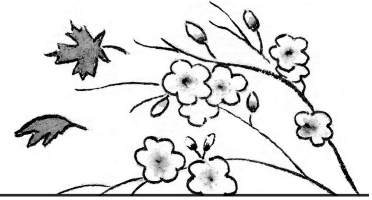


# Landscapes of Injustice

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Landscapes of Injustice Research Collective Working Paper #1

**“Our Appreciation for All Your Goodness and Kindness”:  
Power, Rhetoric, and Property Relations in the Dispossession  
of Japanese Canadians**

by  
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## Introduction

On November 7, 1942, Shichitaro Nagata wrote to Canadian Minister of Justice Louis St. Laurent from Internment Camp 101 at Angler, Ontario. In the letter Nagata, a Japanese businessman who had been arrested, detained, and subsequently interned as an “enemy alien” following the attack on Pearl Harbor nearly a year earlier, asked St. Laurent for an investigation into the possibility of his release. He asserted that since his arrival to Canada in 1907, he had been “an ardent admirer and believer” in Canadian institutions and ways of life.<sup>1</sup> As evidence he stated that he had raised his seven, Canadian-born children as Anglicans and “earnest supporters of Christian faith,” and that he had always conducted his work for Japanese companies in the spirit of forging “a better and closer understanding between the two countries.” Nagata concluded by vowing that, if released from internment, he would continue to support Canada’s war efforts and cooperate fully with its wartime regulations regarding Japanese Canadians.

A month after making his plea to St. Laurent, Nagata was conditionally released and allowed to travel to Edmonton, where his wife and seven children had been living for several months. Whether or not the letter to St. Laurent was directly connected with his release is unclear. However, Nagata’s argument was well-formulated for its audience. His appeal to values of Christian faith and the pursuit of economic self-interest as evidence of his Canadian identity and participation in responsible citizenship demonstrates an understanding of the kinds of moral and economic rhetoric that would influence the government officials reading his letter. Throughout their interactions with the

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<sup>1</sup> Shichitaro Nagata to Louis St. Laurent, November 7, 1942. Vancouver Office Files, Office of the Custodian of Enemy Property. Obtained from Library and Archives Canada via ATIP request.

government during the tumultuous 1940s, many Japanese Canadians demonstrated rhetorical skill in their appeals to government values, prejudices, and sensibilities, which enabled them to make powerful cases for the necessities of citizenship denied to them, including property rights, access to finances, and freedom of movement.

Nagata's argument was also well-timed. An incident at the Petawawa internment camp in Ontario that July, in which guards opened fire on Nisei inmates who were disciplining a fellow internee, had sparked discussion about the unique and ambiguous status of interned Japanese Canadians.<sup>2</sup> Since the arrival of Japanese immigrants to British Columbia began in the late nineteenth century, attitudes and policy toward Japanese Canadians had been driven by suspicion and exclusion. Mawani argues that during this initial period of immigration, the demands of global capitalism that had rendered Japanese labour necessary to the development of the province came into conflict with the colonial state's goal of cementing a firmly British racial identity, and Japanese Canadians were constructed as a threat to both racial purity and white economic prosperity.<sup>3</sup> As a result, the rights and freedoms of Japanese immigrants and their Canadian-born children were consistently denied, and they were disenfranchised, restricted in economic activity, and ostracized from Canadian identity and citizenship.<sup>4</sup>

Caccia argues that the outbreak of war in 1939 and the later attack on Pearl Harbor provided an opportunity for the amplification of exclusionary attitudes and

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<sup>2</sup> Ann Gomer Sunahara, *The Politics of Racism* (Toronto: James Lorimer & Company, 1981), 89.

<sup>3</sup> Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: UBC Press, 2009), 32.

<sup>4</sup> Ken Adachi, *The Enemy That Never Was: A History of the Japanese Canadians* (Toronto, McClelland and Stewart, 1976), 37-47.

policies toward Japanese Canadians beyond what would have been acceptable in peacetime, as the emergence of the wartime category of “enemy alien” heightened suspicions and blurred the lines between “loyal Canadians” and the external enemy threat.<sup>5</sup> However, the outrage expressed by the Canadian-born Nisei following the Petawawa incident, which sparked a government inquiry into the event, necessitated some degree of clarification regarding the distinct status of interned Japanese Canadians in Ontario.<sup>6</sup> In the months following the incident, government officials and camp guards were more careful to treat Japanese internees not as “enemy aliens” with loyalties or military ties to Japan but rather, as Sunahara states, “as Canadians ‘detained at the pleasure of the Minister of Justice.’”<sup>7</sup> These developments motivated many Japanese Canadians interned in Ontario to apply for release, and most went on to seek employment in Ontario and Quebec.<sup>8</sup> Nagata’s direct connection to these events is unclear, but this atmosphere of heightened awareness of the unique status of Japanese Canadians provided opportune conditions for an appeal for release based on values of British-Canadian identity and citizenship.

Despite the emergence of opportunities to influence their treatment by the government, during the war Japanese Canadians were subjected to a general trend in attitudes and policy that sought to legitimate decisive action in dealing with the “Oriental Problem” that had plagued Canada for decades.<sup>9</sup> Hours after the attack on Pearl Harbor

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<sup>5</sup> Ivana Caccia, *Managing the Canadian Mosaic in Wartime: Shaping Citizenship Policy, 1939-1945* (Montreal: McGill-Queen’s University Press, 2010), 20-25.

<sup>6</sup> Sunahara, *The Politics of Racism*, 89.

<sup>7</sup> Sunahara, *The Politics of Racism*, 89.

<sup>8</sup> Sunahara, *The Politics of Racism*, 89.

<sup>9</sup> Caccia, *Managing the Canadian Mosaic*, 27-8.

on December 7, 1941, the government ordered the seizure of approximately 1,200 Japanese-Canadian-owned fishing vessels and imposed a dusk-to-dawn curfew on all Japanese Canadians.<sup>10</sup> In the following days, 38 male Japanese nationals were detained and interrogated by the RCMP, and on January 14, 1942, cabinet passed an Order-in-Council for the removal of all male enemy nationals of military age from the “coastal defence zone,” which extended 100 kilometers inland.<sup>11</sup> These regulations were expanded on February 24 by Order-in-Council P.C. 1486, which granted to the Minister of Justice the ability to detain and remove anyone from the protected area, regardless of citizenship status.<sup>12</sup> The next day, Prime Minister William Lyon Mackenzie King announced that all Canadians of Japanese descent would be removed from the protected area for reasons of national security.<sup>13</sup> Over the following months 22,000 Japanese Canadians living on the coast of British Columbia were uprooted from their jobs, homes, and communities and interned in the interior of the province or sent to destinations east of the Rocky Mountains, with no knowledge of when they would be able to return.

When they were forced to leave the coast, Japanese Canadians could bring only basic necessities with them and had little time or resources to bring or relocate most of their other property. Some sold off their homes and possessions before leaving the coast, or entrusted property to non-Japanese friends and neighbours.<sup>14</sup> The majority of real and personal property left behind by Japanese Canadians was signed over to the Custodian of

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<sup>10</sup> Adachi, *The Enemy That Never Was*, 200.

<sup>11</sup> Sunahara, *The Politics of Racism*, 37.

<sup>12</sup> Sunahara, *The Politics of Racism*, 47.

<sup>13</sup> Sunahara, *The Politics of Racism*, 48.

<sup>14</sup> Patricia Roy, *The Triumph of Citizenship: The Japanese and Chinese in Canada, 1941-67* (Vancouver: UBC Press, 2007), 240.

Enemy Property, which had been granted the power to administer and control it.<sup>15</sup> If they were able, Japanese Canadians could pay to have remaining personal possessions shipped to them, but allowances allocated by the Custodian were minimal and tightly regulated, and restrictions on employment meant that savings often dwindled rapidly.<sup>16</sup> Then, on January 19, 1943, ostensibly due to the declining condition of empty homes and in order to cover internment costs, cabinet passed an Order-in-Council authorizing the Custodian to liquidate all property remaining on the coast.<sup>17</sup> These forced sales were carried out without the consent of owners, and resulted in traumatic and substantial personal and economic losses.

Historians have pointed to both the practical and racial motivations underlying this decision. Sunahara allocates the blame to Ian Mackenzie, a “rabidly anti-Asian” Liberal MP and Minister of Pensions and National Health, whose crusade to rid British Columbia of the “Japanese menace” led him to champion dispossession as a method of both preventing the return of Japanese Canadians to the coast and solving the problem of postwar housing and employment for returning veterans.<sup>18</sup> Stanger-Ross implicates Vancouver’s city government and Town Planning Commission in the dispossession, as they characterized Japanese-Canadian-owned real estate in the Powell Street area as a “slum” and pressured the Custodian of Enemy Property to deal with it as such.<sup>19</sup> The Custodian, which had been quickly overwhelmed by the task of caring for the property of

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<sup>15</sup> Sunahara, *The Politics of Racism*, 57.

