

## Negotiating the Dispossession

Part 6 of the series, Community Records and the Human Experiences of the Uprooting of Japanese Canadians, by Eiji Okawa and Landscapes of Injustice Research Collective (eiji.okawa@gmail.com)

### The Onus of Officialdom

Have you ever said to yourself, when dealing with the government, “why does it have to be so complicated?” From tax forms to applications for various permits, visas and licenses, the government sets up procedures and offices that process specific application forms and the like. When filling these forms, we are demanded to present ourselves in line with the categories that are used to formalize the complex social world in which we live—gender, nationality, occupation, and so on. And of course, we have to first find the right office and personnel within the juggernaut of bureaucracy, which itself can be a daunting task, or at least it was before the advent of the mighty search engines on the internet. (Does anyone recall being bounced from one phone line to the next or one desk to another for a very simple inquiry? Akira Kurosawa’s film, “To Live” [*Ikiru*, 1952] is a brilliant critique of this kind of onus of bureaucracy) If we don’t go to the right office, the government can’t help us, and if we don’t fit into the categories that it uses to register our existence it can’t recognize us.

If bureaucracy can be cumbersome over the course of our more or less ordinary lives, what was it like for Japanese Canadians to deal with the government under the baffling circumstances of the 40s? Those who worked tirelessly for Redress must have a few things to say about the challenges of negotiating with officials. But really, how did Japanese Canadians assert their interests to the government that shattered their lives and what avenues did they have to that end? What happened to families and friends when they were ripped apart not only from their homes but also from one another?

### Japanese-Canadian Protest

In their forthcoming article in the journal *Law and History Review*, Jordan Stanger-Ross at University of Victoria and Nicholas Blomley at Simon Fraser University, both researchers of Landscapes of Injustice, analyze a remarkable body of records that have hitherto been unexamined. The records in question are 292 letters of protest written to the government by 247 Japanese Canadians when they found out that their homes and properties had been sold without their consent. The sales represent a clear violation of the initial promise by the government to protect the same properties that were left behind under the wartime policy of forced dispersal. Needless to say, they felt betrayed and were utterly shocked by the opportunistic change in policy that left them deprived. The writers of the letters expressed their anger and disapproval of the sales. But as Jordan and Nicholas discuss, they also articulated complex and special meanings that were woven into their properties and the significance of the losses thereof. There was a considerable dissonance between how the federal government measured and registered the losses, on the one hand, and the actual losses that were felt and experienced by the dispossessed, on the other. It should be noted that these letters are freely accessible online at [www.canadiana.ca](http://www.canadiana.ca).

In a similar vein, the records that I introduce in this article reveal the complexity of the experiences of dispossession. Given the government’s abusive treatment of Japanese Canadians, we are eager to find cases of clear resistance and protest. However, in some cases the dispossession itself was convoluted, and it is necessary to account for the multi-layered relations of power and interests that converged in the liquidation of assets.

### **The Morishita-Ebisuzaki Family**

Let us now pick up where we left off in the previous article. We are examining the records of Teiji Morishita and his family and business, the Ebisuzaki store that was located at 337 Powell Street in Vancouver. In the last article, I suggested how the usage of terms like “bankruptcy” and “insolvency” to describe the financial standing of the store after the government shut it down was ludicrous. Income stopped when the store was closed and inventory was sold at a bargain. The Custodian’s nullified the store’s outstanding account receivables but stood on the side of the creditors and reinforced their right to collect from the store. Teiji and his family found themselves in an excruciating circumstance. The wealth that they had created through long years of hard work had vanished. They couldn’t collect money from the people who owed them but were made responsible for the debts of the store. Now they faced a government that was set to dissolve the store for good by settling its outstanding accounts.

In this article, I attempt to shed light on this dynamic a little clearer, and do so by exploring the significance of a loan of \$1000 that Teiji had borrowed from his nephew, Kentaro Ebisuzaki. The loan, as readers may recall, was mentioned by Teiji in his August 28, 1948 letter, which was featured in the previous article.

