

**Speech by M. Ann Sunahara  
at the 20<sup>th</sup> Anniversary Celebration of  
the Achievement of Redress for Japanese Canadians,  
Japanese Canadian Cultural Centre, Toronto, Ontario  
September 20, 2008**

**Redress : Its Effects in the First 20 Years**

In the short “Redress” chapter that I added to the version of my book that is on the web as freeware – at [japanesecanadianhistory.ca](http://japanesecanadianhistory.ca) – I stated that it would be a minimum of 20 years before the full story of redress and its effects could even begin to be determined. I picked 20 years because that is how long government documents stay protected. It is also long enough for a change of a generation in government – to test whether the lessons learned during redress will stick, be subverted or be forgotten.

So tonight, I thought that you might like to hear about some of the effects that redress has had in the last 20 years, at least from my own, Ottawa-centric, point of view and experience from inside the federal government.

**Effect on the survivors**

Of course you will all know the immediate effects on the survivors:

Whenever I think about achieving redress, the memory that pops into my mind is of a gathering we had at my home on the night that the redress forms arrived in Edmonton. You see “Ottawa” had wanted we westerners to wait a couple of weeks for the application forms so some of their people could officially present them to Japanese Albertans at a series of community meetings. Well, as you can guess, the community response was to that idea was: “No way! We have waited over 40 years. We want those applications now.” So Ottawa couriered them out our NAJC President, George Tsuruda, and I phoned around to some lawyer friends to ask them give up their Friday night to swear some applications. All four lawyers that I asked leaped at the opportunity to be a part of redress. By 7:00 PM we had a Punjabi Canadian, a Dutch Canadian, an philosopher and lawyer from Saskatchewan and a geneticist who happened to have a law degree sitting in my dining room with their notary public seals ready to do the job.

That’s when the Issei ladies began arriving, clutching boxes of documents. We helped them to fill out and execute their applications and to select the documents to support their claim – and then David served them tea and cookies. That’s when they started talking -- examining each other’s documents and telling stories inspired by them. Among the documents passed around that evening was a certificate of registration of my husband’s birth at the Slocan City Hospital in December of 1944. It included the address of the 400 square foot shack in the Lemon Creek Camp occupied by his parents and 8 other relatives, and the name of the midwife that birthed him. And that is how David discovered that the mid-wife who birthed him “was walking out with a Doukhobor boy” at the time. Forty-four years and later the gossip was still fresh!

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Anne Scotton, the Director of the Japanese Canadian Redress Secretariat, tells me that each of the documents submitted with the redress applications was photocopied or photographed before being returned to their owners, creating an archive that future generations can use to trace their family history even if the original documents are discarded on the passing of the survivors. Of course, I hope that, when the survivors pass, that their families either keep the documents or give them to the Japanese Canadian National Museum in Burnaby, B.C. or to a local archive here in Ontario.

I am sure that each of you has your own special memories of effect of redress on those who survive to receive compensation. Memories of their sadness that someone important to them did not live to see the day. Or of their joy – and not just at the arrival of unexpected funds, which certainly helped many of them enjoy their final years – but also for the vindication it represented for the choices that they had made in the 1940's. For those who chose relocation over so-called “repatriation”, it was an affirmation of their trust in Canada. For those who put aside the bitterness of their experience and re-built their lives, it was a confirmation of the wisdom of their actions. And for the young Nisei-han and Sansei, like my husband, who were old enough to know that a terrible injustice had happened to them and their parents, it was proof that Canada really had changed for the better and that they need not be as concerned for their children's future as they had been before redress.

Redress also had a major effect on the smaller communities especially out west. Before redress, none of them had the critical mass of active Japanese Canadians to build a community centre like the one that you have here in Toronto. The redress campaign not only brought the community together in Calgary and Edmonton and other smaller centres, but the community fund provided the impetus for establishing community centres with libraries and meeting space and, of course, practice space for taiko groups. These community centres also helped to draw the shin-ijusha, the postwar immigrants, into the community.

