

Establishing Recognition of Past Injustices: Uses of Archival Records in Documenting the Experience of Japanese Canadians During the Second World War

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RÉSUMÉ Les Archives nationales du Canada détiennent un nombre important de documents d'archives du gouvernement fédéral qui fournissent de l'information sur le déracinement des Canadiens d'origine japonaise durant et après la seconde guerre mondiale. Cet article se penche sur l'utilisation des documents d'archives qui a poussé cette communauté à remettre en cause le traitement dont elle a fait l'objet, de demander des excuses au gouvernement et d'exiger des dédommagements pour ses pertes. L'emploi des documents dans diverses publications a également contribué à construire la mémoire culturelle de cette communauté. L'existence de tels documents d'archives est essentielle afin de permettre aux citoyens de rendre les gouvernements démocratiques plus responsables de leurs politiques, de leurs décisions et de leurs actions. L'exemple de l'effort des Canadiens d'origine japonaise pour obtenir la reconnaissance et le redressement des injustices du passé lève le voile sur le rôle important que peuvent jouer pour la protection des citoyens les institutions d'archives nationales, par le biais des décisions concernant l'évaluation et le transfert de documents d'archives.

ABSTRACT The National Archives of Canada holds an extensive group of archival government records that document the uprooting of the Japanese Canadian community during the Second World War and its aftermath. This article explores the use of the archival records that caused the community to question the fairness of their treatment, to seek an apology from the government, and request compensation for their losses. Usage of the archival record in subsequent publications also helped to build cultural memory. The existence of such archival documents is essential for citizens to hold democratic government accountable for its policies, decisions, and actions. The example of the Japanese Canadians' efforts to seek recognition of, and restitution for, past injustices illuminates the important role played by a national archives in protecting the rights of citizens through its appraisal and transfer decisions.

A recent National Archives of Canada policy statement on *Preserving the Archival and Historical Memory of Government* outlines the importance of records created by the Government of Canada.¹ Predictably, the statement says that the records are “critical to the efficient administration of government as it conducts business and the affairs of state on behalf of Canadians.” It also

¹ “Preserving the Archival and Historical Memory of Government,” statement approved by the National Archivist of Canada, 17 October 2001, p. 2. (Copy available on the National Archives of Canada Web site: <http://www.archives.ca/06/06_e.html>.)

states that records are “critical to the preservation of knowledge about our national history and collective memory for the benefit and use of future generations.” It further states that records are “critical to the capacity of citizens to hold government accountable for its decisions and actions in our democratic society.” The National Archives holds a unique group of archival government records that document the experiences of the Japanese Canadians during the Second World War. These records, created by government in the course of exercising legitimate powers, provided evidence of actions and information about their impact on the Japanese Canadian community. An exploration of a number of published works demonstrates how this group of citizens was able to use those records to obtain an acknowledgement of wrongdoing and financial compensation from the Government of Canada which had uprooted a whole community sixty years ago.²

This paper does not provide an extensive analysis of the records that were transferred to the National Archives in the 1970s and 1980s.³ Instead, the focus is on the use of these records that spurred the community to question

