of the Iwasaki property by the Custodian, MacLeod wrote:

> *We have reviewed the facts concerning the confiscation of the subject property and we have reviewed the legislation under which the confiscation was effected and after much consideration, we are of the opinion and have advised our clients that their property was illegally confiscated.*[275]

Then, after acknowledging that the property had been subdivided since it was confiscated and therefore difficult for the government to restore title, MacLeod suggested that as an alternative Iwasaki should be compensated for his loss in accordance with current property values. He closed by saying that if the government could not come to some kind of decision within the next 60 days, that he would advise his clients to initiate legal proceedings.[276]

Over the next few months the case got a significant amount of press coverage. An article appeared in the *Vancouver Sun* on June 23rd entitled 'Couple Asks for $1.5

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[274] Ray MacLeod shared a law practice with Dan Small and so the latter's name is on many court documents, but it was MacLeod who primarily fought the case. Interview with Ray MacLeod, 2 April 2016.
[275] Letter J. Raymond MacLeod to Judy LaMarsh, 18 May 1967, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[276] Ibid.

Million' and subtitled 'Appeal to Canada's Conscience'.[277] In considerable detail the story was told of how Torazo came to Canada in 1901, made a down payment on his property on Saltspring and paid it off in 1940 just before the war and the Japanese Canadian uprooting. The article named Gavin Mouat as the Custodian's agent on Saltspring, and Salt Spring Lands with Mouat as its president was identified as the eventual owner of the property. Amid the national pride of Canada's centennial year, the story of an elderly Japanese Canadian couple having their land sold off against their wishes found a sympathetic audience.

Receiving no response from the government, on September 5th MacLeod and Small filed their Petition of Right in the Exchequer Court of Canada in Vancouver, arguing that the Secretary of State acted in excess of his jurisdiction and in breach of trust in filing the Vesting Order on the property and conveying the land to the Secretary of State, and acted unlawfully and beyond his jurisdiction in conveying the property to Salt Spring Lands. They asked that the property be returned to Iwasaki, or failing that, that he be paid damages of $1.5 million.[278]

The Civil Litigation Section of the Department of Justice, led by R.W. Law, went to work crafting its response, and on October 10th filed its Statement of Defence on behalf of Her Majesty the Queen. It argued that the property in question was within the 'protected area' as defined by Order in Council P.C. 2483 and the Suppliant (Torazo Iwasaki) is a person of the Japanese race and as such was required to leave the protected area, after which his property was vested with the Custodian. Under Order in Council 469, pursuant to the War Measures Act, the land was sold to Salt Spring Lands Limited. It also stated that 'at no time material to the Petition of Right herein was the said Custodian an agent or servant of Her Majesty'[279] As well, it stated that the Suppliant had signed a release, which

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[277] 'Couple Asks for $1.5 Million' *Vancouver Sun* 23 June 1967, 1
[278] Petition of Right filed by J.R. MacLeod in the Exchequer Court of Canada in Vancouver, 5 September 1967, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[279] 'Statement of Defence in the Exchequer Court of Canada between Torazo Iwasaki, Suppliant, and Her Majesty the Queen, Respondent' 10 October 1967, Part 2, File 59100, Vol. 2825, RG117-

released the Crown and Custodian from all claims. Furthermore, by his laches (lack of diligence in making a legal claim) in making a claim, and because of the Statute of Limitations, his right to challenge the legality of the sale had expired.

The case caused the government considerable embarrassment at a time when it was proclaiming the openness and inclusiveness of Canada, and while its neighbour to the south was beset with civil strife that erupted into race riots the following year. On Saltspring, a front-page story in the 29 June 1967 issue of the local *Gulf Islands Driftwood* newspaper explained that the Iwasakis had owned a large property in the Sunset Drive area, which they lost and were seeking compensation of 'over one million dollars'. [280] The article makes no mention of Gavin Mouat.

In September an article appeared in *Maclean's* magazine entitled 'Canada's day of infamy on Salt Spring Island', outlining the story and the case that MacLeod would be shortly bringing to court.[281] It made a point of the 'curious fact' that the land ended up in the hands of the agent of the Custodian and that in a single day it had passed to the Secretary of State and then to Salt Spring Lands. The article was sympathetic to the Iwasakis and depicts their lawyers as fighting the good fight against an uncaring, and possibly even corrupt, government.

> *Over the years, Torado [sic] wrote several protest letters to Ottawa officials and received no satisfactory answers. Then, last January, two young Vancouver lawyers took on the case, because, says one of them, "It had a hell of a strong moral issue… It became our Centennial project." Predictably enough, Ray MacLeod and Dan Small got the Ottawa runaround until June when they presented a claim to the office of the Secretary of State. The suit has since been referred to the Department of Justice. MacLeod hopes to argue the case before the Exchequer Court of Canada, and he thinks that it could lead to a flood of appeals for realistic compensation to Japanese-Canadians.*[282]

A-3, LAC
[280] 'Seek Compensation for Loss of Land' *Gulf Islands Driftwood* 29 June 1967, 1 http://saltspringarchives.com/driftwood/1967/June29-1967.pdf Accessed 16 March 2016.
[281] 'Canada's day of infamy on Salt Spring Island', Jon Ruddy and Barry Broadfoot, Maclean's, 1 September 1967, Volume 80, Issue 9
[282] Ibid.

It was accompanied by a photo of the sombre-looking Iwasakis with an earnest young Ray MacLeod, and captioned, 'Torado [sic] and Fuku Iwasaki with lawyer MacLeod: a 26-year-old tragedy and a $1.5-million skeleton in our closet.'[283]

The article touched a nerve, at least in some quarters of the government. R.A. Bell, MP for Carleton wrote to John Turner, then Registrar General (and later Prime Minister) and member of the Privy Council in the Pearson government to say that he found the article 'very disturbing', particularly the fact that the property had ended up in the hands of Gavin Mouat, the Custodian's agent on the island.

> *Such allegations have a very dilaterious* [sic] *effect on the operations of government. Is there the slightest truth in them? What are the real facts? What action has been taken by the Custodian of Enemy Alien Property, if the facts are not true, to secure equal publicity for this particular article?*[284]

Turner acknowledged receipt of Bell's letter, and later sent him a short note saying that since the matter was before the courts, a comment would be inappropriate.[285]

On Saltspring there was also a strong reaction to some of the press coverage of the Iwasaki trial. A 15 October 1967 segment of the CBC program 'The Way It Is' that covered the story drew a strong response from the island's Chamber of Commerce, which wired the Secretary of State, Judy LaMarsh, saying:

> *"Strong objection re Salt Spring Island portion of The Way It Is program October 15th account guilt inference on part of Salt Spring Lands and deceased Gavin Mouat whereas legal action filed against Federal Government Stop Entire Crofton Interview and your inclusion of Horel and Bastedo interviews would have presented a more accurate picture.*

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[283] Ibid.
[284] Letter R.A. Bell MP for Carleton to John Turner MP 18 September 1967, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[285] Letter John N. Turner to R.A. Bell MP 27 September 1967, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

> *Demand correction immediate program. Copy of local newspaper following".*[286]

In a 1967 news roundup at the beginning of the following year, there was an entry for October: 'Salt Spring Island is incensed over showing of CBC film regarding the Iwasaki property and impending claim for substantial compensation by Japanese-Canadian farmer.' It's difficult to gauge how widespread this feeling of being 'incensed' really was, but the partners of Salt Spring Lands (Gavin Mouat had died six years earlier) were sufficiently offended that the national broadcaster had cast aspersions on a previous principal of the company that they retained the legal firm Pearlman & Lindholm of Victoria to see what could be done about it. They wrote to the Crown's legal counsel on December 20th concerned about 'the innuendo and adverse reflection cast upon the reputation of our client, Salt Spring Lands Ltd.'[287] Interestingly, Lindholm asked about the nature of the position that Gavin Mouat held with the Custodian and what duties he had. He also requests copies of all the correspondence between the Custodian and Mouat, and the Secretary of State and Mouat pertaining to the sale of the property. Maxwell's reply suggests that this request was fulfilled. We can speculate about the real purpose of hiring Pearlman & Lindholm; did they really think that they could somehow suppress the bad publicity their firm and Gavin Mouat were receiving through the court case, or was their real intention to find out more about what Gavin Mouat had actually done 25 years earlier?