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### **The First Gulf War**

The next time I saw the effects of redress was in late 1990 – early 1991, during the First Gulf War – when Saddam Hussein invaded Kuwait. Redress was two years old. The *Emergencies Act* that had replaced the *War Measure Act* was untested and untried. David and I had recently moved to Ottawa. I was working on contract at Justice Canada for what was then called the Privy Council Office – Justice, the division of Justice Canada that writes Acts and regulations for the federal government.

I was worried enough about the potential for abuse of the civil liberties of Muslim and Arab Canadians that I asked my Senior General Counsel not to assign me any emergency measures files. I wanted to keep myself free from professional conflict should I need to leave government to oppose measures like those that had been used against Japanese Canadians. She readily

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agreed but asked me, should the need arise, to be available to explain what had been done to Japanese Canadians to those who would draft emergency measures.

I am pleased to report that a couple of weeks later she came to my office with a big smile on her face. She told me that I wasn't the only one who was concerned about abuse of power in time of emergency. Our client – the Privy Council Office – was concerned enough that the Clerk of the Privy Council had expressly tasked our division with the job of making certain that no emergency orders were tendered to Cabinet that would in any way taint the reputation of the Mulroney government in the same way that the treatment of Japanese Canadians had tainted the reputation of the Mackenzie-King government.

I do not know whether anything threatening to human or civil rights in Canada was nipped in the bud by my colleagues. The paper walls that protected me from conflict stayed in place. I do know that three of my colleagues borrowed the brief that the NAJC's legal committee had submitted in opposition to the original – terribly flawed – version of the *Emergencies Act*. They wanted to study it to better understand how a seemingly benign policy – like “protecting” Japanese Canadian property from degradation or predation by transferring it to the Custodian of Enemy Property – could be used by unscrupulous persons as a first step towards something worse – selling off all Japanese Canadian property and taking the resulting capital to repay welfare payments to the former owner. Of course, it could be that they borrowed the NAJC brief because there were so few emergency measures that they were looking for something interesting to read!

I was actually quite pleased to realize that one important redress lesson had taken root: Short term political tactics that abuse or ignore civil and human rights will come back to bite you – and to diminish a politician's place in history. The Mulroney government had learned the first lesson of redress well and was to be commended.

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### **Changing the way policy is decided:**

It is one thing to educate politicians; it is even better to educate bureaucrats. In our system of government, policy doesn't usually come from the politicians; very often it comes from within the civil service – a service that constantly tries to identify upcoming problems and their solutions. The most lasting effects of redress, therefore, may lie in how the redress campaign, and its implementation, changed the decision-making process of government and its attitude to use of public relations, public education and *ex-gratia* payments to solve problems. Ex-gratia payments are payments that a government makes because it is the right thing to do; not because the law requires it.

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As you well know, in the 1940's when Japanese Canadians were uprooted, governments were content to use non-whites as political footballs. For politicians, it was kick Japanese Canadians; get votes. In my book, I illustrated this attitude with the slogan used by Ian Mackenzie in 1935 in the Vancouver Centre riding: "A vote for the C.C.F. was a vote to give the Chinaman and the Jap the same rights you have!". The bureaucratic equivalent was to put their heads in the sand and use the excuse that the "public" wouldn't tolerate equal treatment for non-whites – any non-whites.

Both stances became unacceptable after World War II with the revelation of the price of racism in Europe – some 13 million dead in Nazi death camps. So in the 1950s and 1960s, governments switched their tactics from trying to make Canada into an overseas Britain – a white, English-speaking society -- to building a "Canadian" future in which minorities could be assimilated.

Minorities who had historically received a raw deal in Canada – Japanese, Chinese, Blacks, the few Sikhs that had made it into Canada before the First World War and, of course, Aboriginal Canadians – were expected to suppress any feelings about their past treatment and to claw their way up the economic ladder of the majority society – even if it meant shedding their culture along the way.

We tend to forget that it was only in the mid-1960's – about the time I graduated from high school – that visible minorities were again able to immigrate to Canada for any purpose other than family reunification – which did help to reunite the almost all-male Chinese population of Canada with those family members who managed to escape from Red China – or for domestic service – the route that West Indian women used to make their way to Canada. Before redress, admitting past wrongs and doing something about them was just not on. Politicians of all stripes have a natural inclination to never admit being wrong. Being wrong implies incompetence – and who is going to elect an incompetent.

