

# Constitutional Stories: Japanese Canadians and the Constitution of Canada

Eric M. Adams & the Landscapes of Injustice Research Collective\*

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## Introduction

Chemainus is a small town on the eastern shore of Vancouver Island, north of Victoria, British Columbia. The Stz'uminus Nation has occupied the coastal and forested lands of the area since time immemorial.<sup>1</sup> Settlers began to arrive to those Coast Salish lands in the late-eighteenth and early-nineteenth centuries.<sup>2</sup> Towards the end of the nineteenth century, the first Issei immigrants from Japan joined the settlers.<sup>3</sup> By 1900, a number of Japanese immigrants lived in Chemainus to work in the prosperous lumber mills.<sup>4</sup> Over the next several decades, Japanese Canadians in Chemainus, as elsewhere in British Columbia, established a community composed of Issei and Nisei (first and second-generation) families.<sup>5</sup> Settled and successful, Canadians of Japanese ancestry nonetheless lived in a climate marred by intense discrimination and racial hostility as white settlers in British Columbia implemented formal and informal mechanisms to exclude, marginalize, and discriminate against Japanese Canadians, and Asian Canadians more generally, sometimes to the point of violence.<sup>6</sup> Writing "racial barriers

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\*Associate Professor of Law, University of Alberta, Faculty of Law. I delivered earlier versions of this paper at *Constituting Canada: Interdisciplinary Approaches to an Idea* organized by the Association for Canadian Studies in Australia and New Zealand at the University of Wollongong, NSW, Australia, and at the Peter A. Allard School of Law at the University of British Columbia. I thank audiences at both events for feedback, and am especially grateful to Benjamin Authers, Robyn Morris, and Marie-Eve Loiselle for the opportunity to present this work in Australia. This article also benefited from two anonymous peer reviews, as well as the outstanding research work of Rachel Weary and the *Landscapes of Injustice* collective. Finally, I thank Jordan Stanger-Ross, Phillip Girard, Kaitlin Findlay, and Sarah Krotz for helping me refine the argument.

<sup>1</sup> Amy Becker, "The Stz'uminus Storied Places Project: A Community-Based Digital Mapping Project to Mobilize Indigenous Place Names and Place-based Stories" (2014) 5:1 *The Arbutus Rev* 1.

<sup>2</sup> Jean Barman, *The West Beyond the West: A History of British Columbia*, 3rd ed (Toronto: University of Toronto Press, 2007).

<sup>3</sup> Nagano Manzo, the first known Japanese immigrant to British Columbia, is said to have arrived in 1877, but it was not until Japan eased restrictions on emigration in 1885 that significant numbers of Japanese immigrants began to arrive in British Columbia. See Audrey Kobayashi and Peter Jackson, "Japanese Canadians and the Racialization of Labour in the British Columbia Sawmill Industry" (1994) No. 103 *BC Studies* 33 at 40. See also Patricia E. Roy, *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: UBC Press, 1989); W. Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy Towards Orientals in British Columbia* (Montreal: McGill-Queen's University Press, 2002).

<sup>4</sup> *Report of the Royal Commission on Chinese and Japanese Immigration* (Ottawa: King's Printer, 1902) at 360. Edmund James Palmer, manager of the Victoria Manufacturing Company's mill in Chemainus, reported 56 workers of Japanese origin at the mill in 1902.

<sup>5</sup> See generally Ken Adachi, *The Enemy That Never Was: A History of Japanese Canadians* (Toronto: McClelland and Stewart, 1977).

<sup>6</sup> "In 1907, anti-Asian riots rippled up and down the Pacific coasts," Erika Lee writes. The September 1907 Vancouver riot involved a crowd of some 10,000, with rioters viciously attacking the businesses of Chinese Canadians and Japanese Canadians. Erika Lee, "Hemispheric Orientalism and the 1907 Pacific Coast Race Riots" (2007) 33:2 *Amerasia Journal* 19. Anti-Asian racist riots occurred elsewhere too. Over

# Constitutional Stories

**Sabine Zange**



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