<sup>16</sup> Sunahara, *The Politics of Racism*, 110.

<sup>17</sup> Sunahara, *The Politics of Racism*, 106.

<sup>18</sup> Sunahara, *The Politics of Racism*, 101-102.

<sup>19</sup> Jordan Stanger-Ross and Landscapes of Injustice Research Collective, “Suspect Properties: The Vancouver Origins of the Forced Sale of Japanese-Canadian-owned Property, WWII,” *Journal of Planning History* (2016), 5-6.

so many thousands of owners, raised no objection to such property assessments and acted on the advice of these agencies.<sup>20</sup> The legitimation of dispossession using seemingly objective methods of property assessment, Stanger-Ross says, heralded an era in which policy, although not defined by explicit racism, “nonetheless perpetuated racial inequality.”<sup>21</sup>

The multitude of actors, methods, and tactics of legitimation operational within the framework of the dispossession is reflected in the records of the Vancouver office of the Custodian of Enemy Property. Detailed property summaries and assessments compiled on each Japanese-Canadian owner reveal the ways in which the Custodian brought property under its control and facilitated its disposal using disciplinary technologies of cataloguing, quantification, and valuation.<sup>22</sup> Extensive correspondence between the Custodian and Japanese-Canadian individuals and families provides us with compelling narratives that can tell us where displaced Japanese Canadians went, how they conceived of their relationship to their property, and which values and goals were most important to them. Furthermore, communications between the Custodian and other outside agents reveal the complex nature of property relations, and the multitude of conflicting claims and interests that played a role in the dispossession. In doing so, these records show a dialogue unfolding between Japanese Canadians, the Custodian, and other individuals and agencies, and thereby convey property dispossession as a reflection of

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<sup>20</sup> Stanger-Ross, “Suspect Properties,” 4.

<sup>21</sup> Stanger-Ross, “Suspect Properties,” 13.

<sup>22</sup> Cole Harris, “How Did Colonialism Dispospossess? Comments from an Edge of Empire,” *Annals of the Association of American Geographers* 94, no.1 (2004), 179.



unbalanced yet complex power relations that enhance our understanding of how the dispossession transpired.

This reading of the records of the Custodian's office is informed by the ideas of many scholars working on property rights and relations. It uses conceptions of property regimes that emerged initially in the context of British colonial expansion and Indigenous dispossession. Girard has suggested that the establishment of property regimes and contract law was foundational to both the imagination and construction of liberal society, which emerged not as a natural phenomenon but as a consciously sculpted order.<sup>23</sup> In the colonial development of British Columbia, Loo says the process of articulating and enmeshing property rights prioritized capitalist development and individual opportunity for settlement and economic advancement, and that these rights that were, in theory, available to all settlers.<sup>24</sup> Indeed, Weaver suggests that in formulating a legal structure around property and claiming the ability to intervene in property relations and transactions with detachment, objectivity, and consistency, governments took on obligations to live up to these principles and to apply the law fairly, or else risked undermining the basis of their own authority.<sup>25</sup> However, Alexander has theorized a proprietary model in which the primary function of property was not to enable individual freedom and economic advancement, but to consciously formulate, establish, and protect a particular, "proper" social order, the maintenance of which took priority over individual

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<sup>23</sup> Philip Girard, "Land, Law, Liberalism, and the Agrarian Ideal: British North America, 1750-1920," *Despotic Dominion: Property Rights in British Settler Societies*, eds. John McLaren, A.R. Buck, and Nancy E. Wright (Vancouver: UBC Press, 2005), 120.

<sup>24</sup> Tina Loo, *Making Law, Order, and Authority in British Columbia, 1821-1871* (Toronto: University of Toronto Press, 1994), 3-4.

<sup>25</sup> John Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900* (Montreal: McGill-Queen's University Press, 2003), 72.

interests.<sup>26</sup> Unsurprisingly, in British Columbia the particular kind of social, political, and economic order established and enshrined in law was one that produced unequal configurations of race, gender, and class.<sup>27</sup>

It is important to keep the structural formation and purpose of property law in mind when considering the individual meaning and maintenance of property. On a broad level, Blomley has linked property ownership to the “formation of desirable social and political identities,” fostering values of responsible citizenship and economic activity and enabling owners to mobilize state enforcement of their social status.<sup>28</sup> However, he has also indicated that property rights are not as stable as might be presumed, but instead are constantly changing and unfolding within the context of multiple relations of domination between individuals, and between individuals and the state.<sup>29</sup> In addition, Radin has suggested that ownership and property rights are connected not only to political and economic development and status, but also to the constitution of individual personhood.<sup>30</sup> When fungible and personal property claims come into conflict with one another, she argues that these “claims related to personhood” should be assigned greater importance than those based on economic value alone.<sup>31</sup>

In this context of unstable property rights and relations that take on multiple configurations and meanings, Blomley suggests that property ownership requires

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<sup>26</sup> Gregory Alexander, “Property as Propriety,” *Nebraska Law Review* 77, no.4 (1998), 668.

<sup>27</sup> Loo, *Making Law, Order, and Authority in British Columbia*, 5.

<sup>28</sup> Nicholas Blomley, *Unsettling the City: Urban Land and the Politics of Property* (Routledge, 2004), 89.

<sup>29</sup> Blomley, *Unsettling the City*, 22.

<sup>30</sup> Margaret Jane Radin, “Property and Personhood,” *Reinterpreting Property* (Chicago: University of Chicago Press, 1993), 35-6.

<sup>31</sup> Radin, “Property and Personhood,” 70-71.

continual performative enactment in order to be understood and legitimated.<sup>32</sup> The most pervasive formulation through which property ownership has historically been enacted is the doctrine of correct use and improvement, which called for the application of labour and economic resources to undeveloped land in order to legitimate individual land claims.<sup>33</sup> Those who failed to put their land to the prescribed personal and agricultural uses, most notably Indigenous populations in the colonial era, were represented as less entitled to property rights than those who fulfilled their obligations.<sup>34</sup> Other ways through which ownership has been persuasively “enacted” include the rental and sale of property, which, by demonstrating an exercise of control over property, have served to legitimate and reaffirm property rights.<sup>35</sup> Property ownership has also been performed through persuasive storytelling, in which narratives presenting chains of transmission and appealing to values of rights, citizenship, and British-Canadian identity have proven powerful strategies for enforcing property rights and contesting conflicting claims.<sup>36</sup> This thesis will use these frameworks of multiple configurations of property relations and enactments to analyze the records of the Custodian of Enemy Property.

In order to understand the multiple relations of property embedded within the records of the Custodian, and to interpret the enactments of property therein, this paper will employ a framework for understanding the operation of power as imminent and decentred. Foucault argued that power is not something possessed by one group or class

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<sup>32</sup> Nicholas Blomley, “‘Acts,’ ‘Deeds,’ and the Violences of Property,” *Historical Geography* 28 (2000), 86.

<sup>33</sup> Weaver, *The Great Land Rush*, 81.

<sup>34</sup> Harris, “How Did Colonialism Dispossess?” 172.

<sup>35</sup> Blomley, “‘Acts,’ ‘Deeds,’ and the Violences of Property,” 92.

<sup>36</sup> Blomley, “‘Acts,’ ‘Deeds,’ and the Violences of Property,” 92.

to which others are subjected, but instead must be understood as “something which circulates.”<sup>37</sup> Power, he stated, is not a localized commodity held only by a few, but forms a chain and is always simultaneously exercised and undergone by each individual.<sup>38</sup> Loo expands upon Foucault’s conception of power, suggesting that each individual must become somewhat entangled in its net-like structure and repressive qualities, but arguing that through this entanglement power can be manipulated strategically and passed through, which over time transforms its configuration.<sup>39</sup> Giddens has suggested that Foucault’s understanding of power does not give enough consideration to the element of human agency.<sup>40</sup> Individuals, Giddens articulates, are agents with the ability to intervene in processes and produce effects in the world, and can use their innate knowledgeability about the structures and relations of power in which they are involved in order to subvert and use them to their advantage.<sup>41</sup>

The case files of Shichitaro Nagata and Kesahiro Iwashita illustrate the unfolding of power and property relations over the course of Japanese Canadian internment and dispossession. Like Nagata, Iwashita was a Japanese businessman from Vancouver detained and interned in Ontario shortly after the attack on Pearl Harbor. The Nagata and Iwashita families both relocated to Edmonton in 1942 in order to avoid the internment camps in the interior of British Columbia, and the two families even cohabitated in the

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<sup>37</sup> Michel Foucault, “Two Lectures,” *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (New York: Pantheon Books, 1980), 98.

<sup>38</sup> Foucault, “Two Lectures,” 98.

<sup>39</sup> Tina Loo, “Dan Cranmer’s Potlatch: Law as Coercion, Symbol, and Rhetoric in British Columbia, 1884-1951,” *Canadian Historical Review* 73, no.2 (1992), 165.