The examination for discovery in the Iwasaki trial was held on two dates about three months apart in early- and mid-1968.[288] Both the government and Iwasaki had different representation each time; for the first held on 26 March 1968 in Vancouver, the government was represented by C.R.O Munro, who did most of the questioning, and R.W. Law. Iwasaki was represented by D.W. Small. A 'Mrs.

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[286] 'Chamber protests TV to Judy La Marsh' *Gulf Islands Driftwood* 26 October 1967 p1 http://saltspringarchives.com/driftwood/1967/October26-1967.pdf Accessed 16 March 2016
[287] Letter Louis P. Lindholm to D.S. Maxwell, Deputy Attorney General of Canada 20 December 1967, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[288] 'Examination for Discovery: Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent' in the Exchequer Court of Canada in Vancouver B.C., 26 March 1968, p6-8, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

S. Ito' was present as interpreter[289]; as at the Bird Commission hearing, Iwasaki was handicapped by his poor understanding of English, and the fact that he was 87 years old when the first examination for discovery was held.

Munro's initial questioning of Iwasaki was directed at determining his history on Saltspring and when he purchased the property that was later taken from him. It was a long and confusing exchange and Munro didn't really get the information he was looking for, but from the archive and an interview with Iwasaki's son we know that Torazo moved to the island shortly after WWI and that he took title to property on 13 December 1940 after paying $3,950 for it. The Iwasakis had been living on the property and working it for many years before acquiring formal ownership, implying a degree of mutual trust between them and the previous owners, the Pottinger family. The ownership chain of the Iwasaki property was as follows:

Table 3: Ownership Chain of Iwasaki Property

Date	**Transfer**	**Character of Deed**
1945 October 2	Salt Spring Lands to Gavin Colvin Mouat	Certificate of Indefeasible Title
1945 April 3	Secretary of State to Salt Spring Lands	Registration of Fee-simple
1945 April 3	Secretary of State acting in capacity as Custodian	Registration of Fee-simple
1945 March 1	Secretary of State acting in capacity as Custodian	Vesting Order filed No. 50930
1940 December 13	Helen S. Pottinger to Torazo Iwasaki	Conveyance
1912 May 21	Charles Pottinger to Merchants Investments Company Ltd.	Conveyance
1908 March 6	Geo. Whitfield to Charles Pottinger	Conveyance
1905 March 15	Carl Waters to Charles Pottinger	Conveyance
1899 March 23	Michael Finnerty	Release of Mortgage
1892 March 17	Drake et al to Michael Finnerty	Transfer of Mortgage
1888 March 17	Carl Waters to Drake et al	Mortgage
1887 April 1	Crown to Carl Waters	Grant

[290]

[289] Ibid., 1
[290] Land Registry Act Form A #122796, Conveyance from Helen S. Pottinger to Torazo Iwasaki, 13

This was followed by a long exchange in which Mr. Munro tried to determine what facts Iwasaki was basing his 'allegation' that Gavin C. Mouat was the agent for the Custodian. His questioning was intended to draw a line of separation between the Custodian and Mouat, adding a second degree of separation to the one that the government's legal counsel would try to draw between the government and the Custodian, should it be needed in the trial. Interestingly, when Munro was finally able to ask Iwasaki if Mouat was an agent for the Custodian, he replied that, 'Everybody that was on the Salt Spring Island got together and they asked Mr. Mouat to become their Agent.'[291] Iwasaki believed that Mouat had been selected by the Japanese Canadians of the island and was acting on their behalf.

Iwasaki's mistaken understanding of Mouat's position, that he was chosen by the Japanese Canadians of the island because of his stature as a prominent business owner in the community, meant that for him Mouat's acquisition of his property was more than just some underhanded dealing, it was a betrayal of the trust that had been placed in him by the community. Gavin Mouat was a respected community leader and owner of the island's most prominent real estate firm. Everyone on the island shopped at the Mouat store run by his brother Gilbert, an island institution that carried everything and bought and sold produce from the island's farms.

In Iwasaki's reponses to questions in the examination for discovery there is the suggestion that Mouat had designs on acquiring Iwasaki's property from before the uprooting[292], and that he even went to the point of dissuading the Japanese Canadians from selling their properties to others, telling them they would go to

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December 1940 and Land Registry Act Form A #05742. Retrieved by Wendy Smith from the LTSA, 3 February 2016.

[291] 'Examination for Discovery: Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent' in the Exchequer Court of Canada in Vancouver B.C., 26 March 1968, p11, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

[292] 'Examination for Discovery: Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent' in the Exchequer Court of Canada in Vancouver B.C., 26 March 1968, p27-28, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

jail if they did. It is possible that this was a point of view developed with the benefit of hindsight on the events as they eventually unfolded, and we have no other evidence that offers to purchase were made for the Japanese Canadian properties on Saltspring. Nevertheless, given what we do know about the D.K. Wilson appraisal, the bidding process, and the purchase by Mouat of the large property adjoining his own, Iwasaki's suggestion that he had designs on it from the beginning is not implausible.

Finally, Munro asks Iwasaki a number of questions that were really questions of law. His reply goes to the heart of his case against the government:

> *Q: Mr. Iwasaki, in Paragraph 4 of the Petition of Right, it is alleged the figure of the Exhibit 10 was contrary to the laws of natural justice. I want to know what facts you rely on for that allegation?*
> *A: It was because they [the Japanese Canadians] were Canadians and it was wrong to take their land away.*
> *Q: Thank you, also in paragraph 4, Mr. Iwasaki, it is alleged that the figure of Exhibit 10 was contrary to the provisions of the British North America Act. I would like to know on what facts you rely for that allegation?*
> *A: What is the British America Act? That is not the law, is it?*
> *Mr. Munro: Yes.*
> *Mr. Small: Yes, it is.*
> *Mr. Munro: The British North America Act.*
> *Mr. Small: That is the constitution.*
> *A [the interpreter is translating]: They made him an enemy and they tried to take it away from him.*
> *Mr. Small: I don't know whether that is --*
> *Mr. Munro: Just a minute, that is the answer to the question?*
> *Mr. Small: I agree.*
> *A [the interpreter is translating]: That is the answer to the question, yes. He says he thinks it is wrong, because they made him an enemy and tried to take the land away from him. He went to the United States after and he saw there the American Government gave everything back to them, even the broken glass was fixed and it was given back to them.*[293]

Iwasaki was making an eloquent, plainspoken appeal for natural justice from the government in a court convened by that same government. As I discuss later in this chapter, Iwasaki was correct in his contention that matters were handled

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[293] 'Examination for Discovery: Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent' in the Exchequer Court of Canada in Vancouver B.C., 26 March 1968, p40-41, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

differently in the US, and the contrast illuminates the scale of the harm committed by the Canadian government.

After about a three-month hiatus, the examination for discovery resumed on 5 July 1968 with different legal counsel on both sides; Ray MacLeod was present for Iwasaki, and Norman Mullins and B.J. Hiytsak for the Crown, with the former doing the questioning. Mullins was more civil than Munro, but more aggressive and he went straight back to Mouat's role as agent for the Custodian. Like Munro had earlier, he sought to cast doubt on the idea that Mouat was actually an official representative of the government. He also repeatedly questioned Iwasaki on his contention that Mouat had promised him that his land would be returned to him after vesting. Iwasaki's answers indicated that the Japanese Canadians fully trusted Mouat to look after their property in their absence.