2 In researching this article, I undertook a review of the available literature by searching the National Library of Canada’s catalogue. Using the Amicus data base available on their Web site, 197 entries were found under “Japanese Canadians” as of February 15, 2002; a significant number – forty-six entries to be exact – pertained to the uprooting of the Japanese Canadian community during the Second World War. These publications consist of scholarly works, popular accounts, non-fiction, and fiction. Some authors used archival records in the National Archives (as well as other repositories) to reconstruct events and analyze their significance. Examples of scholarly works are: Patricia Roy et al., *Mutual Hostages: Canadians and Japanese During the Second World War* (Toronto, 1990); and Ann Gomer Sunahara, *The Politics of Racism: The Uprooting of Japanese Canadians during the Second World War* (Toronto, 1981). Examples of non-academic analysis include: National Association of Japanese Canadians, *Economic Losses of Japanese Canadians after 1941, A Study Conducted by Price Waterhouse, Vancouver, B.C.* (Winnipeg, 1985); and Yon Shimizu, *The Exiles: An Archival History of the World War II Japanese Road Camps in B.C. and Ontario* (Wallaceburg, 1993). Joy Kogawa’s novel *Obasan* (Toronto, 1981) drew upon the personal papers of Muriel Kitagawa housed in the National Archives of Canada. Popular accounts based on personal experiences with the uprooting during the Second World War or with the redress movement include such publications as: Ken Adachi, *The Enemy That Never Was: A History of the Japanese Canadians* (Toronto, 1976); Ad Hoc Committee for Japanese Redress, *The Toronto Story* (Toronto, 2000); Roy Ito, *We Went to War: The Story of the Japanese Canadians Who Served During the First and Second World Wars* (Etobicoke, Ontario, 1984); Addie Kobayashi, *Exiles in Our Own Country: Japanese Canadians in Niagara* (Richmond Hill, Ontario, 1998); Manitoba Japanese Canadian Citizens Association, *The History of Japanese Canadians in Manitoba* (Manitoba, 1996); Roy Miki and Cassandra Kobayashi, *Justice in Our Time: The Japanese Canadian Redress Settlement* (Vancouver, 1991); Keibo Oiwa, ed., *Stone Voices: Wartime Writings of Japanese Canadian Issei* (Montreal, 1994); Maryka Omatsu, *Bittersweet Passage: Redress and the Japanese Canadian Experience* (Toronto, 1992); and David Suzuki, *Metamorphosis: Stages in a Life* (Toronto, 1987).

3 For a closer examination of the Office of the Custodian of Enemy Property and the records created by its Vancouver office, see the earlier article written by Judith Roberts-Moore, “The Office of the Custodian of Enemy Property: An Overview of the Office and its Records, 1920–1951,” *Archivaria* 22 (Summer 1986), pp. 95–106.

their treatment, fuelled their desire to seek an apology from the government, and request compensation for their losses. Usage of the archival record in subsequent publications also helped to build cultural memory. The Japanese Canadians' efforts to seek recognition of, and restitution for, past injustices illuminates the important role played by a national archives in protecting the rights of citizens through its appraisal and transfer decisions. To provide historical context, the following paragraphs outline the events that overtook the Japanese Canadian community during and immediately after the war and reviews the subsequent response to their uprooting decades later. Included is a description of the records created as a result of the federal government's policy towards this community.

In 1941 the Japanese Canadian community numbered over 22,000. Twenty-one thousand lived along the coast of British Columbia, engaged in fishing, farming, lumbering, manufacturing, trade, services, with a small number in the professions.⁴ Extraordinary events happened to the whole community after the bombing of Pearl Harbour on 7 December 1941. Under the *War Measures Act* and the *Trading with the Enemy Act*, the Canadian government passed Orders-in-Council that deprived the Japanese Canadians of their rights as citizens as well as their property and, as a security measure, ordered their "evacuation" away from coastal areas to abandoned mining camps in the interior of British Columbia. The Canadian Navy towed 1,200 fishing vessels to several areas along the lower coast; unfortunately many vessels sustained damage within weeks and over one hundred actually sank.⁵ Japanese Canadian fishermen then had to sell their boats at much reduced prices based on appraisals completed months after the initial round-up.⁶ Cars, trucks, cameras, radios, and firearms owned by Japanese Canadians were also confiscated and later sold. The Liberal government of Mackenzie King justified its actions by stating that security reasons forced the "evacuation" to diffuse the threat to our western coast by "relocating" the community. Documents created by the government later revealed that political pressure from racist B.C. politicians, including a prominent cabinet minister, influenced the treatment accorded Japanese Canadians.⁷

Implementation of the relocation policy led to the creation of the British Columbia Security Commission in March 1942 to oversee the resettlement either to the province's interior or to internment camps in eastern Canada. The Office of the Custodian of Enemy Property assumed control of the property held by the community. With the assistance of the RCMP and the B.C. Security Commission, all Japanese Canadians first registered for the "evacuation"

4 National Association of Japanese Canadians, *Economic Losses of Japanese Canadians after 1941*, p. 37.

5 Ann Sunahara, *The Politics of Racism*, pp. 28–29.

6 *Ibid.*, p. 102.