<sup>40</sup> Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity Press, 1984), 257-8.

<sup>41</sup> Giddens, *The Constitution of Society*, 14, 179, 290, 318.

same house for a short time. Despite these similarities, the families' interactions with the Custodian were strikingly different in many ways. Nagata did not own real estate, and the majority of his family's communications with the Custodian came from his wife Naka and their eldest daughters, Shinko and Fusako, who articulated the moral value of personal property and their relationship to it and constructed powerful arguments based on economic need in order to gain access to their funds. Iwashita was a real estate owner, and his communications with the Custodian reveal the complex nature of property relations and the ways in which multiple overlapping property rights were staked, legitimated, enforced, and undermined during the dispossession. Together, these case files reveal the ways in which power moved among Japanese Canadians, the Custodian, and others, and illuminate the ability of Japanese Canadians to maneuver within oppressive structures in order to influence their circumstances in meaningful ways.<sup>42</sup>

### **Personal Property and Rhetorical Strategy: The Nagata Case File**

Following the detainment and internment of Shichitaro Nagata as an "enemy alien" in December 1941, his wife Naka and their seven children took steps to escape a similar fate. In 1942, the remaining members of the family moved to Edmonton in order to avoid internment in the interior of British Columbia. Despite their seemingly greater

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<sup>42</sup> The records of the Vancouver office of the Custodian of Enemy Property contain over 15,000 individual case files pertaining to the disposal of Japanese-Canadian-owned property. These two cases were selected for analysis on the basis of their ability to illustrate different manifestations of the relations of power and property that operated during the dispossession and which varied between cases and circumstances. Any number of other long and complex case files could also have been selected for inclusion. However, a full analysis of the Custodian's records falls outside the scope of this undergraduate thesis.

degree of freedom, the family's finances remained strictly controlled by the Custodian, which granted a monthly allowance of just \$150 to the eight members of the family living together, and they could not stop the forced sale of their property remaining on the coast following their move. In addition, they found that conditions in Edmonton were averse, and, like many Japanese Canadians, struggled to find employment as a result of racist policies and attitudes perpetuated by city councillors.<sup>43</sup> Later, in 1943, when Shichitaro Nagata had been released from internment and allowed to rejoin his family, the Nagatas secured permission to relocate again, this time to Toronto, where they remained after the war, despite struggling to find housing as a result of city restrictions on Japanese-Canadian residence and ownership.<sup>44</sup>

Over the course of the 1940s, the family had extensive correspondence with the Custodian in which they expressed their fears and concerns, made appeals for access to their possessions and funds, and secured permission to move across the country. The narratives contained within these communications are powerful in their ability to inform us on the nature of property relations, lending insight into the ways in which the Nagata family conceived of their relationship to personal property, and revealing the harmful effects of its differing conception and treatment by the Custodian. In addition, the case file shows us that the Nagatas developed strategies of argument and negotiation that worked within and used the framework of Custodian policy in ways that allowed them to exceed some of its restrictions and improve their well-being as a family, and can thereby inform us on the operation of power through rhetoric.

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<sup>43</sup> Sunahara, *The Politics of Racism*, 85.

<sup>44</sup> Sunahara, *The Politics of Racism*, 111.

First, the Nagata case offers insight into the social and moral value of property and the ways in which these dimensions affected relations of property and power during the dispossession. As Radin has suggested, the ownership of property has not only economic but also personal implications that render it important to individual and familial self-constitution and well-being, and which should be considered in any discussion of property rights.<sup>45</sup> The anxiety provoked by the loss of security and control that accompany property ownership emerges in the Nagata case, particularly in a series of letters received by the Custodian following the relocation of the family to Edmonton in 1942. The household of eight was receiving only \$150 monthly from their Custodian account to cover all their costs of living. In a November 1942 letter to Frederick Field, a representative of the Custodian with whom the Nagatas often communicated, Naka Nagata described the family's financial situation as "both difficult and embarrassing," expressing the anxiety induced by the loss of control over her family's finances.<sup>46</sup>

The loss of security and confidence that accompanied displacement and dispossession also emerged in discussions of the family's unpreparedness for the harsh winter climate in Edmonton. In the same letter to Field, Nagata also requested extra money to buy winter clothing for her children, making reference to the reality that Edmonton was "really cold with quite deep snow" and bitter wind, for which the family was "not at all prepared." In the same month, her daughter Fusako wrote to Field requesting money to buy winter clothing for her and her sister Shinko after they were

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<sup>45</sup> Radin, "Property and Personhood," 35-6.

<sup>46</sup> Naka Nagata to Frederick Field, November 15, 1942, Image 2866-7, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property, available online at [Heritage, Canadiana.org](http://Heritage.Canadiana.org).

forced to walk through heavy snow to get to the university for school.<sup>47</sup> Later, in 1943, Naka Nagata wrote to Custodian representative K.W. Wright, explaining that “the severe climate particularly in winter has not been suitable for the health of my children, my husband, and myself.”<sup>48</sup> The family’s difficulty with the harsh weather in Edmonton, to which they attributed much anxiety, discomfort, and ill health, and their trouble in accessing the resources to prepare for it, suggests that the loss of control over personal property and finances profoundly impacted the family’s security and well-being.

The Nagata case also reveals vast differences in the ways in which the family and the Custodian conceptualized and valued the Nagatas’ property. As Radin suggests, property not only possesses economic value, but is infused with moral value and important to self-constitution, and these components should always be acknowledged and valued highly in conversations around property rights.<sup>49</sup> The Nagatas frequently made the moral value of their possessions clear to the Custodian. In May 1943, Naka Nagata was understandably upset upon discovering that the family’s dog, Mark, along with a pet canary, had been “disposed of” by the tenant living in the house they had rented in Vancouver, and asked that he be evicted.<sup>50</sup> This example provides a poignant reminder of the different kinds of things that make up the category of “personal property,” which includes not only inert objects that are easily replaced, but also living beings with whom owners have important personal bonds. Although these possessions would not have had

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<sup>47</sup> Fusako Nagata to Frederick Field, November 17, 1942, Image 2868, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>48</sup> Naka Nagata to K.W. Wright, August 24, 1943, Image 2929-30, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>49</sup> Radin, “Property and Personhood,” 71.

<sup>50</sup> Naka Nagata to Frederick Field, May 1, 1943, Image 2913-14, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.



much monetary value, the reaction of the Nagatas to this loss demonstrates the family's close emotional attachment to personal property and the distress provoked by its disposal.

However, while the family placed a great deal of moral value on its personal property, the Custodian did not. As a result, the personal property of the Nagata family was reduced during the dispossession to a collection of objects with no value other than the potential revenue they might provide. On March 5, 1942, Naka Nagata delivered a radio to the house of Frederick Field, intending the gift to be "a very small symbol of our deep and sincere appreciation."<sup>51</sup> She went on to explain that while they had received several offers for the radio, she felt that she "would not be able to accept the money, as it would represent my father's hobby, his great love for radios and books." This explanation clearly positioned the radio not as a potential source of revenue, but as a deeply meaningful family heirloom with emotional value and a strong connection to family identity. However, whatever his personal opinion on the matter might have been, Field could not accept the gift, or even hold it in his care for the Nagata family, perhaps out of concern that doing so would be seen as a bribe. He wrote to Deputy Secretary of State G.W. McPherson explaining that he had told Nagata that he would "hold [the] radio for her account."<sup>52</sup> Therefore, despite Nagata's earnest explanation of the moral value of the radio, Field as a representative of the Custodian could not acknowledge it for reasons of propriety, and could only treat the radio as an object of potential revenue for the family.

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<sup>51</sup> Naka Nagata to Frederick Field, March 5, 1942, Image 2842, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>52</sup> Frederick Field to G.W. McPherson, April 2, 1942, Image 2841 Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

Several months later, Field wrote to the Custodian to inform officials that he had removed the radio from his house and delivered it into the care of the office, thereby completely removing the radio from the realm of the personal and into a space in which it would be assigned an economic value and ultimately sold.<sup>53</sup> Upon learning of this, Nagata expressed surprise and disappointment that Field had not kept the radio personally, reiterating that she had “sincerely wished you to have the radio as our appreciation for all your goodness and kindness,” and once again demonstrating the tendency of individuals to assign moral value to their possessions and prioritize it over economic assessments.<sup>54</sup> The incompatibility of the ways in which Japanese Canadians and the Custodian’s office understood and valued property, both as a result of concerns about propriety and its structural mandate to quantify and encourage the sale of property, resulted in the relegation of personal property to a position of potential revenue only, and thereby the negation of a significant component of its value.