It's interesting that the government was so committed to distancing itself from Mouat, when the issue of whether or not he was a part of the Custodian's office ultimately had little bearing on the outcome of the case. It was ultimately ruled that there was no trust between the Custodian and those who had their property vested, so there could be no breach of trust. Even if had been determined that Mouat was legally a representative of the Custodian, whatever he said to the owners of vested property, or whatever he did with their property didn't matter. Perhaps at this point the government's counsel was not so confident of that outcome, or perhaps they were just looking for a fallback in case it was found that a trust existed between the Custodian and the Japanese Canadians.

The Evidence on Commission hearing was held on the same day, 5 July 1968, and it gave Ray MacLeod the opportunity to question his client under oath. He goes over the basic facts of his case, and then asks if he received a cheque in payment for his property, and learns that he did and that it was returned uncashed four times. He was asked if he finally cashed it, and confirms that he did, saying that, 'I received a letter that if I don't accept that cheque I won't get any cheque, money

or the property.'[294] After the Bird Commission concluded, Iwasaki did accept the $8083.50 he was offered, and did sign the release form[295].

Iwasaki's concern that if didn't cash the cheque he might receive nothing at all is an important point. There is no record of the letter he referred to, but we do have a copy of the letter accompanying the cheque that was sent to Iwasaki around the time the Bird Commission was beginning that had stated that acceptance of it would not compromise his claim for greater compensation for the loss of his property.[296] Had either of these letters been produced at the trial perhaps the outcome might have been different.

The trial began on 30 September 1968 in the Vancouver courthouse of the Exchequer Court of Canada with Justice Sheppard presiding. It ran for four days and attracted a fair amount of press coverage in the Vancouver papers and across the country.[297] It was also brought up in the House of Commons debates by a Mr. Woolliams, who related that Iwasaki had had his property taken from him and was paid $5,000, and that an agent of the Secretary of State, Gavin C. Mouat, stood to make $1,450,000 out of the property. His main point was not the injustice suffered by Iwasaki, but that it was far too costly for an average citizen to bring cases against the government, with the result that there was one law for the rich and another for the poor.[298]

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[294] 'Evidence on Commission of Torazo Iwasaki, Suppliant, pursuant to the Order of the Honuorable Mr. Justice Sheppard in Vancouver B.C., 5 July 1968 p1-5 (quote p4-5) File 59100, Vol. 2825, RG117-A-3, LAC
[295] Release Form signed by Iwasaki 28 October 1950 releasing the government of any obligation to him after payment made following the Bird Commission, File 59100, Vol. 2825, RG117-A-3, LAC
[296] Letter W.J. Johnston, Office of the Custodian to Torazo Iwasaki, 5 October 1948 File 59100, Vol. 2825, RG117-A-3, LAC
[297] 'Japanese Sues Gov't' Vancouver Sun 30 September 1968
'Gov't Order in Land Sale Challenged by Lawyer' *Vancouver Sun* 1 October 1968
'$1.5 million claim before court today' *The Province* 1 October 1968
'$1,500,000 claimed by man after war move' *Ottawa Citizen* 1 October 1968
'Claims $1.5 Million For Seized Land' *Ottawa Journal* 2 October 1968
'Wartime land seizure actions claimed invalid' *The Province* 4 October 1968
'War restitution claim refuted' *The Province* 3 October 1968
'No recourse for Japanese, lawyer says' *The Globe & Mail* 3 October 1968
'1947 decision cited in $1.5 million claim' *The Province* 2 October 1968
[298] *House of Commons Debates*, Monday, October 7, 1968, 880

In court MacLeod argued that the Order in Council that had ordered the sale of Iwasaki's property (469)[299] breached the previous Order in Council (1665)[300] that had vested it with the Custodian, because both were passed under the War Measures Act which states that no order passed under the act shall revoke any right or liability granted under a previous order.

> *'I submit there was a right owing Iwasaki to have his property returned to him and an obligation on the Secretary of State acting as custodian to hold his property for him,' said MacLeod.*[301]

The order in council ordering the sale of the property (469) was void, because the earlier order in council (1665) had placed on the Custodian a responsibility to hold the lands in trust for their owners. 'That trust was breached by the sale of the property, and the sale by the secretary-of-state to Saltspring Lands Ltd. amount to a fraud', MacLeod said.[302]

MacLeod also asserted that Gavin C. Mouat acted fraudulently, as he was a director of and shareholder in Salt Spring Lands, Ltd., the firm that purchased the property, while acting as an agent of the Secretary of State.[303]

In the trial MacLeod also challenged the legality of the discrimination based on race that was part of Orders in Council P.C. 1665 and 469 (among others) that referred to 'persons of the Japanese race'. He did so by contending that the government had failed to define persons of the Japanese race and 'that particular term is so ambiguous that it makes the order in council inoperable'.[304] The trial took place about half a year after the race riots that occurred in the US following the assassination of Martin Luther King. Racial discrimination was very much on peoples' minds and more widely considered to be unacceptable. In his court challenge MacLeod was taking a more modern approach to the concept of race,

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[299] See Appendix 10
[300] See Appendix 8
[301] 'Gov't Order in Land Sale Challenged by Lawyer' *Vancouver Sun* 1 October 1968
[302] Ibid.
[303] Ibid., also '1947 decision cited in $1.5 million claim' *The Province* 2 October 1968
[304] 'Gov't Order in Land Sale Challenged by Lawyer' *Vancouver Sun* 1 October 1968

that there is no biological definition of it, in contrast to the framers of the orders in council during the war, who took it to be such an objective fact that no definition was required.

On the government's side, Norman Mullins argued that the case was being brought against the wrong party, that it should have been against the Custodian, and not the Queen. He also contended that the legislation did not create a trust relationship between Iwasaki and the Custodian, so there could be no breach. He said that under the authority of the orders in council, the land became the absolute property of the Custodian, not the Crown. Mullins stated:

> *The vesting happened as a matter of law. The custodian had unlimited powers. He could even give back the land or the proceeds if he so chose. This was unlimited discretion, not a trust.*[305]

In addition to pleading that a 20-year limitation on court actions of this kind disqualified the case,[306] Mullins also argued that the fact that Iwasaki had signed a release after receiving the payment after the conclusion of the Bird Commission inquiry was reason enough for his case to fail.[307] Apparently neither he or MacLeod were aware of the letter that had accompanied the cheque sent to Iwasaki that had stated that acceptance of it would not compromise his claim for greater compensation for the loss of his property.[308]

Countering Mullins' argument that the release was sufficient reason for the case to fail, MacLeod asserted that the orders in council had deprived Iwasaki of his rights, and because they were not restored until well after the cessation of hostilities Iwasaki could not legally sign a document releasing the government of all responsibilities because he had no civil rights at the time. Said MacLeod:

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[305] 'War restitution claim refuted' The Province 3 October 1968
[306] 'Gov't Order in Land Sale Challenged by Lawyer' *Vancouver Sun* 1 October 1968
[307] 'Wartime land seizure actions claimed invalid' *The Province* 4 October 1968, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[308] Letter W.J. Johnston, Office of the Custodian to Torazo Iwasaki, 5 October 1948, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC See Appendix 14

> *At the time the release was signed, Iwasaki had no rights. He didn't get any rights back until 1952.*[309]

Mr. Justice Sheppard opted to reserve judgment, handing it down about a month later on October 29th, ruling against Iwasaki.[310]

In his Reasons for Judgment, he began by reviewing all of the orders in council that related to the dispossession of Japanese Canadian land. He began with the War Measures Act[311], which gave the government absolute power unrestrained by Parliament:

> *The Governor in Council*[312] *may do and authorize such acts and things, and to make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada;…*[313]

These orders and regulations had the full force of law, and moreover, they could be expanded or modified at will:

> *All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation…*[314]

Many of the actions taken by the government against the Japanese Canadians during and after the war were done so as orders in council from the Privy Council, amending the Defence of Canada Regulations[315] and the Consolidated

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[309] 'Wartime land seizure actions claimed invalid' *The Province* 4 October 1968
[310] 'Reasons for Judgment between Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent', the Honourable F.A. Sheppard in the Exchequer Court of Canada' 29 October 1968, 24 pages Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[311] War Measures Act, R.S.C. 1927, Cap. 206, Sec. 3, see Appendix 1
[312] 'Governor in Council' refers to the Prime Minister and the Cabinet http://www.parl.gc.ca/About/House/compendium/web-content/c_g_parliamentaryframework-e.htm Accessed 12 March 2016
[313] Excerpt from Section 3 of the War Measures Act 1927 See Appendix 1
[314] Excerpt from Section 3 (2) of the War Measures Act 1927 See Appendix 1
[315] The Defence of Canada Regulations were a group of 64 regulations enacted under the War Measures Act that guided the government's conduct of the war. For example, Regulation 21 (p29-30), gave the Minister of Justice the absolute power to detain any people that he thought may be a threat to public safety or the State, prohibit those people from owning specified articles, and impose restrictions on their movements, employment, place of residence. Defence of Canada

Regulations Respecting Trading with the Enemy[316], sets of regulations enacted under the War Measures Act.