7 *Ibid.*, pp. 14, 16, 44–48, 104–105, and 145 as examples.

and then those over the age of fifteen declared their financial status to a representative of the Custodian's Office.⁸

Although the Custodian provided some security for the homes and effects left behind by the Japanese Canadians, the inadequate measures led to vandalism and theft. To solve the problem, the Custodian wished to liquidate their property as it had done with German property following the First World War. The Custodian did not possess such powers until 1943 when another Order-in-Council gave it the right to dispose of the property of all Japanese Canadians without the consent of the owner. Accordingly the Custodian sold all their property and belongings by public tender or auction and wound up their businesses even after the war ended in 1945.⁹ Protests had no effect on the Office's activities. The money generated by the sales went towards their upkeep in the camps; individuals rarely received much income from the sales.

Every adult Japanese Canadian filled out a statement known as the "JP" form. It included the usual tombstone information as well as detailed information on their property and financial status. The information recorded on this form constituted the nucleus of an extensive series of case files on 17,135 Japanese Canadians created and held by the Custodian's Office. Some case files only contained the forms while others provided more details of an individual's assets including the goods sold at public auction, goods left in the protected area, and business records.¹⁰ The case files thus provided considerable information about the property and finances of community members at the time of their uprooting.

The Custodian's Office also kept a series of ledgers, one set for "enemy aliens" and one for "evacuees," noting expenditures incurred by the Custodian on behalf of individual Japanese Canadians for the normal upkeep of a home, farm, or business. The brief entries reflect the fact that most Japanese Canadians owned little property or other assets beyond their houses and savings bonds.¹¹ Complementing these records are the Custodian's operational files outlining policies and procedures for the administration of the affairs of the Japanese Canadians plus a series of business records. The B.C. Security Commission and Japanese Division records largely consist of operational files, not case files. Besides documenting the work of these bodies, the records deal with Japanese Canadians sent to work on sugar beet farms in Alberta and Manitoba, to road construction camps in British Columbia and northern Ontario, as well as the deportation of 4,000 individuals to Japan. The records

8 Judith Roberts-Moore, "The Office of the Custodian of Enemy Property," p. 101.

9 *Ibid.*, p. 102.

10 "RG 117 – Office of the Custodian of Enemy Property – Background on the Office and its Records," Memorandum of 30 September 1985, Judith Roberts-Moore to R.J. Hayward, Chief, Access Section, Federal Archives Division, Public Archives of Canada.

11 Roberts-Moore, "The Office of the Custodian of Enemy Property," p. 104.

provide much information on the camps and services provided to Japanese Canadians.¹²

The Custodian's records document the financial status of the Japanese Canadians over an extended period of time and possess a high degree of value for an economic analysis of their losses or for compensation claims. These records along with the numerous Orders-in-Council passed between 1942–49, demonstrate the ways that Japanese Canadians did not have full citizenship rights. They were forced to leave their coastal homes to live in camps which they could not leave except with permission. They could not work nor attend school except within the confines of the camps. Families were often split. Most men sent to prisoner of war camps in Ontario as "enemy aliens" had merely protested against the separation of families. All Japanese Canadians were treated as "internees," not citizens with certain rights, although the majority had been born in Canada.