The communications between the Custodian and the Nagata family are powerful in their ability to tell us about the traumatic experience of displacement and property loss from Japanese-Canadian perspectives. However, they also reveal that the Nagatas were more than helpless victims in the face of the injustices committed against them. In these records, we see how the Nagata family was able to work within the confines of Custodian policy in order to strategically negotiate access to their finances, possessions, and some degree of movement. Over the course of the family’s correspondence with the Custodian,

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<sup>53</sup> P.S. Ross & Sons to the Custodian, October 20, 1942, Image 2857, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>54</sup> Naka Nagata to Frederick Field, November 15, 1942, Image 2866-7, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

the Nagatas developed patterns of argument within their letters in which they opened by addressing the issue at hand and acknowledging the Custodian's concerns, and then appealed to its moral and economic sensibilities in order to justify their actions and requests, organizing their experiences in ways that the Custodian would find compelling.<sup>55</sup> In doing so, they revealed their knowledgeability of the views and inclinations of the Custodian and their ability to use these in order to alleviate and exceed some of the constraints placed on them.<sup>56</sup> In this process, the dialogue between the Custodian and the Nagata family can inform us on the complex relations of power that unfolded in the context of displacement and dispossession.

The first instance of the family's use of rhetorical strategy in correspondence with the Custodian occurred following the seizure of the Nagatas' two vehicles from their Vancouver home by the RCMP. On February 4, 1942, the eldest Nagata daughter, Shinko, wrote to Field requesting that the family be permitted to keep one of their cars. Nagata opened her argument by acknowledging that the family's ownership of two vehicles might appear impractical and irresponsible, stating "We all knew it was very extravagant to possess two cars."<sup>57</sup> After establishing a perceived transgression of economic sensibility as the basis of her argument, she proceeded to organize the family's motives and experiences in a way that represented their ownership of the two vehicles as rational, practical, and economical. She argued that the size of her family, which had nine members including her parents, was simply too great to fit in one car, and emphasized

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<sup>55</sup> Loo, "Dan Cranmer's Potlatch," 133-134.

<sup>56</sup> Giddens, *The Constitution of Society*, 179, 290.

<sup>57</sup> Shinko Nagata to Frederick Field, February 4, 1942, Image 2820, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

that the second car had been purchased cheaply. She thereby framed the decision as a rational one made based on the practical needs of the large Nagata family and justified what might otherwise be perceived as a luxury. Nagata proceeded to explain that the cost of continuing to use the car would amount to less than the price of taxi fare for the whole family, and argued that they needed access to a vehicle in order to care for their ailing mother in the absence of their interned father. Nagata therefore strategically constructed an argument in which she legitimated her family's use of the two cars and presented a strong case for why the continued use of a vehicle was necessary for the functioning and well-being of the family.

Nagata's appeal was ultimately unsuccessful, which is unsurprising given that the general order for the removal of Japanese Canadians from the coast was issued later that month. Nevertheless, it remains important as an early demonstration of the strategy that the Nagatas would refine and continue to employ in communicating their needs to the Custodian. This rhetorical strategy of arguing based on appeals to economic and practical values was often successful in gaining the family access to extra finances when they found they could not subsist on their monthly allowance of \$150. For example, in her letter to Field of November 1942, in which she emphasized that the family had not been able to subsist on the Custodian allowance following their move to Edmonton, Naka Nagata constructed an argument in the same way her daughter had. She began by framing her argument in terms of a perceived transgression of acceptable and economically sensible boundaries, for which she was extremely apologetic, stating "I too was in a way shocked at the expenditure of the last eight months...I must apologize and more than

apologize for these expenses.”<sup>58</sup> After establishing this apology for transgression, in which she situated herself within the framework of Custodian-approved expenditure, Nagata proceeded to establish specific and extensive justifications for the family’s expenses, arguing in a way that represented them as necessary rather than wasteful. She explained that the Custodian allowance was used only for rent and bills, but that extra expenses had been incurred during the move to Edmonton. In order to further emphasize her financial responsibility, Nagata went on to detail the kinds of “luxuries and non-essentials” that she avoided in her expenses, including “unnecessaries such as shows, clothes, and others.” Nagata’s detailed account of expenditures was successful in securing access to extra funds for winter clothing and subsistence.<sup>59</sup>

The course of the family’s relocation from Edmonton to Toronto in 1943 involved their most successful use of this form of pragmatic rhetorical strategy. Federal restrictions on the movement of Japanese Canadians prohibited them from travelling any distance greater than twelve miles unless they had a permit, and denied them the right to relocate to a new home without permission.<sup>60</sup> The series of letters in which the Nagatas sought the permissions and resources they needed for the move to Toronto shows the ways in which the family used policies to which the Custodian was bound, in this case the policy of economic self-sufficiency, as a basis for strategic argument. As Weaver has suggested, in making policies related to property and claiming the ability to carry them out with objectivity and consistency, governments take on obligations to meet these principles,

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<sup>58</sup> Naka Nagata to Frederick Field, November 15, 1942, Image 2866-7, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>59</sup> Naka Nagata to Frederick Field, December 2, 1942, Image 2873-4, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>60</sup> Sunahara, *The Politics of Racism*, 85.

lest they risk undermining the basis of their authority.<sup>61</sup> The Nagata family's relocation provides one example of the ways in which those who exercise power, including the Custodian, remain subject to its constraining capabilities.<sup>62</sup> To justify their move to Toronto, the Nagata family made strategic appeals to the policy of economic self-sufficiency implemented by the B.C. Security Commission. This policy held that "where families [proposed] to be self-supporting and make their own arrangements for removal, [Japanese Canadians would] not pay the removal expenses."<sup>63</sup> However, if families could not support themselves elsewhere in Canada, they would be compelled to move to internment camps in the interior of British Columbia. In making this policy, the government opened itself to strategic arguments that used this framework of economic self-sufficiency. The Nagata family was able to strategically argue for permission to move and, once this was successful, acted in ways that exceeded the policy's confining elements and enabled the family to pursue other goals as well, most notably that of securing an education for their children.

The family's decision to relocate to Toronto seems to have been motivated by an April 1943 letter from P.S. Ross & Sons, informing Naka Nagata that the balance of family funds held by the Custodian was very low and advising her that the adult members of her family should find employment quickly. The firm indicated that while the Nagatas may have made "representations" as to their ability to support themselves when they moved to Edmonton, if they ran out of funds the B.C. Security Commission would insist

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<sup>61</sup> Weaver, *The Great Land Rush*, 72.

<sup>62</sup> Loo, "Dan Cranmer's Potlatch," 165.

<sup>63</sup> P. Ross to the Custodian, May 1, 1942, Image 2845-6, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

on their relocation to an “Evacuation Camp” in British Columbia.<sup>64</sup> Recognizing that the family was in danger of being forced to move to an internment camp, Naka Nagata wrote to Custodian representative K.W. Wright on August 24, 1943, explaining why the family had not been able to succeed in Edmonton and proposing that they relocate to Toronto as a solution. She stated that, while it had been her “sincere wish to have [her] family secure employment of some form” since their relocation from Vancouver, this had not been possible in Edmonton.<sup>65</sup> She then provided a detailed justification as to why they had been unable to find work despite their best efforts, noting that most of the family had fallen ill due to Alberta’s climate of harsh winters and racist attitudes, which had generated medical expenses, decreased their productivity, and rendered her husband completely incapable of finding work. Following this appeal, Nagata proceeded to outline in economic terms why Toronto was the best option for the family, suggesting that the costs of living would be the same as those in Edmonton, the family’s health would improve, and her husband and daughters would be able to find employment easily as a result of more tolerant attitudes in the East, where she claimed that even “Japanese Nationals have been successful without difficulty to obtain employment.” Nagata’s argument for moving to Toronto was therefore based on a strategic appeal to the economic sensibilities of the Custodian, proposing a plan by which the family might become indefinitely self-supporting and successful in securing the permissions and necessary funds for the move.

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<sup>64</sup> P.S. Ross & Sons to Naka Nagata, April 17, 1943, Image 2915, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>65</sup> Naka Nagata to K.W. Wright, August 24, 1943, Image 2929-30, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

Furthermore, by using the Custodian's policy of economic self-sufficiency to strategically argue for permission to move to Toronto, and by entangling themselves in the rules set forth by the Custodian, the Nagata family was also able to move beyond its limitations. When the family received approval for the move based on their argument that they would easily find work in Toronto, their first action was not to secure employment, but to send their two eldest daughters ahead of them to find housing for the family and to enrol at the University of Toronto. The B.C. Security Commission raised no objection to the two young women continuing their university education, stating only that it required "evidence of [their] ability to maintain [themselves] in the City of Toronto."<sup>66</sup> The Custodian's office, however, expressed confusion to the B.C. Security Commission after receiving a request from the daughters for funds to cover tuition. In a September letter to the Commission, Wright reiterated the Custodian's "understanding that the removal to Toronto was so that Mr. Nagata and the two older daughters could obtain lucrative employment."<sup>67</sup> In Wright's confusion we can see how, by using strategies of argument that appealed to the Custodian's policy of economic self-sufficiency in order to gain permission to move to Toronto, the Nagatas were able to move through the structure of constraint to fulfill their goal of securing an education for their children. Indeed, much later, in a 1944 letter to Field, Shichitaro Nagata confirmed that his main goal in moving to Toronto had been not to find employment, but "to send the children to school as far as

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<sup>66</sup> B.C Security Commission to Fusako Nagata, August 17, 1943, Image 2932, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>67</sup> K. Wright to B.C. Security Commission, September 28, 1943, Image 2955, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.



it [was] possible for obtaining a good Canadian education.’’<sup>68</sup> The family’s ability to meet such goals despite restrictive policy governing its movement demonstrates how Japanese Canadians found ways of strategically maneuvering within the framework of policy to which the Custodian was bound in order to move beyond its constraints.