After reviewing each of the orders in council, Sheppard turns to the facts of the case as he understands them, giving an overview of the events surrounding the sale of the Iwasaki property, and the claim that he made under the Bird Commission, and then listed the allegations in the Petition of Right:

> *I. A Trust – Secretary of State, the Custodian, took custody in trust for and in the interest of Suppliant.*
> *II. A Breach – The lands were vested in the Custodian and sold and conveyed by him to Salt Spring Lands Ltd.*
> *III. That such breach imposed liability on the Crown.*[317]

In relief, Iwasaki was asking for:

> *(a) That the Crown return the lands or*
> *(b) Alternatively, pay damages of $1,500,000.*[318]

He says these pleadings may be taken to allege:

> *I. A trust in the Custodian to the Suppliant under Orders in council 1665 and 2483.*
> *II. The breach thereof in part by reason that Order in council 469 authorizing a sale is alleged ultra vires, therefore there was a breach in the trustee having sold and conveyed to Salt Spring Lands Ltd.*
> *III. For such breach the Crown is responsible in account.*[319]

Saying the allegations 'had not been made good', Sheppard notes that the Suppliant contended that in Orders in Council 1665 and 2483 that ordered the vesting of his property 'as a protective measure only', 'the control and management of the Custodian' was limited in his application of the Consolidated Regulations to being 'for the purpose of protecting the interests of the owner or other person'[320].

Regulations, 1939, Ottawa: King's Printer, 1939 Accessed 3 March 2016 http://archive.org/stream/defenceofcanadar1939cana#page/n0/mode/2up

[316] Consolidated Regulations Respecting Trading with the Enemy 1939, amended 1940, 1941. Full text from p486 of http://constitution.org/cmt/treatises/domke_tme_in_WW2.pdf

[317] 'Reasons for Judgment between Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent', the Honourable F.A. Sheppard in the Exchequer Court of Canada' 29 October 1968, p8 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

[318] Ibid., 8

[319] Ibid., 8

[320] Ibid., 11-12

In his judgment, Sheppard relied heavily on the ruling of Justice Thorson[321] in Nakashima v. The King (1947) as discussed above. In the Nakashima trial Order in Council 469 was challenged as being an ultra vires (Latin, 'beyond the powers') application of the regulation. It was certainly a big jump applying a regulation covering the property of enemies to those who were not. Under the War Measures Act the government had the power to designate any person or group to be an enemy after which it could to treat them in any manner permitted under the Geneva Conventions, but with this legal sleight of hand it was spared the trouble of legally making the Japanese Canadians enemies. The War Measures Act changed the way laws were enacted—by orders in council to create regulations instead of by passing laws in Parliament—but the country still operated under the rule of law. Justice Thorson ruled that Order in Council 469 was not an ultra vires application of the Defence of Canada Regulations. In my view, this was an error in judgment and the government's actions could indeed by challenged on the legality of applying a regulation intended for enemies to those who were never legally defined as such.

In his Reasons for Judgment in Iwasaki v. The Queen Thorson also cited the argument used in Nakashima v. The King, that the case was being brought against the wrong party, the Crown instead of the Custodian. This was an error of fact, as shown in the legal document transferring ownership of the Iwasaki property to Salt Spring Lands, Limited. It reads,

> *This Indenture, Made in 1st day of March in the year of our Lord one thousand nine hundred and forty-five.*
>
> *In Pursuance of the "Short form of Deeds Act"*
>
> *Between*
>
> *THE HONOURABLE THE SECRETARY OF STATE OF CANADA*
> *Acting in his capacity as Custodian under the Revised Regulations*

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[321] In his Reasons for Judgment, Sheppard refers to the judge in the Nakashima case as 'P. Thorson'. This is either an error, or the 'P' is 'President'. The judge in the Nakashima case was Joseph Thorarinn Thorson.

> *Respecting Trading with the Enemy (1943)*
> *(hereinafter called the "Grantor")*
>
> *AND*
>
> *SALT SPRING LANDS, LIMITED, a company duly incorporated under the laws of the Province of British Columbia.*
> *of Ganges, in the Province of British Columbia.*
> *(hereinafter called the "Grantee")*[322]

Sheppard repeats this error when denying that there was a conflict of interest in Mouat buying the property:

> *The Custodian sold to Salt Spring Lands Ltd. but the Custodian had no interest in that company and was not selling to himself. Hence there was no conflict on the part of the Custodian… … because Mouat was not selling, and his being agent may have had nothing to do with buying or with selling.*[323]

More correctly, the Secretary of State acting in his capacity as Custodian was selling, and Mouat, his agent, did in fact have something to with the buying of the property. Sheppard may not have known it, but as explained in Chapter 3, Mouat had something to do with the selling of the property; his former (and perhaps current) employee conducted the appraisal that determined the price that he paid for it, and the bidding process was unfair because Mouat was a part of the agency conducting the sale. Certainly, the Custodian's office, and even Mouat himself, had concerns about the legality of Mouat's purchase of Iwasaki's property.

In his Reasons for Judgment, Sheppard also addressed the Suppliant's contention that there was no evidence that Iwasaki was of the Japanese race, saying, 'In the Suppliant's examination for discovery (Q. 1 & 2) he gave his name as Iwasaki Torazo, or, in English, Torazo Iwasaki. That is not an English name,' as though a person's name was valid proof of race.

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[322] 'This Identure' form transferring ownership of the Iwasaki property from the Custodian to Salt Spring Lands, 1 March 1945. Retrieved by Wendy Smith from the LTSA, 3 February 2016. See Appendix 15

[323] 'Reasons for Judgment between Torazo Iwasaki, Suppliant and Her Majesty the Queen, Respondent', the Honourable F.A. Sheppard in the Exchequer Court of Canada' 29 October 1968, p8 Part 2, File 59100, Vol. 2825, RG117-A-3, LAC

He followed that by arguing that when ordered to register as a person of the Japanese race and when ordered to leave the protected area, Iwasaki did so. His lands were vested with the Custodian. Finally, when a commission was convened to investigate claims by Japanese Canadians, he responded and received compensation.[324] Sheppard's argument captures in a nutshell the dilemma that faced Japanese Canadians throughout the uprooting: compliance with the process could be construed as tacit admission of its validity, while resistance to it at any step of the way would have been taken as proof of disloyalty and further justification for the uprooting and dispossession of their property. They were in a lose-lose situation.

MacLeod and Small might be given credit for challenging the validity of government's use of 'persons of the Japanese race' as a criterion for determining who would be uprooted, yet perhaps their challenge was not direct enough. Instead of arguing that the term was ambiguous and inoperable, maybe they should have confronted the issue more directly, questioning the government's use of race as the determinant of who would be uprooted and dispossessed of their property. The case was being heard in 1967, at a time when racial prejudice and conflicts were front-page news. Sheppard's ruling was upholding a policy that was contrary to notions of fairness and equality that were current at the time. He wasn't in a position to change the past, but he could have taken steps to redress the injustice that Iwasaki had suffered.