When the war ended, the Canadian government forced almost 4,000 individuals, many Canadian-born, to go to Japan. The Canadian-born had their citizenship stripped. The government again resorted to Orders-in-Council under the *War Measures Act* which was about to expire in 1946.¹³ The remaining Japanese Canadians could not go home and were forced to settle in areas east of the Rocky Mountains. This time the Japanese Canadians had public support from such groups as the CCF, the churches, and the YWCA who were especially opposed to the deportations to Japan. It was not until 1949 that all the restrictive orders were rescinded and the Japanese Canadians could vote, hold property, and return to the coastal area of B.C. if they wished. Protests over losses from the sale of their property resulted in the establishment of a federal Royal Commission in 1947 under Justice Henry Bird to investigate and decide upon claims for compensation. In awarding \$1.3 million in claims to 1,434 Japanese Canadians by 1950, the Commission used the market value at the time of sale rather than when individuals turned over their possessions to the Custodian.¹⁴ They also signed a release waiving any requests for further compensation from the government. Few were happy with the work of the Commission which they viewed as being narrow in focus. A number never bothered to submit claims.¹⁵

12 "RG 36/27, British Columbia Security Commission, 1942–1948, 4.92m, vols. 1–44 – Background on the Commission and its Records" and "RG 33/69, Royal Commission to Investigate Complaints of Canadian Citizens of Japanese Origin who Resided in British Columbia in 1941, That Their Real and Personal Property had been Disposed of by the Custodian of Enemy Property at Prices Less than the Fair Market Value, 1935–1950, 8 m., vols. 1–79 – Background on the Commission and its Records," Memoranda from James Whalen to Robert J. Hayward, Chief, Access Section, Federal Archives Division, Public Archives of Canada, 1 October 1985.

13 Sunahara, *The Politics of Racism*, pp. 127–28.

14 *Ibid.*, pp. 154–55.

15 *Ibid.*, pp. 155–60.

The Bird Commission records include over 1,300 case files for claims submitted for losses by Japanese Canadians. The files may include such documents as appraisals, descriptions of fishing gear, lists of furniture and personal effects, tax notices, auction sheets, and property summaries. These records again illustrate the hardships suffered by these Canadians as a result of the government's actions and would prove valuable sources for future investigations of the Japanese Canadians' economic losses.

The wartime events traumatized the Japanese Canadian community which was dispersed across the country by 1950. Up to the mid-1970s, Japanese Canadians did not talk publicly about those events or question their fairness. Changing views coincided with the centennial celebration of the first Japanese immigrant's arrival in 1877. The Japanese Canadian Centennial Project Committee sponsored an exhibition entitled "A Dream of Riches: the Japanese Canadians, 1877–1977" as the major celebration of the Centennial; the accompanying published history traced the development of the community in Canada. Such events awakened an interest in the past by the third generation proud of the earlier generations' accomplishments. In 1977, the Hamilton chapter of the Centennial Committee sponsored a conference on the *War Measures Act* to examine its impact on the Japanese Canadian community, raise awareness about the statute's extensive powers, and investigate its subsequent use by the federal government during the October crisis of 1970.¹⁶ Several books about government wartime policies¹⁷ questioned the fairness of the treatment accorded the community which felt shame about those events.

The *sansei* Japanese Canadians believed the rights of the earlier generations had been trampled upon and looked for ways to right the wrong. The Japanese Canadian Citizens Association, later renamed the National Association of Japanese Canadians (NAJC), formed a committee to consider the reparations question.¹⁸ Association members were also influenced by American activities. A congressional commission investigated the wartime relocation of Japanese Americans also removed from the coastal areas and sent to internment camps. Unlike the Japanese Canadians, the Japanese Americans did not suffer as extensive property losses as their Canadian counterparts partly because the American Bill of Rights provided some protection for individual rights.¹⁹

16 Japanese Canadian Centennial Society, Hamilton Chapter. *War Measures Act Conference: The Japanese Canadian Experience: The 1970 October Crisis* (London, Ontario: Peter Anas Publishing, 1978).