Another example of the ways in which Japanese Canadians could exercise power using Custodian policy is found in Shichitaro Nagata’s efforts to file a claim against the Japanese-owned Queen Charlotte Timber Holding Company, which had employed him prior to his internment. In this instance, Nagata was able to successfully use the structural legitimacy of the Custodian’s office in order to gain enforcement for his claim against the company and receive the payment to which he was entitled. As an enemy company, the assets of the Queen Charlotte Timber Holding Company were under the control of the Custodian. Nagata detailed his claim against the company in a 1944 letter to Field, explaining that he felt he was entitled to unpaid bonuses from the company for the years 1931 to 1941, as well as his salary from December 1941, which amounted to a total claim of \$6,020.<sup>69</sup> Nagata formulated his claim in a way that represented it as a reasonable request for repayment of hard work put into the company, indicating that he had sacrificed his bonus in anticipation of a time when the company would be in a better financial situation. He also explained that he and his family had endured difficulty as a result of this nonpayment, and emphasized to the Custodian the present “necessity of its approval...for the support of [his] family” following their relocation to Toronto. Nagata’s

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<sup>68</sup> Shichitaro Nagata to Frederick Field, 1944, Images 2992 and 3002, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>69</sup> Shichitaro Nagata to Frederick Field, 1944, Images 2992 and 3002, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

moralizing claim thereby also appealed to the economic sensibilities of the Custodian, and specifically to its policy of self-sufficiency.

The Custodian contacted the company's former director, James H. Lawson, regarding Nagata's claim. Lawson confirmed that Nagata had "devoted a large part of his time to the affairs of this Company" and suggested that his claim was reasonable.<sup>70</sup> Based on this supporting evidence, the Custodian accepted Nagata's claim and provided enforcement for it, contacting him in May 1944 to inform him that it would credit the funds to his account.<sup>71</sup> This instance demonstrates how Nagata was able to use the Custodian in order to legitimate his claim and gain enforcement that would benefit him economically. In this particular instance, it might be argued that Nagata was in fact empowered by the Custodian's seizure of property and structural legitimation of his claim. However, this was only made possible by his continued positioning within a hierarchy established by the Custodian, in which the property rights of the Queen Charlotte Timber Holding Company as an "enemy" entity were compromised to a greater degree than Nagata's ownership rights as an "evacuee" in Canada. In this framework, Nagata was situated by the Custodian in a position of power with respect to his former employer, whose property rights had been irreparably revoked, and he was able to exercise power on this basis. His position of power with regard to the Custodian itself did not change, as he continued to face significant constraints, and the funds he received from

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<sup>70</sup> James Lawson to P. Ross, April 25, 1944, Vancouver Office Files, Office of the Custodian of Enemy Property. Obtained from Library and Archives Canada via ATIP request.

<sup>71</sup> K.W. Wright to Shichitaro Nagata, May 2, 1944, Vancouver Office Files, Office of the Custodian of Enemy Property. Obtained from Library and Archives Canada via ATIP request.

his claim were tightly controlled. Wright informed him that he would be forwarded a monthly cheque of \$200 from the balance, to be used specifically “for maintenance of [himself] and [his] family.”<sup>72</sup> Therefore, although Nagata was able to gain structural legitimation and enforcement of his claim through strategic argument and the positioning of his property rights as having more weight than those of the dissolved “enemy” company, he did not escape the constraints of Custodian policy. In any case, this unique example must be clearly distinguished from other correspondences by the Nagata family, in which, rather than being empowered by the Custodian, they found strategic ways to use and undermine its policies despite the constraints placed on them.

The Nagata case offers insight into many different aspects of the dispossession, particularly as it related to the operation of power. This compelling family narrative informs us on the importance of property to security and subject-formation, and tells us how different conceptions of property, alternatively as economic object and as powerful symbol of self-constitution, affected correspondences between Japanese Canadians and the Custodian. The case file also informs us on how Japanese Canadians could bolster claims to their finances and to a degree of movement using strategic appeals to the moral sensibilities and economic policies of the Custodian, to which it was bound as an important basis for legitimating its authority. Using these strategies, the Nagatas were able to move beyond some of the constraints of Custodian policy in order to work toward their goals and well-being as a family. Furthermore, it shows how Japanese Canadians could, in rare cases, use rhetorical strategy to gain support and enforcement of their

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<sup>72</sup> Wright to Nagata, May 2, 1944, Vancouver Office Files, Office of the Custodian of Enemy Property.

claims against other entities, although in doing so they remained firmly placed within a hierarchy of power and property rights established by the Custodian. The dialogue that unfolded between the Nagata family and the Custodian over the course of their displacement and dispossession demonstrates that relations of power, although certainly unequal and oppressive, were nonetheless complex, and contained opportunities by which Japanese Canadians could move beyond some of the constraints of their dispossession and affect their circumstances in meaningful ways.

### **The Disposal of Japanese-Canadian-Owned Real Estate: The Iwashita Case File**

In many ways, the displacement and dispossession of the Nagata family was closely tied with that of Kesahiro Iwashita, a Japanese import merchant who lived in Vancouver with his wife Fumiko and their three children. Following the attack on Pearl Harbour, Iwashita was arrested, detained, and interned at Angler and, like fellow businessman Nagata, was conditionally released in November 1942 and permitted to relocate to Edmonton, where his family had been living in an effort to evade internment in British Columbia. Iwashita's correspondence with the Custodian mainly revolved around the administration and sale of his real estate. He owned a house on Dunbar Street in Vancouver, was proprietor of a general store in Kelowna, and was guarantor of a 30-acre Kelowna farm under a 1920 Agreement for Sale, which gave him power of attorney to manage, sell, or lease the property. The letters relating to the ownership, assessment, and sale of these properties offer valuable insight into the ways in which the Custodian legitimated dispossession and undermined Japanese-Canadian property rights by suggesting that owners had not fulfilled their obligations to improve the land for which

they were responsible.<sup>73</sup> Iwashita's case file also shows us that the dispossession was not simply a straightforward trajectory in which the Custodian took property from Japanese Canadians, but occurred within the context of multiple complex and overlapping arguments about ownership and land use. The intervention of other parties with interest in Japanese-Canadian property into the correspondence between Iwashita and the Custodian could function, often simultaneously, to reinforce and undermine his property rights. Furthermore, Iwashita also intervened in the dispossession in order to assert his own property rights by suggesting directions for the sale of his real estate, through which he was able to use the Custodian's enforcement to legitimate his property rights and work toward his own economic benefit.

Iwashita's case reveals that the dispossession took place within conceptions and regimes of property that emerged in a colonial context. These understandings of property revolved around the doctrine of improvement as an obligation of land owners, without which claims to ownership and property rights could be undermined and dispossession

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<sup>73</sup> There is some uncertainty as to why Iwashita's property in Kelowna was vested in the Custodian despite falling outside the defined "protected area." In the case of the farm, its sale by the Custodian could be connected with the fact that the purchasers for whom Iwashita was acting as guarantor had returned to Japan in 1931. However, there is also some ambiguity in the language of the Orders-in-Council that demanded the vesting of property in the Custodian and its subsequent liquidation. Order-in-Council P.C. 1665, which on March 4, 1942, laid out the terms for the removal of Japanese Canadians from the coast, clearly stated that "property situated in any protected area of British Columbia belonging to any person of the Japanese race resident in such area" was to be vested in the Custodian "as a protective measure." However, P.C. 469, which passed in January 1943, authorized the liquidation of "any property of persons of the Japanese race evacuated from the protected areas." This ambiguity of language, in which the framing of Custodian control shifted emphasis from the location of the property to the Japanese-Canadian identity of its owners, may have had a very real effect on the breadth of the Custodian's powers. This, however, is speculative and falls outside the scope of this analysis, which accepts at face value that Iwashita's Kelowna properties did in fact come under the Custodian's purview.

legitimated.<sup>74</sup> Seed and Perry, in particular, have located the construction and maintenance of Western housing as key symbols of permanent settlement, stability, and the emplacement of respectable colonial values, and therefore as central to the enactment and legitimation of property ownership.<sup>75</sup> Blomley suggests that historical representations of Japanese-Canadian property and space, particularly in Vancouver's Downtown Eastside, emphasized the population density and substandard living conditions of the area, which served to reinforce racial boundaries and legitimate exclusionary attitudes and actions.<sup>76</sup> Stanger-Ross argues that, in the context of the dispossession, although not explicitly racial in its formulation, Vancouver city officials and the office of the Custodian made the decision to forcibly sell all Japanese-Canadian-owned property in the area based on the condemnation of only a small number of buildings.<sup>77</sup> Although the racialized classification of the area as a "slum" and the Custodian's use of this description in legitimating the dispossession was based largely on convenience, laziness, and pressure from city officials, it nonetheless reinforced racial boundaries and perpetuated inequality.<sup>78</sup> Iwashita's real estate was continually devalued on the basis of its physical condition, which in turn had moral implications surrounding his failure to perform the task of land improvement and thereby legitimating his dispossession in a property regime founded on the mandate of correct use.