MacLeod & Small appealed the case on 24 December 1968, and it was heard in the Supreme Court of Canada on 13, 16, 17 February 1970. The ruling that the appeal should be dismissed was handed down on 23 April 1970, with costs assessed at $2857.[325] Following the trial, the government tried to recover costs and when they weren't forthcoming, hired private investigators to determine if Iwasaki had assets that could be seized to cover the amount. Their report is very sad reading. They found Torazo, by then 90 years old, living in a small apartment

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[324] Ibid., 15-17
[325] Supreme Court of Canada ruling on Torazo Iwasaki v. Her Majesty the Queen 17 February 1970

in Vancouver with his wife Fuku for which his son paid $125 per month. He was reported as walking extremely slowly, his wife Fuku went out in a wheelchair, and 'their furnishings are very skimpy and limited and of little or no value.'[326]

Total expenses for the Exchequer Court and Supreme Court trials came to $6845.15, more than half of what he received for his property, though of course those are 1970 dollars. After receiving the report from the investigators R.W. Law of the Department of Justice's Civil Litigation Section wrote to his superiors suggesting that while it was unlikely they'd have any success in recovering costs, they could issue a writ that might be filed so that they could collect something from Iwasaki's assets when he died. In the event Law's other option was selected; the costs were deemed 'uncollectable' and the file was closed.[327]

In the court of public opinion it was a different matter. Press coverage during the trials was generally sympathetic to Iwasaki. The *Maclean's* article mentioned above likely had the widest readership, and the title alone, 'Canada's day of infamy on Salt Spring Island', indicates which side it was on in discussing what it referred to as 'a skeleton in Canada's closet'.[328] A 1969 CBC radio segment also opened with a reference to the skeleton, but it was followed by an interview with Ray Macleod who talked about receiving phone calls from strangers upset about the fact that he was 'handling the Jap case'. He talked about he and his partner's initial interest in the case, 'the social injustice that was apparent to us', a thing that he viewed separately from the legal injustice and something that needed to be addressed.[329] On Saltspring, where one man's loss was another's gain, local newspaper coverage suggested the island was 'incensed' at the suggestion that a

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[326] Retail Credit Company report from an investigation into the financial assets of Torazo Iwasaki, 27, 28 May 1970, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[327] Letter R.W. Law to M. Robtaille, Assistant Deputy Custodian 4 November 1970, Part 2, File 59100, Vol. 2825, RG117-A-3, LAC
[328] 'Canada's day of infamy on Salt Spring Island', Jon Ruddy and Barry Broadfoot, *Maclean's*, 1 September 1967, Volume 80, Issue 9
[329] 'The case of Torazo Iwasaki, interned Japanese Canadian' CBC Radio 10 April 1969 http://www.cbc.ca/archives/entry/japanese-canadian-internment-the-case-of-torazo-iwasaki Accessed 17 March 2016

prominent local businessman had somehow acquired a large tract of land improperly, but that feeling was likely far from universal.

It was a sad end to a remarkable story. Despite his advanced age, Iwasaki showed courage, determination and tenacity in taking on the Government of Canada. Iwasaki may have understood that he stood little chance of prevailing in a court battle with the government, but he tried anyway and had the courage to stand up and be heard. The story of his struggle for justice should be taught to every student in British Columbia. Although ignored by the court, his contention that things were different in the United States was correct. In the U.S., Executive Order 9066 under which Japanese Americans had been incarcerated was rescinded on 2 January 1945, before the end of the war, and they were then permitted to return to their homes. Japanese Americans did not have their property vested by a Custodian, or sold off against their wishes, though many suffered serious property losses, either because they sold it quickly before being incarcerated, or because of damage and neglect in their absence.[330] Later in the hearing Iwasaki pointed out that Japanese immigrants to the U.S. were not allowed to naturalize, but still got their property back. That changed in 1952 with the passage of the Walter-McCarran Act[331] which abolished the provisions of the Naturalization Act of 1790 that had previously restricted naturalization to 'free white persons, of good moral character'.[332] Iwasaki lost his court case and died a bitter man several years later, but the moral case was far from settled and the Iwasaki trial was an important precursor to the redress movement of the 1980s.

The Iwasaki case likely passed out of the minds of most Canadians, but it lingered longer in the memories of some Saltspringers. In 1971 vandals destroyed plants

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[330] 'Internment of Japanese Americans' https://en.wikipedia.org/wiki/Internment_of_Japanese_Americans#Hardship_and_material_loss, Accessed 12 April 2016
[331] 'Asian American History' Japanese American Citizens League https://jacl.org/asian-american-history/, Accessed 12 April 2016
[332] 'Immigration and Nationality Act of 1952' https://en.wikipedia.org/wiki/Immigration_and_Nationality_Act_of_1952, Accessed 12 April 2016

and berries at the height of the harvest on the Murakami's Rainbow Road farm. We can only speculate on their motives, but the reaction to the attack and Alice Murakami's letter to the editor about it tells us something about public attitudes at the time. Alice's long letter written from her home in California was published in *The Driftwood* on 7 October 1971 under the title, 'Racism?'.[333] After outlining her family's history on the island, their forced removal from it, and eventual return to start over, she turns to the vandals themselves:

> *It is most ironical to me that in the blackness of the night, that you people could crawl like worms out of the gloom and bowels of "That Park"[334] to do such a dastardly act. I know that to perform such a cowardly act there was much premeditation. So I have come to the conclusion, that there still infests in the minds of some people on the island, the great delight of systematically discriminating against people of Japanese descent.*

She also related the betrayal of the local Custodian in looking after their property in their absence, noting that when she came to the island and visited the graves of her family, she also made a point of putting a single flower on the Custodian's grave while asking God for his forgiveness. The letter elicited two responses in the following week's paper. Regular *Driftwood* contributor and local historian Bea Hamilton expressed her regrets about what had happened and also her thoughts on the uprooting in a long letter under the title, 'A Matter for Sadness and Shame'. On the forced removal of Japanese Canadians she wrote:

> *From the time that our island started, back in the 1800's, we have had Japanese people working, helping and living with us on the island. Yes, WAR came between, it is true—and your people were banished to camps. That, Alice, was not the fault of the Salt Spring people – but compulsive Military or Governmental rulings – and it may have been the best for some of your people as, in the heat of war, and bitter feelings that arise between nationalities, there could have been uncomfortable incidents at home – in our midst.*
>
> *You and your people, were safer and likely to be embroiled in home arguments, perhaps by incoming people who resented ANY person connected with Japan; perhaps the same sort of person who deliberately wrecked your parent's garden crops.[335]*

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[333] 'Racism?' 7 October 1971 p4 *Gulf Islands Driftwood*
[334] She is referring to Mouat Park, but does not want to use the name.
[335] 'A Matter For Sadness And Shame' 14 October 1971 p4 *Gulf Islands Driftwood*

Almost three decades after the uprooting and it is still the same narrative that, as harsh as it was, the forced removal of people from their homes was an evacuation for their own good. It had nothing to do with the attitudes of anybody on the island, it was the unfortunate action of a 'compulsive' government. Though full of goodwill, when talking about a group of people that she herself acknowledges have been part of the island community since the beginning of settlement, they are still 'your people':

> *We don't often see your father but we know he is there, somewhere out in that vast field, tending his plants that we may get some produce later on. We love you Alice, and your people and I think you will find many neighbors around Ganges, who, when they realize that some varmint really IS harming your people's garden (we found hard to believe that anyone could be so mean), I am sure that our people will help to protect your family and see that their crops are not damaged again.*[336]

As well intended as this was, it is a form of racism; Hamilton was separating her people from 'your people', even while expressing her love for them. Another writer in the same issue also wrote about her reaction to Alice's letter. In a letter under the title, 'She Was Shocked', it is immediately clear that she wasn't shocked by the incident itself, but by the fact that anybody might besmirch the name of a prominent islander, while attacking her forgiveness because it is less than complete. For all that it shows about contrasting attitudes on the island, Darlene O'Donnell's letter is worth quoting in full:

> *While I sympathize with the Murakamis on the damage done to their garden last summer, I was shocked that you would allow the insinuations against a man, now deceased and unable to defend himself, that were contained in the "letters to the editor" from Alice Murakami Tanaka in the Driftwood last week.*
>
> *The forgiveness she speaks of is not evident when through a letter she has made public, she undoubtedly brings much pain to this man's family, who themselves would have been children at the time and would certainly have had nothing to do with the actions of their father, right or wrong.*

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[336] Ibid.