17 See, for example, Ken Adachi, *The Enemy That Never Was: a History of the Japanese Canadians* (Toronto, 1976); Barry Broadfoot, *Years of Sorrow, Years of Shame: the Story of the Japanese Canadians in World War II* (Toronto, 1977); and later, Ann Gomer Sunahara, *The Politics of Racism* published in 1981.

18 Roy Miki and Cassandra Kobayashi, *Justice in Our Time*, pp. 61–64.

19 Isumi Matsumi, "Lessons From History: Japanese Canadians and Civil Liberties in Canada," *Journal of American and Canadian Studies* 17 (25 October 2001), p. 7. Article from the Sophia University (Tokyo, Japan) Web site accessed 26 February 2002:

They were also allowed back in the coastal areas in 1945. The Commission recommended that an acknowledgement of the unjust treatment be signed by the President, and individual compensation for survivors and the establishment of a fund for educational purposes be instituted. In 1988 President Ronald Reagan finally signed a bill authorizing payments.²⁰

Beginning in 1983, the NAJC mounted a continuous campaign for redress from the federal government for the treatment of Japanese Canadians during the Second World War. The Association wanted an apology from the government, individual compensation, a community development fund, abolition of the *War Measures Act*, and the establishment of a human rights foundation to study racism and make recommendations on how to foster human rights.²¹

To build its case, the NAJC submitted several briefs to the federal government strongly based on primary sources, mostly housed in the National Archives of Canada. Their first brief, *Democracy Betrayed: the Case for Redress*, made use of archival documents to prove that the uprooting of the Japanese Canadian community took place because of “racism and political opportunism.” The brief reinforced the notion that the RCMP and the military had not considered the Japanese Canadians to be a security threat and that Mackenzie King admitted to Parliament that not one act of espionage or sabotage had been committed by a member of the community. It was pointed out that Canadian citizens of German or Italian origin had not suffered massive relocation or confiscation of their property.²² Only a small number of German and Italian Canadians had been interned during the war. The points echoed those developed more fully in Ann Sunahara’s book, *The Politics of Racism*, a study of wartime government policy towards the Japanese Canadians, heavily based on archival records in the National Archives of Canada.

To substantiate their claims for financial compensation, the NAJC, in 1985, engaged the firm of Price Waterhouse (PW) to prepare a study of their economic losses. The chief sources underlying their claims were the archival records of the federal government at the National Archives, principally the case files found in the Office of the Custodian of Enemy Property as well as those of the Bird Commission, B.C. Security Commission and Japanese Division. Access was granted to PW under the 8 (2) (j) clause of the *Privacy Act* which allows the National Archives to grant access to the case files of the Custodian containing personal information for “research and statistical purposes” provided that the requestor signs a “written undertaking that no subsequent

<www.info.sophia.ac.jp/amecana/E2/Journal.htm>; National Archives and Records Administration (NARA), “The Constitution Community Lesson Plan: Documents and Photographs Related to Japanese Relocation During World War II, Research Item 6.” Copy from NARA’s Web site accessed 26 February 2002: <www.nara.gov/education/cl/relocate.html>.

20 Miki and Kobayashi, *Justice in Our Time*, pp. 68–69, 110.

21 *Ibid.*, p. 97.

22 Maryka Omatsu, *Bittersweet Passage*, p. 129.

disclosure of the information will be made in a form that could reasonably be expected to identify the individual to whom it relates."²³ The firm employed a sampling technique for the case files on individual Japanese Canadians found in the Custodian's records in order to assess income loss.²⁴ The statisticians then determined the numbers of people in various occupational groups and the number of men, women and children. Using other government records, PW staff were able to estimate income and real property losses as well as losses incurred for boats and fishing vessels.