As Teiji’s daughter, Nancy Morishita recounts, the Ebisuzaki and Morishita families were very close-knit. Kentaro was the eldest son of Teiji’s elder sister, Hide and her husband Masataro Ebisuzaki. After Masataro went to Japan in the late-30s, Teiji was running the store together with Hide and Kentaro. Teiji could go on his monthly rounds to deliver various food items to the store’s clients in Haney, Mission, Hammond and other agrarian communities along the northern side of the Fraser River, because Kentaro stayed at the store. All the while, Kentaro’s younger brother, Kojiro (Ko) made delivery runs to clients on Vancouver Island and the store had another hired driver who delivered to customers lived to the south of the Fraser River. The delivery service was an important aspect of the store’s business model, as touched on in part 2 of this series (See *Bulletin*, Nov.2016). But the point here is that the store was a family business that was sustained by the collective effort of the two families. They also lived together in the same house on East Cordova Street.

The two families were separated as a result of the forced dispersal. Initially, the Morishitas went to Raymond, Alberta but soon moved to Rosebery and then Lemon Creek which were among the so-called “ghost-town camps” that were situated around Slocan Lake in BC interior. The Ebisuzakis stayed in Vancouver a little longer, but they, too, went to Lemon Creek and then moved to Toronto. The Morishitas stayed in Slocan City, BC until 1960. Kojiro, on the other hand, was incarcerated at the prisoner of war camp in Angler, Ontario in 1942 for protesting against the government’s road camps scheme that took men away from their families. He later settled in Hamilton.



*Image 1 is a photograph of the family, taken in early 1942 in Vancouver before Teiji left for Raymond in March of 1942. The little baby in the middle is Toyotaro Ebisuzaki. He is the baby who appeared in part 4 of this series (see Bulletin, Jan. 2017). He became ill and died in June 1942. In the photograph, Toyotaro is held by his mother, Kinuko Ebisuzaki, who was Kentaro's wife.*

### **Kentaro's Letter**

Our first document is a letter that Kentaro wrote to Teiji on December 23, probably 1948. In the letter, Kentaro makes references to a letter from the Custodian that Kentaro received, dated December 13.<sup>1</sup> Below is an English translation of Kentaro's letter which he wrote in Japanese. The quotation marks are excerpts from the Custodian letter that were translated into Japanese by Kentaro himself, but for our purpose, I have pasted the original text from the Custodian letter. In the letter, Kentaro explains to Teiji the key points of the Custodian letter. He was fluent in both English and Japanese. He was born in Canada but, like his little brother Kojiro, went to school in Japan before coming back to Canada when he was a teenager. He went to Japan because his mother had to work day and night for the store, hence unable to attend to her little children. Back in Canada, he went to a commercial school and helped with the store. Teiji, on the other hand, was an issei who came to Canada in 1920. His English was limited and needed Kentaro's help to correspond with Canadian bureaucrats.

*Thank you very much for sending us so many presents which arrived today. Kinuko hasn't found a job yet, but it looks as though we will be able to celebrate both Christmas and New Year. For Christmas, Kojiro and his wife will join us and we will have a turkey dinner. The enclosed letter [from the Custodian] concerns the \$1000.00 loan.*

*"On receipt of your letters of 25<sup>th</sup> August and 15<sup>th</sup> September the matter was referred to Legal Counsel who now advise that positive proof of debt must be produced to the Custodian before a definite decision can be given."*

*“In view of the fact that when you registered with the Custodian you did not declare any claim against Teiji Morishita, and when Morishita registered on 8<sup>th</sup> December, 1942 he did not declare the liability which he now alleges to exist in your favour, positive proof must be produced to this office of the validity of the claim which you now make.”*

*“Please, therefore, send us by Registered Mail the original note signed by T. Morishita, as the typewritten copy sent us with your letter of 25<sup>th</sup> August is not sufficient.”*

*“If you or your uncle have any further original documents in support of the claim—your cancelled cheques or certificate from your Bank that such cheques were paid from your account; receipts in your favour, signed by your uncle, if the amounts stated were paid in cash; any original letters or demands for payment which may have passed between your uncle and yourself relative to this matter.”*