> *Although I was also a very small child at the time, I'm sure what was done was under the direction, or at least with the approval of the Canadian Government, and done not only here on Salt Spring but all over Canada.*
>
> *What right has Mrs. Tanaka to say this person is forgotten. I fail to see how her once yearly visit can determine this. Even if she lived here year around, how could she know what is in the hearts of other people?*
>
> *As for the R.C.M.P. I am sure they have done all they can and would welcome any advice on how this case and other cases of vandalism against other people of other racial origins can be solved.*[337]

O'Donnell's sympathies are clearly overwhelmed by her indignation that Murakami's criticism of a man might cause pain to his children, but it also shows how the institutionalized racism of the Canadian government could be used to legitimize the actions of an islander who had profited handsomely from the uprooting. She was quick to pass judgment on Murakami's letter, but reserved judgment on what Gavin Mouat had done, 'right or wrong', during the war, and this was after his actions had been publicly discussed in considerable detail during the Iwasaki trial only three years earlier. It might be said that Iwasaki lost his case in court but won in the court of public opinion, yet among individuals on the island it was less than a total victory.

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[337] 'She Was Shocked' 14 October 1971 p4 *Gulf Islands Driftwood*

Chapter 7 – Conclusion

The uprooting and dispossession of Japanese Canadian Saltspringers left lasting scars on the entire community, not just on those who were directly affected. Many decades later islanders live with the consequences of never having fully come to terms with the injustice perpetrated against a group of people on the basis of their race. Confronting racism is an uncomfortable subject for liberal white Canadians who want to think of themselves as generous, open-minded, fair. It's tempting to rationalize the injustice of the past with the explanation that it was a long time ago when attitudes were different, when the country was at war, when people had genuine fears for the security of the country. The story of the Japanese Canadian uprooting on the island shows just how threadbare those excuses are. Three-quarters of a century later those who were uprooted still carry the bitterness of the injustice their families suffered, while the descendents of those who benefited from the forced removal of Japanese Canadians soothe their consciences with platitudes about the things that happen during times of war. Some of us who arrived more recently wonder about the dark, unspoken history of this tranquil island in the sheltered waters of the Georgia Strait.

The decision to uproot the entire coastal population of Japanese Canadians was a capitulation to racists in provincial and local governments who for political advantage cultivated the fear of a minority that was thriving in spite of racist exclusion. It might be tempting to think that these were individuals in Victoria or Vancouver, but one of the more vocal was Macgregor Macintosh, MLA for Saltspring and a resident of the island. After the decision was made to forcibly remove all Japanese Canadians from the coast, their property was vested with the Custodian of Enemy Property, with the trust that it would be held for safekeeping in their absence. This research showed that if the intention of later returning it to them ever existed, it dissolved within months of the uprooting. The need to provide farms for returning veterans dovetailed with the goals of racists who wanted to ensure Japanese Canadians had nothing to come back to after the war.

There never was a legitimate reason for uprooting an entire group of people whom the police considered to be exemplary citizens; the only explanation for continuing that exclusion for four years after the war ended was that it was driven by an institutional racism that sought to keep Japanese Canadians away from the west coast and assimilate them into white Canada, and because doing so was for the political advantage of some west coast politicians. The extension of the exclusion from the coast was to have ended in 1948, but because of Mackenzie King's concern about losing a by-election for the Vancouver Centre seat of Ian Mackenzie (who was being promoted to the Senate because his alcoholism had reached a point where he could no longer function as Minister), it was further extended until 1949. Liberal BC Premier Byron Johnson had assured King that if the exclusion were lifted, losing the seat was a certainty.[338] Political expediency trumped the right of Japanese Canadians to move freely within the country.

It could have ended differently. After Pearl Harbor there was some discussion within the Canadian government about coordinating Canada's policy with regard to Japanese Canadians with what the U.S. government was doing, but from the beginning the two country's policies diverged. In Canada, the uprooting and management of property was handled by the Custodian of Enemy Property, in spite of the fact that the people who were forcibly removed from the coast were never legally defined as enemies. By contrast, in the U.S. Japanese Americans were uprooted and detained by a new federal agency created for the purpose, the War Relocation Authority (WRA).[339] Japanese Canadians were mostly relocated to work camps, ghost towns and farms, whereas Japanese Americans were held behind barbed wire with armed guards in towers in what were initially termed 'concentration camps'. The most striking differences, however, were in how it ended; on 2 January 1945, before the conclusion of the Pacific war, the orders for the mass exclusion of Japanese Americans were rescinded[340], while in Canada it

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[338] Sunahara, 134
[339] Greg Robinson *A Tragedy of Democracy: Japanese confinement in North America* (New York, Columbia University Press, 2009) 1
[340] The legality of the exclusion order that uprooted Japanese Americans from the west coast was

would continue for another four years. Japanese Americans did not have their real and moveable property vested with a government agency while they were held in camps. Though not sold off by the government, some 75% lost all of their property and many had their property stolen or vandalized in their absence.[341] By contrast, the Canadian government dispossessed Japanese Canadian property, paid them a fraction of its value and then gave them an allowance from these funds so that they could pay for their own incarceration.

Immediately after the war the Canadian government had the opportunity to address the injustices that it had perpetrated against Japanese Canadians over the previous five years. This paper's examination of how it dealt with the Iwasaki case during the Bird Commission reveals it wasn't an investigation into its past errors, it was a whitewash intended to exonerate itself for its treatment of Japanese Canadians. As one of the more egregious examples of dispossession, the Iwasaki case had the potential to poke a big hole in the government's story that the liquidation of properties was mostly fair and just, so the outcome of the inquiry into the circumstances surrounding its sale was decided in advance: Iwasaki would get a bit more money than other property owners, but not enough to throw the entire compensation scheme into doubt. This examination of the Iwasaki hearings during the Bird Commission reinforces what Adachi, Sunahara and Miki have written about this period.

The seed of the false narrative on the Iwasaki property took root on the island after the Bird Commission, but the attempt to paper over what had been done to Iwasaki didn't make the problem go away. It continued to fester in the memories of Iwasaki family, the Murakami family who came back to the island, and among the white residents of the island uncomfortable with the suspicion that one of

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challenged in court by George Ochikubo in mid-1944. On 1 June 1945 the court ruled that the Western Defense command did not have the authority exclude any Japanese American from the coast, but simultaneously ruled that the army could arrest those who entered the exclusion zone. The decision was rendered moot when the war ended in 1945 and all exclusion orders were cancelled. Robinson, 253-4

[341] Robinson, 257

their most prominent citizens had used his position to enrich himself at the expense of an uprooted member of the community. The return of the Murakami family in 1954 brought back unpleasant memories, their struggle to regain their home on the island was a reminder that their removal was not an 'evacuation' that had their best interests in mind, and their presence disturbed the story that the acquisition of the Japanese Canadian properties on the island was something other than legalized theft. Long after public expressions of racism had become unacceptable, and well into the era when Canadians wanted to believe that their country was a progressive multicultural mosaic, the history of Japanese Canadian dispossession on the island showed that not everyone was an equal player in Canada's settler project. When the individuals who suffered the consequences of our racist past are somewhere else, in another community, it's easier to sustain myth that it all happened long ago, it was a consequence of government decisions made far away and things are different now. We must acknowledge that the people who were comfortable with that false narrative made those who disturbed it unwelcome.