In the 1970's, the thinking was that past injustices were created by past governments. Nothing could *or should* be done about them. They were not the responsibility of present governments – or present taxpayers. The job of present governments was to prevent abuse on their own watch and, if possible, to create laws that would protect Canadians from abuse by *future* governments – laws like the *Canadian Charter of Rights and Freedoms*. Fixing the past would be admitting that something had been wrong with liberal democracy which, as Winston Churchill has said, is "the worst form of government, except for all the others".

So one of the distinguishing features of the redress campaign was that it challenged the idea that you could create an abuse-free future without acknowledging and correcting the abuses of the past. Redress argued that, until and unless, a just society acknowledged past wrongs – and, if possible, corrected the fallout from those wrongs – there could be no abuse-free future because the problems generated by past abuses would necessarily continue.

## A Principled Campaign

The redress campaign was successful because it was a principled campaign. It was *not* a just cry that Japanese Canadians had been victimized by nasty politicians and inept bureaucrats – although that was very true. Rather, it was a campaign that resonated with Canadians because its fundamental message bigger than that. Its message was that Canadian democracy had been undermined by preventable abuses of power. And until those abuses were acknowledged and corrected, they would remain a sword of Damocles hanging over the head of every Canadian. If the rights of one kind of Canadian could be abused, then the rights of any Canadian could be abused.

And the principles that were developed during the redress campaign are compelling. Consider the questions that you must ask to determine whether redress is appropriate:

1. Was a human or civil right abused, ignored or abrogated?
2. Was that abuse the result of a law or policy or the act or omission of a government agent or contractor?
3. Did that government have a significant connection to the victims of the abuse?
4. Is the government from which redress is sought a successor government to the one that did the wrong? By successor, I do not mean the same political party; I mean the legal successor. Successor governments inherit the good laws that their predecessors make; they also inherit their mistakes. The government that uprooted Japanese Canadians also gave us Old Age Security. If successor governments accept responsibility for the “good” actions of their predecessors, like OAS, then they also have to accept responsibility for rectifying the “bad” actions.
5. How can the wrong best be rectified?
  - by an acknowledgment ?
  - by a general reform of the law or the policy?
  - by institutional measures or reforms?
  - if the victims are still alive and identifiable, by individual compensation? or
  - by a combination of any or all of the above
6. And, lastly but very importantly: How do those directly affected want the wrong to be rectified?

Good bureaucrats and policy wonks and wise politicians *love* principled decisions like redress. Because if a problem is analyzed using tested, neutral principles, then the resulting policy will be sound, and equally importantly, capable of replication. My experience in 15 years of federal

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public service is that good bureaucrats and wise politicians hate “political” solutions. Political solutions always come back to bite the department that is forced to implement them – and to sully the reputation of the government that makes them.

So it should come as no surprise then, that having learned a good, workable set of principles through the redress campaign, that both bureaucrats and politicians have applied those principles to other situations.

To digress a moment, I would like to illustrate how politicians benefit from redress: People seem to either love Brian Mulroney or hate him. When we lived in Alberta, we met many people who loved him. In our years in Ottawa, we have met many others who don't. But universally, they all agree that one thing: Brian Mulroney did right was to give redress to Japanese Canadians!

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### **Applying the Principles of Redress**

The first occasion on which I saw bureaucrats and lawyers applying the principles of redress was in the mid-1990's after I joined Health Canada's Legal Service. By some quirk of fate a number of those involved in redress at the Department of the Secretary of State had moved to Legal Services at Health Canada. There they were trying to find a solution to the problems faced by hemophiliacs who had been infected with HIV-AIDs through tainted blood. There were lawsuits in the works that could take years to resolve and, in the meantime, the infected persons were dying. If the problem was dealt with on a basis of strict negligence law, it was a lose-lose situation – full of complicated, time consuming and very expensive legal issues.

But the redress principles provided a more humane answer.

- a human and civil right had been abrogated – indeed a *Charter* right had been abrogated – a right to security of the person;
- the victims were infected with HIV/AIDS because of an act or omission of a government agent or contractor;
- the victims were citizens who had looked to their government to provide a safe source of blood products to treat their disease; and
- the government that was trying to give them justice was a successor government to the one under whose watch the error had occurred.