*“Your file was sent to Toronto on 8<sup>th</sup> September last in connection with the hearing of your claim before the Claims Commission and has not yet been returned to us but we expect to receive it before the end of this month. We will then be in a position to consider the matter of your claim against T. Morishita and will require to have in our possession the documents mentioned above so that all evidence can be considered.”*

*“Please, therefore, send these documents at the very earliest opportunity.”*

*In reply, I wrote [to the Custodian]: “I am sending you the only proof, which is type e [fourth category of proof documents mentioned by the Custodian?] I don’t have any other document of evidence, because I loaned him \$500 on April 3, 1935, \$300 on July 10, and \$200 on September 15, all in cash.” That is all I wrote. I didn’t write anything else. I am thinking that I will stick to cash transaction through and through.*

*If we don’t respond properly, we might go to jail.*

*If they ask why there are no documents and if all the money was really in cash, I am going to say that the loan is a family matter between an uncle and a nephew, and I won the cash gambling. But for now, I am not going to mention anything that isn’t necessary.*

*I was contemplating whether to send you the letter that they sent me and the letter that I sent to the Custodian, but that won’t be necessary any more.*

*There are just a few days remaining this year. Wish you all a happy new year. Thank you again for the presents.*

*December 23, 11pm*

*Kentaro<sup>ii</sup>*

As we see, Kentaro's family was starting to settle in Toronto, and they kept close ties with the Morishitas who had just sent them a parcel of Christmas presents. But the main concern at the time was the loan. That was what the Custodian letter was about. It was an urgent matter. Evidently, Kentaro even felt that if they didn't respond to the Custodian's queries property, they may get in trouble with the law and end up in jail.

### **Navigating the Entangled Process of Dispossession**

There are several factors to consider here. The first is the financial standing of the store, after it was seized and closed down. As mentioned already, it had outstanding debts. The second is Teiji's personal account which was created when his home on Cordova Street was sold by the government. That account was controlled by the Custodian, too. And third, there was the Royal Commission ("Claims Commission") that was set up by the government in attempt to allay demands of Japanese Canadians for compensations for their losses. All of these were related. The following letter from a Vancouver law firm called Campbell, Brazier, Fisher & McMaster helps to understand what was happening with the store's account. Written on May 11, 1949, the letter addressed Teiji.

*Dear Sir:*

*Re: Japanese Property Claims Commission.*

*You are probably aware that a proposed settlement of claims for property losses is now under consideration.*

*In view of the fact that M. Ebisuzaki Co., has remaining unpaid liabilities consisting of accounts payable in the amount of \$4499.46 and it would not appear that an award in excess of \$3500.00 to \$4000.00 would be made, we feel that unless the creditors are willing to enter into an arrangement with you as to apportioning such an award if and when made, it would be a useless effort to press the claim.*

*We would like to have instructions whether or not you wish us to attempt an arrangement with the said creditors. It might be pointed out that of the \$4499.46 owing creditors, something over \$3,000.00 is owing Japanese creditors. We feel certain that these creditors would be interested in an arrangement whereby they might split the award 50-50 with you. We have no doubt that the other creditors would also be interested in receiving another dividend no matter how small.*

*Please let us hear from you by return mail.*

*Yours truly....<sup>iii</sup>*

In other words, Teiji's lawyer suggested that he could negotiate with the creditors and solicit their agreement to share the money obtained from the Commission. It was hoped that the creditors, aware of the circumstances, might agree to such an arrangement. The lawyer thought that Japanese creditors in particular might be understanding of the circumstances and accept this proposal.