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<sup>74</sup> Harris, "How Did Colonialism Dispossess?" 172.

<sup>75</sup> Adele Perry, "From "the hot-bed of vice: to the "good and well-ordered Christian": First Nations Housing and Reform in Nineteenth-Century British Columbia," *Ethnohistory*, 50, no.4 (Fall 2003), 597; Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640* (Cambridge University Press, 1995), 18.

<sup>76</sup> Blomley, *Unsettling the City*, 146-7.

<sup>77</sup> Stanger-Ross, "Suspect Properties," 9.

<sup>78</sup> Stanger-Ross, "Suspect Properties," 11.

In the property summaries provided by Custodian at the beginning of the case file, which detailed the attributes and sale of each parcel of real estate, Iwashita's house and farm were both framed in terms of their undesirability, poor condition, and low value. The description of his Vancouver home emphasized first and foremost the undesirable qualities of the land and building, characterizing the property as "less desirable" due to its location on a carline and the building as "in a very rundown condition" that would cost an estimated \$350 to repair.<sup>79</sup> The emphasis on the poor condition of the house undermined the legitimacy of Iwashita's ownership on the basis of the suggestion that he had not fulfilled his moral obligation to maintain and improve the property, but instead had allowed it to deteriorate.<sup>80</sup> That this representation of the property by the Custodian was an effort to legitimate his dispossession is further revealed upon examination of the source of the Custodian's summary evaluation, a September 1943 assessment conducted for the Custodian by D.W. Reeve. The Custodian's property summary was taken almost verbatim from Reeve's evaluation of the property, and left out only one comment in which he stated that "the location is a convenient one."<sup>81</sup> The absence of this positive attribute in the Custodian's final summary, in favour of an entirely negative representation of the property as substandard and improperly maintained, indicates that the Custodian consciously framed its assessment of Iwashita's home, and by extent Japanese-Canadian-owned property, in ways that undermined property rights and legitimated exclusion and dispossession.

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<sup>79</sup> Real Property Summary for Kesahiro Iwashita, Image 2392-3, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>80</sup> Blomley, *Unsettling the City*, 84.

<sup>81</sup> D.W. Reeve to P.S. Ross & Sons, September 20, 1943, Image 2528, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

The same kind of devaluation occurred in the Custodian's real property summary pertaining to the 30-acre Kelowna farm for which Iwashita was responsible as guarantor for two Japanese purchasers who had left Canada in 1931, giving Iwashita the power to manage, lease, or sell the property. The source for the summary was a May 1943 assessment conducted by Kelowna real estate agency E.M. Carruthers & Son. Carruthers emphasized the poor condition of the farm and its surrounding district, describing the area as "not a very good one, having a poor class of settler in the majority of cases."<sup>82</sup> He proceeded to state that "although the property [was] apparently well cared for, the orchard... could not be classified as first-class," an assessment casting doubt on both the quality of the land and the quality of care given to it under Iwashita's management. Finally, the buildings on the property were assessed as being "of very little value, no better than shacks," a moralizing description harkening back to the notion emphasized by Perry and Seed that housing had to be of a suitable permanence and stability in order to be considered a legitimate marker of ownership rights.<sup>83</sup> This assessment emphasized the poor quality of the land and left the question of correct use ambiguous, implying that the property may have been poorly maintained and thereby casting doubt on the legitimacy of Iwashita's ownership in a liberal property regime founded and legitimated upon the doctrine of improvement.<sup>84</sup>

It is telling that the Custodian selected this property assessment for use in its official summary when a second, more positive assessment of the Kelowna farm was also

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<sup>82</sup> E.M. Carruthers & Son Ltd. to Custodian, May 12, 1943, Image 2495, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>83</sup> Seed, *Ceremonies of Possession*, 18.

<sup>84</sup> Weaver, *The Great Land Rush*, 81.



conducted in May 1943. This assessment, provided to Wright by C.D. Gaddes, touched on many of the same attributes of the property noted by Carruthers, including the undesirability of the farming district, the poor quality of the land, and the low value of the buildings.<sup>85</sup> However, the framing of these qualities was vastly different. The farm's substandard aspects were unambiguously attributed to the natural condition of the land and Gaddes emphasized that Iwashita's maintenance of the farm was not to blame. For example, Gaddes supplemented a description of the poor and stony quality of the land with the statement that "a great deal of work has been done in hauling rocks off," an assessment indicating that Iwashita followed the doctrine of improvement and, to the best of his abilities, put the land to its highest use. In addition, Gaddes stated that the orchard had poor qualities "by reason of land and location" but that overall it had "the appearance of being well-farmed," reiterating his assessment that Iwashita fulfilled his obligations to improve the land, and that any shortcomings were the result of its naturally substandard condition.

While the basic property characteristics provided in Gaddes' assessment were almost identical to those noted by Carruthers, the two evaluations were framed in sharply different ways that had an impact on their valuation of the property and their implied judgment of the character of Iwashita's ownership. Carruthers' assessment, which was used by the Custodian's office in its summary of Iwashita's real estate, emphasized the poor qualities of the farm and left their cause ambiguous, and arrived at a sale value of between \$5,000 and \$6,000. By contrast, Gaddes' evaluation clearly indicated that the

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<sup>85</sup> C.D. Gaddes to R.G. Rutherford, May 1, 1943, Image 2497-8, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

poor quality of the farm and its low value were the result of location, and that its strong maintenance by Iwashita was the only reason it had any significant value, and came to a more consistent valuation of \$6,000. In light of these two diverging assessments of the farm, it is telling that the Custodian included the one that provided a less positive representation of Japanese-Canadian property ownership and maintenance in the summary of its disposal. This is perhaps one example of the phenomenon that Stanger-Ross sees emerging in the mid-twentieth century, in which moralizing arguments around land use, while taking on the form of objective assessment and valuation, provided legitimation for the perpetuation of exclusionary attitudes and policy toward Japanese Canadians.<sup>86</sup> In embracing these kinds of use-based arguments, the Custodian framed the Iwashita case file from its first pages in a way that undermined the legitimacy of Iwashita's ownership by suggesting improper maintenance of both his house and farm, and thereby worked to continually legitimate his dispossession.

However, it should not be assumed that the process of Iwashita's dispossession was simply a straightforward trajectory from ownership to dispossession in which he and the Custodian were the only two actors. In fact, a striking feature of the Iwashita case file is the articulation of multiple, overlapping property claims by many owners and prospective residents of his real estate. These arguments took place within moralizing discourses of personal property and ownership rights related to land use and improvement. Such claims could work to undermine Iwashita's rights and inscribe new claims, but also often functioned to reinforce Iwashita's ownership to varying degrees.

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<sup>86</sup> Stanger-Ross, "Suspect Properties," 12-13.

Particularly within the context of tenancy in Iwashita's Vancouver house, these functions were not mutually exclusive.

Beginning in 1942, following the relocation of the Iwashita family to Edmonton, the Custodian was contacted several times by individuals inquiring into the possibility of renting or using their Vancouver home in some way. The relationship between tenancy and dispossession is complex, and must be considered from several perspectives. Following the removal of Japanese Canadians from the coast but prior to the forced sales, many interned Japanese Canadians relied on the rental of their property as a rare source of revenue amid the difficulties of unemployment.<sup>87</sup> In addition, Blomley has remarked that the ability to rent and sell as a proprietor is a fundamental marker of property rights, and a method through which they can be enacted and reinscribed.<sup>88</sup> However, it is also important to consider tenancy in the context of the displacement and dispossession of Japanese Canadians as part of what Blomley describes as the simultaneous emplacement of new, more socially desirable residents and the reshaping of the landscape in material and representational ways.<sup>89</sup> Furthermore, Radin suggests that tenancy rights are often better respected than those of absentee landlords as a result of an increased strength given to rights of personal property that holds moral value for owners and is important to their personhood.<sup>90</sup> Correspondence between the Iwashita family, the Custodian, and both resident and prospective tenants, demonstrates these complexities. Claims by tenants attempted to inscribe property rights by strategically arguing why their emplacement in

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<sup>87</sup> Sunahara, *The Politics of Racism*, 110.