In the 1960s after the Murakamis had returned to Saltspring and were working to rebuild their lives on the island the Iwasakis continued to struggle for the return of their large north-end property or to get fair compensation for it. By this point public attitudes had shifted substantially from the war years, and in 1967, Canada's centennial year, the country was celebrating its multicultural diversity and smugly distinguishing itself from its neighbour to the south where race riots were front page news. Yet the ruling in Iwasaki's court case showed that the legality of wartime orders in council targeting 'persons of the Japanese race' would be upheld decades after the point where different treatment on the basis of their race had become unacceptable—even while still occurring. As Tim Stanley explained, racisms change with time and place, and they persist over time.[342]

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[342] Stanley, 6

'Shikataganai', 'it can't be helped', the uncomplaining acceptance of adversity is often cited as a cultural quality of the Japanese, and certainly many of the uprooted Japanese Canadians displayed remarkable resilience in the face of the ill treatment that they received. But *'ganbatte'*, try harder, keep at it, dogged persistence is also a characteristic of the Japanese, and the efforts of both the Murakamis and the Iwasakis to resist the racism they faced reinforces Oikawa's critique of the 'silent survivor' narrative and the view of Japanese Canadians as homogeneous group. The Murakamis and the Iwasakis responded differently to the uprooting and dispossession of their properties, and understanding their stories adds nuance and detail to what we know about how Japanese Canadians resisted injustice, as chronicled in the writings of Adachi, Sunahara and Miki.

A study of the Iwasaki court case was an avenue into examining the legality of the government's actions during the uprooting. Many writers have concluded that anything done under the authority of the War Measures Act was unchallengeable, but I have taken a more critical approach. Orders in council were enacted under the War Measures Act that had the force of law and there was no Charter of Rights and Freedoms to which the government had to adhere. As documented in this paper, the legality of the orders in council used to dispossess Japanese Canadians of their property were tested in the Nakashima and Iwasaki cases and found to be valid. The sweeping powers granted to the government under the War Measures Act eliminated the need for Parliamentary oversight in the crafting of laws, but the country still operated under the rule of law. That is, it had great freedom in drafting regulations, but it needed to operate within the scope of those regulations and not simply govern by decree. In dispossessing Japanese Canadians of their property, the government applied regulations pertaining to enemies against British subjects who were never legally defined as enemies. In my view they acted beyond the scope of the law. Furthermore, the courts ruled that no trust had been established between the Custodian and Japanese Canadians when they vested their properties with him and thus there was no breach of trust when they were liquidated, but I believe this was an error in judgment: when the properties were vested with the Custodian 'as a protective

measure only', a trust was created. The legality of the dispossession of Japanese Canadian property is not a closed case and merits further examination by legal scholars.

In the years before and after the Iwasaki trial many Japanese Canadians wanted to forget the time of the uprooting and get on with their lives. Many chose to assimilate into white Anglo Canadian culture, intermarriage rates were high, and with a predisposition towards hard work, discipline and academic achievement they prospered. After achieving full citizenship rights many were content to bury the past, but starting in the mid-70s, some Japanese Canadians began to organize to seek a formal acknowledgment by the government of wrongs committed during the war. This led to the redress movement of the 80s, and after tortuous negotiations with the government, on 22 September 1988 Prime Minister Brian Mulroney rose in the House of Commons to acknowledge the injustices of the uprooting and to announce that compensation would be paid to those still living who had been forcibly removed from the coast. At $21,000 per person, the monetary compensation was not reparation for actual losses, but it did add weight to the sincerity of the acknowledgment. Widely described as an 'apology', the leadership of the redress movement were only looking for an acknowledgment of past wrongs and that is how the government itself referred to it. Governments have difficulty admitting their mistakes of the past because it makes them vulnerable to charges that they are making mistakes in the present.

Redress was only an acknowledgment and token payment, but it had a significance for Japanese Canadians that might be difficult to fully comprehend for those not directly affected by the uprooting. Masayo Hora, a sansei (third-generation) Japanese Canadian Saltspringer, was born in 1949 in Revelstoke because her parents were still not allowed to return to their home in Steveston. Speaking at an event on the island to commemorate the 75th anniversary of the Japanese Canadian Uprooting, she related how Mulroney's formal acknowledgment lifted a burden of shame that she had felt because of her

family's forced removal from the coast.[343] Though they were loyal Canadians and had done nothing wrong, to be singled out for such treatment left many Japanese Canadians feeling ashamed of who they were and redress was an important step in healing the injury of past exclusion.

The enormous relief felt by so many Japanese Canadians after redress reveals the long-term psychological impacts of the racist exclusionary policies of the government during WW2 and the years after. The racisms of that era were not consistent and Japanese Canadian allies, those who stood with them in resisting injustice, played an important role in mitigating damage. But just as the racism varied over time and among groups of people, so did support. Politically, the CCF have been credited by historians for supporting Japanese Canadians at a time when they had few friends in government ready to come to their defence. Yet even their support was not consistent and they were not always above making racist appeals to voters. This ad on 'The Japanese Question' by CCF candidate Joseph White for the Nanaimo and the Islands constituency in the 1945 provincial election was not enough to push him ahead of Coalition candidate George Pearson.

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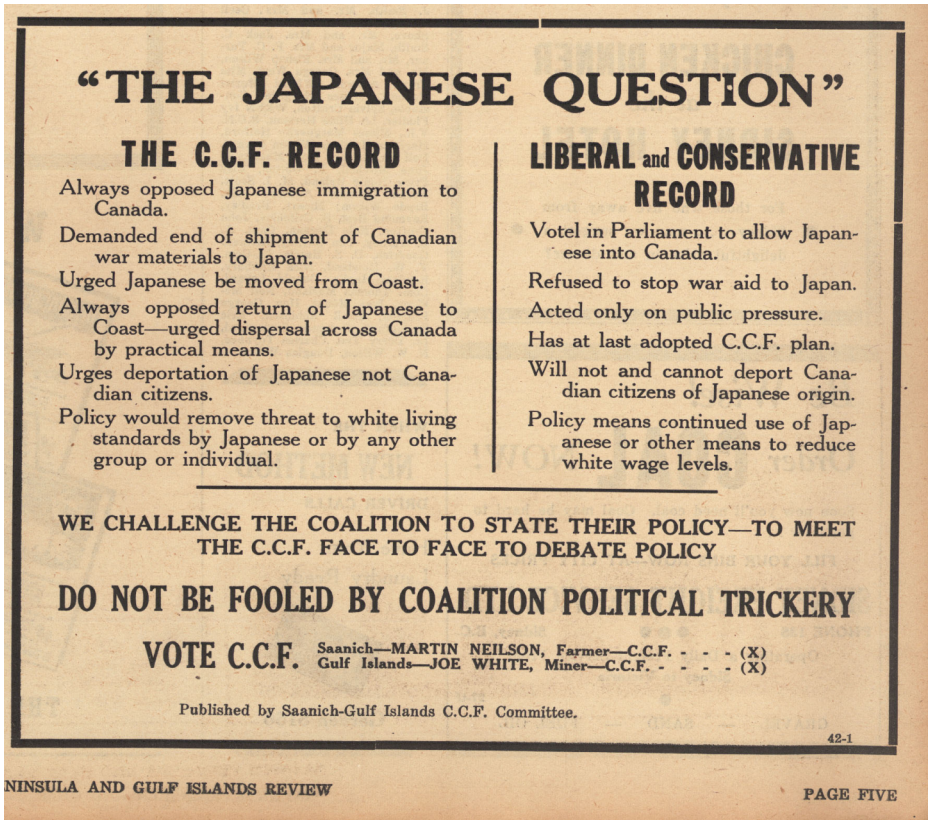
[343] Masayo Hora 'Return to Steveston, My Family's Journey' talk at the Salt Spring Island Public Library 14 February 2017



"THE JAPANESE QUESTION"

THE C.C.F. RECORD

Always opposed Japanese immigration to Canada.

Demanded end of shipment of Canadian war materials to Japan.

Urged Japanese be moved from Coast.