Unfortunately the plan didn't go well. On November 29, the lawyers wrote to Teiji:

*...we are not meeting with a great deal of success with respect to obtaining the consent of creditors to the proposed method of distribution of any monies recovered upon an award by the Commissioner.*

*Most of the larger occidental creditors [meaning “white”] have agreed but we are having difficulty getting agreement from a number of the Japanese creditors. Furthermore, upon going into the matter further with Mr. Shears concerning the two or three large creditors who have returned to Japan, we find that they returned “voluntarily” and accordingly, the Custodian while he has control of their assets, has not power to compromise a debt on their behalf. Therefore, it would be necessary to obtain consent from these creditors as well.*

*It is disappointing because we think there is a reasonable possibility of recovering \$1500 to \$2000 from the Commission. One thing that crosses our mind is this: we understand that P.S. Ross & Sons have suggested to the Custodian that they should press you personally as one of the partners of the Company for payment of the balance of the debt. If an award were recovered and even the full amount is applied on the satisfaction of these debts, it would at least reduce your liability for them. You appreciate that in Canada each partner is liable for all of the debts of a partnership....<sup>iv</sup>*

The creditors were far from generous. But the alarming part of the letter was the idea that the creditors were entitled to recover their money from Teiji’s personal money. This was a suggestion made by Ross & Sons, which must have been a law firm that was hired to advise the Custodian office. Canadian law made partners of a business liable for the debt of the business, and Teiji’s formal status was a partner.

Accordingly, the Custodian was about to give all the money from the Commission directly to the creditors without a single cent to Teiji. But that would not be enough to settle the store’s debt so Teiji would remain indebted, personally. And the Custodian had the legal grounds to transfer the remaining funds in Teiji’s account to the creditors.

Again, this problem would never have arisen had the store been running as usual, or had they been able to collect the store’s outstanding accounts receivables. Seen this way, it was a bizarre unintended consequences of the closure of the store. And it pressed Teiji and his family very hard into a tight corner.

### **The Custodian’s Demand**

Teiji had little recourse. Everything was being decided by bureaucrats in consultation with their lawyers. No doubt the officials were aware of the fact that the project of dispossession put them in the uncharted waters of administrative practice, so they needed the advice of legal experts to secure their footings. For Teiji and Kentaro, the \$1000 loan was a means to protect the family’s asset from creditors and the government. If Teiji owed Kentaro money, then wouldn’t the settlement of that debt take precedence over the interests of the creditors who, after all, were seeking to collect from the store? The distinction here is between the store’s account and Teiji’s personal one, and the logic was that claims over a personal account should be recognized by the government if it were to recognize the claims over a business account.

But of course, to legitimize the personal loan, Teiji and Kentaro had to work together and present their loan in the terms that was recognizable by the government. And that was not so easy. For one thing, Teiji and Kentaro were now living in different places and had to correspond by mails. But second, the straitjacket of the government demanded certain protocols for the debt to be deemed real. Therefore, it rejected their initial claim of the debt. To that effect, F. G. Shears of the Custodian sent Teiji the following letter, dated August 31, 1950.

*We are holding \$1124.49 to the credit of your account. We have a further request from the Liquidator of Ebisuzaki & Company to pay this amount to him in order to contribute to the deficiency of funds required to pay creditors of the partnership.*

*We are aware that you claim to have borrowed \$1000.00 from your nephew, Kentaro Ebisuzaki and that this amount should be paid to him rather than being applied to payment of partnership debts.*

*We have pointed out to Mr. Kentaro Ebisuzaki that it was evident that the note which he sent us purporting to support this loan, while being dated Sept. 15, 1936, had only recently been typed in English, the original note written in Japanese had been destroyed. It is difficult to understand why, after keeping a note for over twelve years, it was destroyed just at the time when its evidence would have been of value.*

*In referring this matter to Ottawa, they agree that the evidence before us is insufficient and suggest that if the facts are as have been previously indicated by yourself and Mr. Kentaro Ebisuzaki, that an affidavit disclosing all the details concerning this loan should be made by yourself, and a further affidavit from Mr. Kentaro Ebisuzaki in support of his claim.*

*If this is done and you are prepared to swear to these affidavits in a legal manner, we will then submit the documents to our [sic] solicitor for his opinion as to whether the \$1000.00 should be paid to Mr. Kentary [sic] Ebisuzaki or to the Liquidator of the partnership.*

*This matter must be attended to promptly so that a final decision can be given by the Custodian...<sup>v</sup>*

As we see here, Shears refused to recognize the loan unless both Teiji and Kentaro submitted affidavits to formalize it. But Shears didn't promise anything. All he said was that if the protocols were followed, then he would consult the lawyers ("our solicitor"), perhaps Ross & Sons, to determine if the money could be remitted to Kentaro instead of the creditors.