<sup>88</sup> Blomley, "'Acts,' 'Deeds,' and the Violences of Property," 92.

<sup>89</sup> Blomley, *Unsettling the City*, 109, 115.

<sup>90</sup> Radin, "Property and Personhood," 57-8.

the Iwashita home was desirable, a process that often involved appealing to the moral sensibilities of the Custodian and to the doctrine of improvement in order to gain legitimation and enforcement of their claim.

In October 1942, the Custodian received a letter from RCAF Flight Lieutenant W.D. Laird, in which he indicated his desire to rent Iwashita's Vancouver home and made an argument for his emplacement based on an appeal to the moral values of the Custodian's office.<sup>91</sup> Laird opened his letter by stating his understanding that the house had been "vacated" and was presumably available for rent. This strategy articulated the displacement of the Iwashitas and used neutral language to avoid discussing the terms of their absence and to thereby undermine the position of the home as an important space of individual and family life in favour of positioning them as absentee landlords. Laird then made his case for emplacement, introducing himself as a Flight Lieutenant in the RCAF stationed at the Vancouver airport and in need of accommodations for himself and his wife. He concluded his letter by offering to provide "favourable references" from Colonel Lennox Arthur of the British Columbia Security Commission and W.M. Sellens of the Imperial Bank of Canada. In making these statements, Laird positioned himself and his wife as desirable candidates for emplacement. Not only would Laird's military affiliations have rendered him a morally desirable tenant in the context of war, but his claim was legitimated by his ability to provide authoritative legal and economic references to enforce it. Laird's claim shows how, in the context of displacement and dispossession, arguments for emplacement were made by prospective tenants which,

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<sup>91</sup> W.D. Laird to Custodian of Enemy Property, October 16, 1942, Image 2443, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

although benefitting Japanese Canadians by providing a source of revenue and forming part of their property rights, simultaneously served to negate the moral value of their property. In doing so, the circumstances of displacement were erased and the landscape was represented instead as a “vacant” one onto which new, more desirable property ownership could be inscribed.

Laird’s attempt to inscribe a claim to the use and benefit of the house failed, however, as the Custodian had already emplaced a tenant, K.M. Anderson, who also made moralizing arguments based on the doctrine of improvement in order to gain enforcement of his tenancy rights. Anderson’s used-based claim as a tenant had complex implications, serving to simultaneously reinforce, undermine, and violate Iwashita’s rights of ownership. In November 1943, Fumiko Iwashita wrote to the Custodian from Edmonton, requesting that a unit of sawdust remaining in the Vancouver house be sold and the proceeds sent to them for use in purchasing winter clothing.<sup>92</sup> Normally, the Custodian would raise no objection to selling possessions at the request of Japanese Canadians. However, Iwashita’s request was intercepted by L.A. Howe, Anderson’s realtor, who responded with a list of repairs that Anderson had carried out in the house, including repairing the front door knob and back steps, and repainting the bathroom and kitchen cupboards.<sup>93</sup> Howe concluded his letter by suggesting that, in light of the value of these repairs, Iwashita should “forget the sawdust.”

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<sup>92</sup> Fumiko Iwashita to Frederick Field, November 3, 1942, Image 2448, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>93</sup> L.A. Howe to P.S. Ross & Sons, November 24, 1942, Image 2455, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

In some ways, Anderson's claim as articulated by Howe worked to reinforce Iwashita's ownership, by positioning him as responsible for paying for improvements and therefore asserting his status as the property owner and the party who would benefit from the improvement. However, it also simultaneously undermined Iwashita's property rights with regard to the sawdust and the house, most overtly by denying his right to govern the use and sale of the sawdust, which is a fundamental aspect of owning property and a powerful method of enacting the rights associated with it.<sup>94</sup> Furthermore, Anderson's argument also had moralizing dimensions related to the doctrine of improvement, undermining the Iwashitas' authority over the property by suggesting that the family had not properly maintained it. By arguing that he had improved the condition and therefore the value of the house, Anderson's own claim to the use and benefit of Iwashita's home and other property, in this case the sawdust, was also legitimated. Anderson's claim met full support from Wright, who suggested that he be assisted in making further repairs to the house, thereby providing state legitimation and enforcement of his claim, and of his emplacement as a socially desirable resident based on his ability to perform the duties of property improvement that Iwashita had failed to fulfil.<sup>95</sup> In such examples of arguments made by tenants claiming the right to use and benefit from the Iwashita home, we see a complex dynamic unfolding between tenants, Japanese-Canadian owners, and the Custodian in which rental did benefit Japanese Canadians economically and to some extent reinforced their ownership and property rights. At the same time, however, moralizing arguments based on land use and improvement also legitimated the

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<sup>94</sup> Blomley, "'Acts,' 'Deeds,' and the Violences of Property," 92.

<sup>95</sup> K.W. Wright to P.S. Ross & Sons, January 27, 1943, Image 2464, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

displacement of Japanese Canadians and the violation of their property rights, as well as gaining enforcement for the emplacement of new, more desirable residents.

However, not all of the overlapping property claims advanced with regard to the property belonging to the Iwashita family attempted to displace Japanese Canadians and emplace others. For example, in the case of the Kelowna farm of which Iwashita was guarantor, the property's owner Irene Fallis voiced support for Iwashita's maintenance of the farm and his right to maintain an interest in it. As a result of the complicated division of interest in the farm, of which Fallis was the owner and Iwashita was guarantor for two absent Japanese purchasers who had failed to meet the terms of the agreement, the Custodian spent some time considering the question of whether the property should be sold and who should benefit from the sale. In supporting Iwashita's interest, Fallis made moralizing arguments based on his respectable character, his personal economic investment in the property, and his proper maintenance of the farm. In a February 1943 letter to the Custodian, Fallis said that over the course of twelve years managing her farmland, she had found Iwashita to be "very fair and honourable" and expressed reluctance "to take any advantage of the predicament he is in at present."<sup>96</sup> She later elaborated, explaining that despite the farm's financial difficulties Iwashita "kept the place in good condition" and dedicated his personal finances to running the farm, even when it was to his economic disadvantage.<sup>97</sup> As the owner, Fallis' support of Iwashita's interest in the farm was influential, forcing the Custodian to carefully consider how best

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<sup>96</sup> Irene Fallis to the Custodian, February 25, 1943, Image 2477, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>97</sup> Irene Fallis to the Custodian, March 17, 1943, Image 2481-2, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

to deal with each party involved and leading officials to determine that Iwashita may have been “entitled to be recouped out of the proceeds of the sale of the property.”<sup>98</sup>

Fallis’ arguments were powerful, based on appeals to Iwashita’s personal moral character and the belief that he had put the land to correct and productive use to the best of his abilities. As a result, her intervention helped reinforce and legitimate Iwashita’s right to an interest in the property and a portion of the proceeds of its sale.

The presence of multiple, overlapping property claims in the Iwashita case serves to complicate our understanding of dispossession beyond its conception as a forceful enactment by a state agency upon an individual or group. Dispossession, it is clear, occurred within the context of multiple and complex moralizing arguments around ownership and land use. These claims relating to land use and moral values unfolded within a property model in which desirable ownership involved, as Alexander suggests, a performance of propriety that contributed to the maintenance of social order, which took precedence over the owner’s security from commodity losses.<sup>99</sup> These arguments could directly oppose or support Japanese-Canadian property rights, and Fallis’ did the latter. More often, however, and particularly in cases where tenancy was involved, property claims had more complicated effects, serving to reinforce the property rights of Japanese Canadians by positioning them clearly as owners responsible for the property, but simultaneously undermining their legitimacy as owners by suggesting that they had improperly maintained it. Such claims also served to legitimate and gain enforcement for

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<sup>98</sup> P.S. Ross & Sons to the Custodian, April 21, 1943, Image 2490-91, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>99</sup> Alexander, “Property as Propriety,” 5.



their emplacement in the homes of absent Japanese Canadians by representing themselves as socially and morally desirable residents.

While claims such as those made by Fallis were influential, supporting Iwashita's property rights by attesting to his respectable character and his proper use and maintenance of the land, the arguments that Iwashita could successfully make in his own defence were limited. At certain points, he attempted to strategically enforce his property rights using principles of higher use. For example, in 1943 he wrote to the Custodian challenging the valuations of the Kelowna farm by arguing that its value was greater owing to "the wonderfully good condition of the land as a result of the unstinted care taken with regard to fertilization and cultivation during the past thirteen years."<sup>100</sup> Similarly, in September 1941, Iwashita restated his claim to an interest in the farm, arguing on the grounds that he had personally spent "a large amount of money for improving and re-conditioning the property, which was left...in a most neglected and unproductive state."<sup>101</sup> These arguments, while they represent Iwashita's understanding of the power of rhetoric and of the kinds of strategies that could be used to make a claim to property, were not usually successful, and did not represent the most powerful means by which he was able to claim property rights. As demonstrated in the Nagata case, there were limitations on the kinds of arguments that Japanese Canadians could successfully use, and among these limitations were those that directly opposed Custodian policy and decisions. Iwashita's efforts to convey and enforce his property rights were most

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<sup>100</sup> Kesahiro Iwashita to the Custodian, July 4, 1943, Image 2508, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

<sup>101</sup> Kesahiro Iwashita to the Custodian, September 18, 1943, Image 2524, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

successful when he worked alongside the Custodian in the sale of his property, and attempted to direct its transfer in ways that would benefit him. As is the case with rental, the sale of property can be a powerful means of inscribing and enacting property rights.<sup>102</sup> By influencing the sale of his property, Iwashita was able to assert his property rights and work to better his own economic situation.