Always opposed return of Japanese to Coast—urged dispersal across Canada by practical means.

Urges deportation of Japanese not Canadian citizens.

Policy would remove threat to white living standards by Japanese or by any other group or individual.

LIBERAL and CONSERVATIVE RECORD

Votel in Parliament to allow Japanese into Canada.

Refused to stop war aid to Japan.

Acted only on public pressure.

Has at last adopted C.C.F. plan.

Will not and cannot deport Canadian citizens of Japanese origin.

Policy means continued use of Japanese or other means to reduce white wage levels.

WE CHALLENGE THE COALITION TO STATE THEIR POLICY—TO MEET THE C.C.F. FACE TO FACE TO DEBATE POLICY

DO NOT BE FOOLED BY COALITION POLITICAL TRICKERY

VOTE C.C.F. Saanich—MARTIN NEILSON, Farmer—C.C.F. - - - (X)
Gulf Islands—JOE WHITE, Miner—C.C.F. - - - - (X)

Published by Saanich-Gulf Islands C.C.F. Committee.

42-1

NINSULA AND GULF ISLANDS REVIEW PAGE FIVE

Figure 10: CCF Election Campaign Ad[344]

Individual demonstrations of solidarity, even if insufficient to hold back the tide of racism, were very important to Japanese Canadians. The Murakami family has not forgotten the individuals in the community who spoke out against what was happening at the time, such as Dr. Rush, and those memories are valuable because they are so few. An examination of the Saltspring microcosm reveals some truths about the operation of racism that might be missed when looking at the larger picture; looking at the forest can obscure our view of the trees. The range of attitudes on Saltspring, the plurality of racisms, challenges Patricia Roy's view that white racists became such a threat to Japanese Canadians that removing them from the coast without their consent, or even consultation, could be justified.[345] Certainly overt expressions of racism on the island spiked after Pearl Harbor, but to consider those incidents to be indicative of the reality at the

[344] *Saanich Peninsula and Gulf Islands Review* 17 October 1945 p5
[345] Roy, *The Triumph of Citizenship*, 66

time is like reading newspaper headlines and concluding that murderers lurk in every alleyway. In contrast, the experiences on Saltspring validate Mona Oikawa's assertion that the uprooting may have been driven by a few racist politicians, but it could never have happened without the complicity of many others.[346] For the rest of the island to truly come to terms with the past will require the acknowledgment that there were many people who either stood by and did nothing or abetted the racist policies that made the uprooting possible. When Japanese Canadian properties were offered up for sale less than a year after the uprooting, where was the outcry? When properties on the island were auctioned off, there was hardly a peep when the local agent of the Custodian entrusted with their safekeeping purchased the most valuable for a pittance. Acquiescence in these actions is complicity and reconciliation cannot be achieved without acknowledging it.

Figure 11: Heiwa Garden, Ganges, Saltspring Island[347]

[346] Oikawa, 7
[347] Photo courtesy of Bob Rogers

The creation of the Heiwa Japanese Garden on Saltspring has helped to soothe some of the bitterness of the past by acknowledging some of the injustices that occurred. It was founded in 2008 by a group of islanders including Rose Murakami and my wife Rumiko Kanesaka, a Japanese Canadian of 22 years. The garden was created to honour Saltspring's Japanese Canadian pioneers while offering islanders a place to contemplate 'peace, reconciliation and cross-cultural unity in a Japanese-inspired landscape'. The garden was built and is jointly maintained by the Salt Spring Island Parks & Recreation Commission and volunteers, some from island's Japanese Canadians and others from the wider community. A kiosk near the garden gate has panels that outline the dark chapter in the island's history. The shared undertaking of building and maintaining the garden, holding events like the annual Blossom Festival, and the restoration of a charcoal kiln constructed by the Tasaka family has helped to build bridges between communities.

Other efforts to reclaim the Japanese Canadian history of the island continue. Rose Murakami would like to see Sunset Drive, the main road running through the Iwasaki property in the north end of the island renamed Iwasaki Drive as an acknowledgment of the area's earlier owner. Also, the park at the edge of the town of Ganges is called 'Mouat Park', despite the fact that it originally owned by William McAfee, a blacksmith who is remembered as a friend of the Japanese Canadian community on the island and who allowed the Tasaka family to build and operate their charcoal kilns on the property. (See footnote #, Chapter 1) The land briefly passed through the hands of Gavin Mouat before becoming a park, but since it was McAfee's wish that the land should become a park after his death in 1959 Rose Murakami believes it should be renamed 'McAfee Park'. Efforts to push back against the injustices of the past continue.

During the negotiations that led to redress, a key demand was that the War Measures Act be revised so that no minority group would ever face a similar kind of injustice like the Japanese Canadians suffered during WW2. A legal brief was prepared by lawyer Ann Sunahara and presented to the government by the

National Association of Japanese Canadians. Sixty-five of the 85 proposed amendments were adopted into the new Emergencies Act, which became law in 1988 several months before the redress announcement. They substantially strengthened the legal code against abuses like those that occurred during and after WW2. The Act gives Parliament oversight over Cabinet's use of emergency powers, there is mandatory compensation for the abuse of those powers, and most importantly, it includes a clause designed to prevent a future Cabinet from amending the act to expand its powers to override equality rights as defined in the *Charter of Rights and Freedoms*[348].

Japanese Canadians were determined that the abuse they suffered should never again be inflicted on themselves or another minority group. Our laws failed to protect us during WW2, and the injustices that were perpetrated against a racialized group of Canadians left scars that remain three-quarters of a century later. Current events in Canada and the U.S. show that politicians are as willing as ever to vilify minority groups as threats to the nation's security for their own political advantage. Understanding how racist exclusion was perpetrated in the past and its long-term consequences make it less likely that such injustice will happen again.

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[348] Section 15, Constitution Act, 1982 http://laws-lois.justice.gc.ca/eng/Const/page-15.html - h-45 Accessed 22 February 2017

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Appendices

Appendix 1 – War Measures Act 1927
Appendix 2 – Order in Council 5295
Appendix 3 – Order in Council 9760
Appendix 4 – Order in Council 365
Appendix 5 – Order in Council 1486
Appendix 6 – Order in Council 1486
Appendix 7 – Order in Council 1486 Notice, *Saanich Peninsula and Gulf Islands Review* 25 March 1942 p2
Appendix 8 – Order in Council 1665
Appendix 9 – Order in Council 2483
Appendix 10 – Order in Council 469
Appendix 10a – Order in Council 469 - original Privy Council copy
Appendix 11 – Order in Council 5523
Appendix 12 – Notice of Ganges Auction of Japanese Canadian Chattels *Saanich Peninsula and Gulf Islands Review* 27 October 1943
Appendix 13 – Notice of Sale of Japanese Canadian Properties *Saanich Peninsula and Gulf Islands Review* 5 April1944
Appendix 14 – Cover Letter for Cheque Sent to Iwasaki 5 Oct 1948
Appendix 15 – 150954i - 'This Indenture' Secretary of State to Salt Spring Lands 1 Apr 1945
Appendix 16 – Napper Lot 16 Plan 9115 Land Registry Form A, Indenture Form 1952
Appendix 17 – Guilbride Lot 36 Plan 9115 Land Registry Form A, Indenture Form 1952-3
Appendix 18 – Iwasaki Property - Aerial Photos - Current Property Boundaries.pdf
Appendix 19 – Iwasaki Property - Aerial Photos 1945, 1950
Appendix 20 – Cancelled Cheque for Original Iwasaki Sale 3 November 1948
Appendix 21 – Notice D. Keith Wilson Joins Salt Spring Lands *Saanich Peninsula and Gulf Islands Review* 13 April 1938
Appendix 22 – Iwasaki Letter of Protest 19 August 1947
Appendix 23 – Title Lot 4 Transfer from Salt Spring Lands to Gavin Mouat 17 September 1945 155491i
Appendix 24 – Title Lot 3 Transfer from Salt Spring Lands to Gavin Mouat 5 September 1946 170663i