Issued in 1986 by the NAJC, the study concluded that the economic losses suffered by the Japanese Canadians totalled \$443 million in 1986 dollars. This figure included an income loss of \$333 million because they could not earn their normal wages during the period 1942 to 1949 and a property loss of \$110 million because the "value of property rose quickly between 1942 (when the Canadian Government seized all property belonging to Japanese Canadians) and 1949 (when some of the Japanese Canadians were able to re-enter the property market)."²⁵

Negotiations with the federal government over redress proved difficult and drawn out. Successive ministers of multiculturalism favoured group not individual compensation and never in the amounts that the NAJC believed were fair. The ministers also liked to emphasize that the Japanese Canadian community was divided on this issue since a breakaway group claimed to represent the first generation of Japanese immigrants to Canada who wanted group not individual compensation. The government rejected the economic losses study and no negotiations took place.

During this time, redress received significant press attention. Public support also grew among prominent Canadians, churches, unions, and many ethnic associations.²⁶ As pressure for a solution increased, a rally and redress forum on Parliament Hill, organized by the NAJC in April 1988, asked the government to resolve the issue and enter into negotiations with the Association. These actions caught the attention of the fourth multiculturalism minister, Gerry Weiner. The following August, secret meetings in Montreal hammered out a settlement acceptable to both the government and the Japanese Canadian community.

On 22 September 1988, Prime Minister Mulroney addressed the House of Commons and acknowledged that the treatment accorded the Japanese Canadians during the Second World War was unjust and "violated the principles of human rights as they are understood today." The Redress Agreement also included the awarding of \$21,000 to each eligible Japanese Canadian who suffered losses during their internment, \$12 million to the NAJC to undertake

23 "Privacy Act," *Revised Statutes of Canada* 1985, c. P-21, clause 8.2.j.

24 National Association of Japanese Canadians, *Economic Losses of Japanese Canadians After 1941*, p. 22.

25 *Ibid.*, p. 1.

26 Miki and Kobayashi, *Justice in Our Time*, p. 94.

activities that promote human rights or contribute to the “well being of the community,” \$12 million on behalf of all Japanese Canadians for the establishment of the Canadian Race Relations Foundation with a matching federal contribution in order to promote “racial harmony,” “cross-cultural understanding,” and “help to eliminate racism.”²⁷ As a member of the negotiating team put it, the Japanese Canadian community felt a great weight had been lifted from their shoulders and the community could start to heal.²⁸

The government created the Japanese Canadian Redress Secretariat in the Department of the Secretary of State to implement the individual compensation. Its five-year mandate was to determine the validity of the application made by the individual Japanese Canadian, issue the compensation cheques, and resolve any eligibility questions. The chief source for assessing eligibility of the applicants for compensation were the case files created by the Custodian of Enemy Property in the National Archives. With permission from the Privacy Commissioner, the microfilm copies of the case files were loaned to the Secretariat so they could carry out their validation work. The Secretariat created new records as they administered the awards including a case file on each applicant. In 1994, the National Archives of Canada undertook an archival appraisal of those records and recommended that certain administrative and operational records as well as an electronic database be acquired as the archival record. Only a small example of case files were recommended for transfer since their contents duplicated records already held by the Archives or were largely administrative in nature.²⁹

What impact has redress had on the Japanese Canadian community? The monetary awards allowed a number of Japanese Canadian cultural centres to expand physically and offer broader programmes. The NAJC through its Redress Foundation administers grants “to promote athletic, artistic and academic development of Japanese Canadians” and “to provide financial assistance to community and cultural organisations, and individuals, for projects and activities” as a way of developing Japanese Canadian heritage.³⁰ Grants from the Foundation enabled Roy Miki and Cassandra Kobayashi to publish in 1991 a book about the redress movement (*Justice in Our Time*) and the Ad Hoc Committee for Japanese Canadian Redress to publish *The Toronto Story* in 2000. Such publications have helped to restore cultural memory about those

27 “Terms of Agreement between the Government of Canada and the National Association of Japanese Canadians,” copy provided on the Web site of the Canadian Race Relations Foundation, accessed 15 February 2002:

<www.crr.ca/en/FAQs/RedressAgreement/eFaq_RedressAgreement.htm>.