Teiji went to see a commissioner in Slocan City on September 6, 1950 to produce a Statutory Declaration to validate the loan.<sup>vi</sup> Then he sent it to the Custodian, together with a letter that said:

*Thank you for your letter of August 31<sup>st</sup>. I particularly wish the \$1000.00 to be paid to my nephew, Kentaro Ebisuzaki, as I borrowed the money from him years ago, and the balance \$124.49 I would like, if possible sent direct to me....<sup>vii</sup>*

### **The Significance of the Loan**

What came out of Teiji and Kentaro's efforts is not entirely clear. But it is not difficult to detect the ambivalence with which Teiji and Kentaro interacted with the Custodian, vice versa. Shears and officials in Ottawa questioned the authenticity of the loan itself. And it might seem plausible to ask if Teiji had actually borrowed the money from Kentaro. However, I would say that by doing so we would be overlooking the nature of the evisceration caused by the dispossession.

It is beside the point whether or not Teiji actually borrowed the money. The store was a family business sustained through a concerted effort of both the Morishita and Ebisuzaki families. And their home on Cordova Street was shared by them all. They all lived under a single roof. Legally, the ownership of the

store may have been held jointly by the founder, Masataro and Hide Ebisuzaki and Teiji (who were “partners”), while the home was under Teiji’s sole title. But that was a matter of formality that says nothing about the family relations and practices that enabled them to lead the socioeconomic life that they did. The two families formed a coherent unit, and each persons did her or his part to make that unit work. But as a family, the roles that each played were not necessarily monetized let alone legally defined. The hard work that family members put into the store for years and decades was not intended to yield immediate returns but long-term results, and the ultimate aim of the family enterprise was the well-being of its members and their pursuit of life in Canada.

But as the government churned the store in its machinery of dispossession, it needed to institutionalize the various relations and positions that structured the business in terms that it could recognize. The informal roles of family members had little or no place in the government register, and the state exercised its prerogative to determine who among the diverse stakeholders of the store were entitled to pursue their interests. Hence it backed the creditors who mercilessly went after Teiji’s and the family’s asset while it invalidated their accounts receivables. The loan represents the family’s struggle to shield themselves from the crushing force that sought to deprive them of what was remaining of the wealth they had so painstakingly generated before the war.

Indeed, the experiences of dispossession were complex. It is ironic that state power infiltrated into the matrix of social relations that shaped Japanese Canadian lives just when those lives were being destroyed by the state. As Teiji and Kentaro felt compelled to present themselves as a “creditor” and “debtor” to negotiate with the authorities, they risked breaking the law to the point that the thought of being put in prison crossed their mind. Let us be absolutely clear: they were not offenders but perennial victims of the crooked state. Revealed herein is the enigma of the state as the bastion of power that monopolized legitimacy and legislative authority. What is frightening about the dispossession of Japanese Canadians is not simply that it occurred but that it was carried out legally, which is a potent reminder of the need to subject legislative moves to an ethical scrutiny.

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<sup>i</sup> *Morishita Family Collection*, Nikkei National Museum 2011.79.1.1.2i-2a-2b/MS88 file 5.

<sup>ii</sup> *Ibid.* 2011.79.1.1.2i-4a-b.

<sup>iii</sup> *Ibid.* 2011.79.1.1.2j-6/MS88 file6.

<sup>iv</sup> *Ibid.* 2011.79.1.1.2j-9.

<sup>v</sup> *Ibid.* 2011.79.1.1.2k-9/MS88 file 7.

<sup>vi</sup> *Ibid.* 2011.79.1.1.2k-11a-b.

<sup>vii</sup> *Ibid.* 2011.79.1.1.2k-10.