Iwashita's ability to strategically enact his property rights through sales is shown in the communications relating to the sale of his Kelowna business, in which he successfully argued for the transfer of the property to his business partner on the basis of economic practicality, moral values, and, perhaps most surprisingly, racial prejudice. In October 1942, three months before the liquidation order, Iwashita wrote to McPherson from internment in Ontario, asking that his general store in Kelowna be transferred to its long-time manager, B. Matsumura.<sup>103</sup> He argued that this course of action was the most economically sensible option for both himself and the government institution responsible for his finances, as he claimed to owe \$17,000 in debt to Matsumura. He claimed that business would improve if the debt was alleviated, and also attested to the hardworking and faithful character of Matsumura, who had managed the store effectively for 25 years, and questioned the morality of disengaging him "from the only trade he knows."

The most fascinating aspect of Iwashita's argument was its racial dimension. He pointed to competition with "unscrupulous...Japanese firms in Vancouver" as the source of recent business difficulties, and assured McPherson that, as internment had removed "this menace" for at least the duration of the war, the business would soon begin to

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<sup>102</sup> Blomley, "'Acts,' 'Deeds,' and the Violences of Property," 92.

<sup>103</sup> Kesahiro Iwashita to G.W. McPherson, October 19, 1942, Image 2444, Microfilm reel C-9304, Vancouver Office Files, Office of the Custodian of Enemy Property.

improve, with Matsumura as owner. This representation of a Japanese menace interfering maliciously in the economic activities of hardworking farmers and business owners falls directly in line with the spectre of the “Yellow Peril” penetrating the province to usurp the economic successes of hardworking Canadians that British Columbians had long been conditioned to fear, and which provincial politicians used in order to legitimate the enforcement of racist exclusionary policy.<sup>104</sup> Iwashita’s argument for the transfer of the property to Matsumura was successful, approved by the Custodian in order to clear him of liabilities as part of its responsibility in administering his finances, and therefore working to Iwashita’s own economic benefit as well as the Custodian’s. It is important to note that this transfer was non-monetary, and it is possible that Iwashita and Matsumura had privately made arrangements for the later transfer of the property back to Iwashita. Although this is speculative, if true it would confirm the view that Japanese Canadians worked actively to protect their property from interference by the Custodian. In any case, by making a strategic argument based on moral and economic sensibilities and playing on racial prejudices, Iwashita was able to benefit economically from the transfer and, in gaining state enforcement for his suggestion, to successfully exercise his right as a property owner in the repressive context of Custodian control.

The Iwashita case offers us several insights into the mechanisms of displacement and dispossession and the ways in which property claims were forged and undermined through strategic argument. First, it demonstrates how the doctrine of improvement that emerged in the colonial period as a foundational mandate of ownership in the liberal property regime was used in order to undermine the legitimacy of Japanese-Canadian

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<sup>104</sup> Roy, *The Triumph of Citizenship*, 36.

ownership and to implicitly justify the dispossession. It also serves to complicate our understanding of dispossession as an act performed by the state upon an individual or group by presenting us with multiple overlapping claims to property use. These various moralizing arguments played a role in reinforcing and undermining Japanese-Canadian property rights, validating the displacement and dispossession, and working toward the emplacement of new residents more conducive to the maintenance of the “proper” social order. Finally, Iwashita’s ability to gain state enforcement of his property claims by influencing the sale of his property shows us how Japanese Canadians could successfully exercise agency and control by working within the framework of their oppression in order to enact property rights and work to their own economic benefit.

## **Conclusion**

The unfolding of the displacement and dispossession of Japanese Canadians was a complex process that involved both shared experiences and processes, and highly personal individual interactions with the Custodian of Enemy Property. The case files of Shichitaro Nagata and Kesahiro Iwashita illustrate the differences in how interactions with the Custodian could play out. The Nagata file presents us with a detailed narrative of family life and activity, from which we can learn how the family understood their relationship to their personal property and how they reacted to its loss. In addition, it shows us that the Nagata family developed rhetorical skills that enabled them to strategically appeal to Custodian values and policies in order to exercise power and influence their circumstances by gaining access to funds, securing permissions to move, and pursuing an education for their children. The Iwashita case offers a less personal

account of the dispossession, one dominated by the articulation of property rights as dependent on the fulfilment of the moral doctrine of improvement. Such arguments were used to various purposes by the Custodian, Iwashita, and others with interest in his property, including the often simultaneous undermining and reinforcement of Iwashita's property rights, the legitimation of his dispossession, and the inscription of new claims to the use of his property. Furthermore, the case shows how the sale of property could be used as a powerful tool through which Japanese Canadians could gain enforcement for their property rights and improve their economic situation.

Although these two cases show different experiences of dispossession and a different level of interaction with the Custodian, they both reveal how the dispossession, beyond its direct material application, operated within a “culture of argument.”<sup>105</sup> Property rights were staked, legitimated, contested, and undermined within the realm of rhetorical debate, in which the Custodian, Japanese Canadians, and others all operated. Discussions around the demands of the doctrine of improvement, heartfelt attestations to the moral value of personal property, and appeals explaining why certain decisions were practical were all measured and judged within this “culture of argument.” In this context the operation of power, although unbalanced, was fluid, and could be harnessed and manipulated using rhetorical strategies that represented experiences and proposed courses of action in ways that aligned with the values and sensibilities that formed part of this culture. The manipulation of power through the strategic use of rhetoric enabled Japanese Canadians to maneuver within the structures that oppressed them and to exercise agency

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<sup>105</sup> James Boyd White, *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (Madison, Wisconsin: University of Wisconsin Press, 1985), 98.

over their own lives and circumstances despite their exclusion from property and citizenship rights.

My application of property theory to the dispossession has expanded upon and complicated some of these theories in ways that should be noted. This thesis explores Radin's notion of personal property by investigating some of the emotional consequences provoked by its loss and also revealing that, in practice, its moral value was often negated as a result of the incompatible ways in which individuals and institutions understood and dealt with property. I also implicitly link Blomley's conception of emplacement with Alexander's notion of a proprietary model of property and the concept of the doctrine of improvement in order to suggest that a new social order was constructed through the property relations that unfolded during the dispossession. This social order was articulated using moralizing and racialized arguments related to land use that served to legitimate displacement. Finally, my conclusion that the dispossession unfolded within a "culture of argument" speaks to Blomley's conception that property ownership is conveyed and performed through persuasive storytelling. The particular kind of storytelling employed in the context of dispossession related to the doctrine of improvement and to the moral value of property, and was capable not only of reinforcing the narrator's ownership rights, but also of delegitimizing and dispossessing others.

These new perspectives on the dispossession should also be taken into consideration by scholars working on Japanese-Canadian history. While research on the exclusion and uprooting of Japanese Canadians has often yielded examination of organized protest and resistance by Japanese Canadians, treatment of the dispossession has less often considered the ways in which individual Japanese Canadians reacted to and

resisted the loss of their property. In addition, while scholarship has often dealt with the matter of general public opinion toward Japanese Canadians and its role in the implementation of exclusionary policy and internment, it has failed to take into account the intervention of non-Japanese-Canadian individuals in the unfolding of property relations within the context of the dispossession. Furthermore, my analysis of the operation of rhetorical strategy within these records adds nuance to the ways in which we can think about what constitutes “power” and “resistance” in the context of historical interactions between Japanese Canadians and the government.

The Nagata and Iwashita families were just two among thousands uprooted from their jobs, homes, and schools, separated from their communities, and stripped of their property during the 1940s. Among the things they lost were family heirlooms, pets, homes, businesses, vehicles, and the sense of safety, security, and belonging that accompanied them. In circumstances of anxiety and uncertainty, these two families journeyed across the country, facing employment discrimination, oppressive and exclusionary federal and municipal policies, and open public racism nationwide in the hopes of settling in a place where they could regain some of what had been taken from them. These stories of courage and resilience, in which families did all they could to make a better life for themselves despite the overwhelming odds against them, are crucial to the century-long narrative of Japanese-Canadian struggle against government oppression, and add vibrancy and texture to the fabric of Canadian history.

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