28 Maryka Omatsu, *Bittersweet Passage*, p. 171.

29 Ellen Scheinberg, “Archival Appraisal Report on the Records of the Japanese Canadian Redress Secretariat, Multiculturalism Branch, Canadian Heritage, 22 June 1994.” Records Disposition Authority 94/009, approved by the National Archivist on 25 November 1994. Copy from the National Archives’ internal Records Disposition Authority Control System (RDACS).

30 National Association of Japanese Canadians, Redress Foundation page on the NAJC Web site accessed 12 April 2002: <www.najc.ca>.

wartime events and the subsequent struggle for recognition of the injustice. Other grants have supported oral history projects, films, artistic exhibits, and many other books.³¹ Have these projects stimulated development of Japanese Canadian culture? It is probably too early to tell, only the passage of time will permit further examination of cultural development of this community.

The story of the Japanese Canadians' experience as revealed through federal government records and interpreted in secondary sources illustrates one way in which government records were employed to ensure the accountability of government to its citizens. Archives such as the National Archives exist to preserve nationally significant records that on the one hand "document the impact of government decision-making upon citizens and groups in Canada and the interaction between the Canadian public and the federal state" and that, on the other hand, "are considered essential to protect the collective and individual rights and privileges of Canadians and their social, cultural and physical environment."³² The Japanese Canadian community collectively and individually was able to draw upon these government records to demonstrate the treatment they received during the Second World War was unjust and rooted in the prejudices of politicians and a segment of society that had held anti-Asian biases going back to the nineteenth century. The case records of the Custodian and Bird Commission were effectively mined by the accounting firm of Price Waterhouse to determine the economic losses suffered by the community. Subsequently those same records were used by the Redress Secretariat to validate the claims for compensation. In a sense, those records established the legal status of the Japanese Canadians interned during the war although the records were never used in a court of law. The records enabled over 17,000 Japanese Canadians to receive compensation for their ordeal during the 1940s.

How far does an archives go in ensuring records documenting past injustices are preserved? What would have happened if these case records had not been kept? Perhaps the community would have received the same compensation or perhaps just an apology would have been offered. The community certainly would not have been able to document their economic losses so thoroughly. The Custodian of Enemy Property and Bird Commission records with their extensive case files were acquired by the National Archives long before the Archives developed its macro-appraisal theory, methodology, and strategy. Application of conventional appraisal criteria determined that the records had high archival value. Although the National Archives has recently adopted the strategic approach embodied in macro-appraisal, there is no question that these records have archival value. Collectively, they illustrate the impact of government policy on a group of Canadians and the unique events that befell them. These records paint a picture of a whole community at key points in their history and development. When the NAJC was ready to pursue redress for the uprooting of

31 Ad Hoc Committee For Japanese Redress, *The Toronto Story*, pp. 338–39.

32 "Preserving the Archival and Historical Memory of Government," p. 3.

the community during the Second World War, the government records documenting that treatment were already preserved in the Archives.

Acquiring records for the protection of individual and collective rights of Canadians is an important purpose for a national archives. By preserving the Custodian's records along with those of the B.C. Security Commission, the Japanese Division, and the Bird Commission, the National Archives acted as an "archives of the state"³³ because those records established the legal status of the Japanese Canadians during the Second World War and immediately afterwards. Those records became essential evidence in documenting the impact of government policy towards Japanese Canadians during the Second World War. The records might have been used to pursue legal action if the Canadian government had not finally agreed to provide financial compensation to the community, largely on moral grounds because, theoretically, the actions of the government in passing the successive Orders-in-Council were legal under the *War Measures Act*. That the ensuing actions were unjust was not recognized by the government and by the public until much later as books, studies, and briefs uncovered the details and significance of the traumatic uprooting of the Japanese Canadian community as revealed by the archival government records in the National Archives of Canada. In drawing further conclusions from this particular example, questions about the accountability role of government in general over the protection of citizen rights arise and deserve further exploration and discussion.