That left only the question of how to rectify the wrong *in consultation with the affected persons*. In the end, after negotiations with representatives of the affected hemophiliacs and their family members, with the medical profession and with the blood products industry, the affected persons not only got full implementation of the recommendations of the Krever Inquiry, but also money

and drugs during the lifetime of the infected persons and a sum to help their families make the transition on their death.

The lasting strengths of redress come not only from the principles for deciding whether redress is appropriate, but also from seeking good, permanent solutions – not quick fixes. Good solutions require the involvement of those who are most directly affected. Those most directly affected must play an active role in working out the form that the redress should take – both because it is the democratic thing to do, and because imposing a solution is paternalism at its worst. Negotiating a solution gives control back to the persons injured by the bad law, policy, act or omission. As we women used to say in the 1960s, it empowers them. And that is one of the most important lessons to be drawn from redress – the solution must empower the injured.

As I hope you know, in the last 20 years there have been other examples of the same analysis leading to *ex-gratia* payments, including redress :

- for hepatitis C infection from blood products;
- for the Chinese Head Tax;
- for exposure to Agent Orange near Gagetown, New Brunswick – redress that includes compensation for the disabled children of the affected workers and soldiers;
- for the abuse of First Nation and Inuit children in residential schools, schools that were intended to destroy their culture; and
- most recently, for the exposure of military personnel to radiation during nuclear tests.

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### **The Role of Communications in Redress**

The Residential Schools settlement illustrates a new role for redress settlements: truth and reconciliation. In the next five years, the Residential Schools Commission should serve to educate the public, bureaucrats and politicians about the true price paid by Canada's Aboriginal peoples for the residential school policy. I also hope that it will prove to be a forum for doing more than teaching about the sordid manner in which Canada has treated its Aboriginal people over the last century. I hope that it will also be a way for Aboriginal people, and others, to propose viable solutions to the many problems facing Aboriginal communities, solutions that both respect and preserve Aboriginal culture while leading to a positive future.

Both the Krever Inquiry and the Residential Schools Commission show how much things have changed in the last 20 years. Today, acknowledging an injustice is a given – a necessary step in solving the fallout from the injustice. The need to educate the public about the injustice and the possible solutions to the resulting problems is also a given – if only because a public that understands a problem will not object to paying for the solution.

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By contrast, to achieve redress, *we* had to educate the public, the bureaucrats and the politicians. *We* had to teach the public, and ourselves, about the Japanese Canadian experience. *We* had to prove to the bureaucrats and politicians that both our claims and our solutions were sound. That was how we won support for a form of redress that included abolishing the *War Measures Act*; that was how we convinced the politicians that acknowledging a wrong is an honourable action.

And we were able to do it because we were incredibly lucky to have access to such good communicators and sources through which to educate the public, politicians and bureaucrats. Joy Kogawa deserves a huge round of thanks. One of my sisters-in-law tells me that reading *Obasan* is like reading the story of her childhood. And it seems that every literate woman who was alive in the 1980's read *Obasan* and identified with Naomi. Everyone of them felt that they, through *Obasan*, had vicariously experienced the uprooting and dispersal of Japanese Canadians. Many of the businessmen and most of the bureaucrats that I have spoken to were won over by the results of the Price-Waterhouse study and by the compelling material that appeared in the daily media – thanks in a large measure to the press releases and stories compiled by Mel Tsuji and his fellow journalists.

And the bureaucrats did thoroughly check the facts. A colleague at Justice Canada told me that in the early 1980's, Justice Canada pulled from the Archives every document that I referenced in my book – and some that I was denied access to – like RCMP records – to verify whether the facts were what we claimed they were!

Non-Japanese Canadians championed redress too – especially in the media. While there were national figures, like Global's Peter Trueman, there were also local champions. In Edmonton, we had Bill Law. Bill was the copy editor on my book when he worked for Lorimer. Fortuitously, he fell in love with an Edmonton woman and followed her west where he got a job as the producer of the afternoon CBC program. The Japanese Canadian experience was something he would use when he needed a story, educating Albertans about the redress campaign using interviews with Gordon Hirabayashi, my husband, or George Tsuruda. George's story was particularly compelling: Forced as a reluctant 16-year-old to accompany his parents to Japan in 1946, he didn't get back to Canada until after the Korean War, when the American unit that he worked for took up a collection to bring him home to Canada. Enlisting in the Canadian Army as a private, he retired 30 years later as a commissioned officer.