Originally the Canadian government under Pierre Trudeau dismissed the request for compensation from the Japanese Canadians. Mr. Trudeau felt that it was the duty of government to be just in its time but not be responsible for righting the mistakes of past administrations.³⁴ In his view, the Acadians would have to be awarded compensation too. Successive governments, both federal and provincial, have largely rejected this sentiment and more readily consider requests for compensation whether those claims concern native lands, tainted blood victims, residential school abuse victims, or the wrongfully imprisoned, to name but a few examples.

Claims represent steps in reconciling the past with modern notions of human rights and justice for past transgressions. Over the last fifteen years, sizeable First Nation land claims have successfully been negotiated with federal and provincial governments by native groups. Compensation has been awarded to victims of tainted blood and legal claims for compensation by individuals wrongfully convicted of murder have also been awarded. Those who have suffered injustices in the past are now far more likely to hold governments accountable for past practices.³⁵ Claimants often substantiate their

33 "The Macro-Appraisal Strategy of the Government Records Disposition Program and the Use of Legal Value as an Archival Appraisal Criterion," Draft Position Paper prepared by Richard Brown, National Archives of Canada, 7 August 2000, p. 4.

34 Miki and Kobayashi, *Justice in Our Time*, p. 73.

claims with records created by government in carrying out its policies and programmes as well as documents that may also lay in the private sector.

In implementing public policy affecting Canadians, government has a duty to document its decisions and actions for accountability purposes. The significance of the documentation may vary from the routine type whose value may be measured in a few years to important policy and programme documentation that retains its value over several decades. If government must be accountable for past actions, what then is the role of a national archives in protecting the rights and privileges of citizens? The archives can be the passive record-keeper, waiting for the record to come to the institution. Archival passivity, however, risks loss of important records through neglect of the records or their deliberate destruction before being transferred. Conversely, an archives can be proactive, ensuring that documentation of the process and its impact is identified and transferred to the archives to protect the human rights of individuals or groups in our civil society. This requires the adoption of a systematic approach to the disposition and appraisal of government records to ensure that key records of those events are identified and protected as archival.

Documenting such crucial interaction between the state and the citizen or groups of them, especially where such records establish an individual's civil status in some way, is one of the key reasons an archives, such as the National Archives in its role as the "archives of the state," must ensure the preservation of those records. The Japanese Canadian community utilized the relevant archival records to press successfully for restitution from the Canadian government. The capacity of Canadian citizens to hold government accountable for its past actions thus depends on the Archives' ability to make sound appraisal and transfer decisions.

35 The success of the Japanese Canadian community in obtaining recognition for the injustice of their treatment during and after the Second World War prompted two other ethnic groups to seek apologies and compensation for their past treatment by the Canadian government. The Chinese Canadian community renewed its efforts to seek an apology and redress for the imposition of a "head tax" (ranging from \$50 to \$500) levied on their forefathers who immigrated to Canada between 1885 and 1923. In late 1988, the Ukrainian Canadian community stated its intentions of obtaining an apology and compensation for the internment of over 5,000 members of its community as "enemy aliens" or "prisoners of war" during the First World War. Although neither group has succeeded in obtaining their objectives, both continue to put pressure on the federal government for an acknowledgement of wrong-doing. In both cases, evidence of the treatment received by these groups may be found in archival records in the National Archives of Canada. Records related to the "head tax" are mainly found in the Immigration Branch records while those relating to the internment of Ukrainian Canadians during the First World War may be found in the records of the Office of Custodian of Enemy Property, the Department of National Defence, as well as in the records of the British Foreign Office held by the Public Records Office in the United Kingdom. The records are not as extensive as those on the Japanese Canadians and do not include case files which would directly illustrate the impact of the government's actions on individuals. Attempts by these two groups to obtain recognition, apologies, and compensation continue.