And the NAJC was especially blessed with the tag-team of Art and Roy Miki: Art, the calm, stalwart listener and conciliator who proved to be a very stubborn negotiator; and Roy, the academic speechwriter – now a Governor General Award winning poet. The communications skills of both were formidable and invaluable.

I remember well Roy's performance when we appeared before the Legislative Committee reviewing the *Emergencies Act*, the Act that was to replace the *War Measures Act*. We had only three days notice that we were to present on the last day that the committee would receive



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submissions before sending the Bill back to the House of Commons. Fortunately the NAJC Legal Committee had a brief prepared – one that used actual events from the Japanese Canadian experience to test the new Act and to show that it was as bad, or worse than, the *War Measures Act*. I know that Roy received the brief as he boarded the red-eye from Vancouver. By the time he reached Ottawa five hours later, Roy had read the thing, had digested all its turgid legalities, and had written an introductory presentation that literally made the committee of politicians sit up and take notice. It was a masterful exercise in communications and sent the committee back to work for three weeks during which they made 65 changes to the Act .

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Communications matter after the fact too. I thought that you would like to know that Canadian War Museum – that magnificent building designed by Raymond Moriyama – is marking the 20<sup>th</sup> anniversary of redress by finally acknowledging redress. When I visited it last week, in preparation for coming here, I was pleased to note that the old exhibit – which implied that Japanese Canadians had been uprooted for reasons of “national security” – had been removed. The new exhibit includes a copy of the Redress Acknowledgment and a picture of Prime Minister Mulroney and Art Miki signing the document. It is positioned at eye level for a short person – I presume so children can better see it.

The rest of the exhibit consists of newspaper headlines from 1942, pictures and commentary. The pictures include an overview of the houses at Tashme, one of a Mountie processing Japanese Canadians at a settlement in the Interior of B.C. and head and shoulder shots of three prominent Japanese Canadians – including a teenaged Joy Kogawa.

It’s the accompanying commentary that is the problem. It is incomplete – it makes no mention of deportation or of forcing the uprooted to live on their own capital or that Japanese Canadians waited until April 1, 1949 before they regained their freedom. But most disappointingly it blames the forced removal of Japanese Canadians on the “fears” of British Columbians. Ottawa is portrayed as merely “bowing to public pressure”.

So it seems that 20 years is not a bad estimate for determining the fate of redress. Twenty years was long enough for one of our most traditional institutions to get around to acknowledging the acknowledgement of a historic wrong – even if it did so without getting the history quite right – but that is a battle for another day.

[Addendum: After lobbying by the NAJC’s *ad hoc* Committee on Japanese Canadian Representation, the Canadian War Museum revised the exhibit in January 2011 making the following changes:

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- adding a 5-foot long bench-exhibit on the service of Japanese Canadians during WWII, that includes pictures of serving soldier/translators and a picture of Thomas Shoyama in uniform together with information about his post-war career;
- enlarging the section on redress and moving a larger, more readable Acknowledgement document to eye-level;
- replacing the civilian picture of Masumi Mitsui with one of him in uniform;
- acknowledging racism as a factor in the removal and treatment of Japanese Canadians;
- expressively stating that 75% of the affected persons were Canadians;
- acknowledging that many of the young people who signed for post-war shipment to Japan did so in order to not desert their parents; and
- clarifying the motives of those who were confined in Angler and Petawawa for objecting to separation from their families. ]

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In closing, I want to get personal. I want to thank you, both individually and as a community, for helping me with my history of Japanese Canadians during World War II. What began for me as a self-indulgent interest in my husband's life and that of his family, grew in ways I never imagined possible. I am so happy that the marvelously skillful people behind redress were able to use my fumbling efforts as a base from which to build something as important and as principled as redress – important not just for Japanese Canadians but for all Canadians.