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SECRET

MEMORANDUM TO THE DEPUTY MINISTER

APPROVAL AND DISTRIBUTION OF DRAFT MINISTERIAL RECOMMENDATION ON PRIVATE MEMBER BILL C-302 THE ITALIAN-CANADIAN RECOGNITION AND RESTITUTION ACT

FOR APPROVAL

SUMMARY

- Attached for your approval is the draft Ministerial Recommendation (MR) on Private Member Bill C-302 the Italian Canadian Recognition and Restitution Act.
- The MR is scheduled to be presented to the Operations Committee on March 30, 2009.
- Your consent is sought by March 17, 2009, in order to distribute the draft MR at the Central Agencies meeting on March 18, 2009 and to share the draft with the Minister's Office.

BACKGROUND:

- During the Second World War, under the authority of the Defence of Canada regulations of the *War Measures Act*, about 632 persons of Italian origin were interned in Canada for varying periods. Under the same authority, Italians residing in Canada had to register with Canadian authorities as 'enemy aliens'; were prohibited to leave the country without authorization; anti-war and anti-Canada activities were prohibited; and the right of assembly was strictly monitored. These prohibitions were later extended to include all Italians naturalized after 1922. Those detained underwent a review process and by the summer of 1942 a total of 338 detainees had been released.
- The property of internees was transferred to the Custodian of Enemy Alien Property. Some internees claim that property was never returned. Details of these cases are still not clear, and information on the extent of property removal and non-return is not readily available.

- Since the Government of Canada signed the Japanese Canadian Redress Agreement in 1988, Italian-Canadians have been requesting Government of Canada recognition for their Second World War internment experience.

CONSIDERATIONS:

- Bill 302 (C-302), as tabled by opposition MP Massimo Pacetti, seeks that the Government: officially recognize and formally apologize for the Second World War internment of Italian-Canadians; negotiate with the National Congress of Italian Canadians (NCIC) in order to reach an agreement for restitution for the internment in the form of an educational foundation and other educational projects; and issue a commemorative stamp or set of stamps.
- Bill C-302 was introduced on February 10, 2009. The first hour of debate at second reading is scheduled to take place on March 24, 2009, or sooner should there be an exchange between members. Barring exchanges, the second reading vote is expected to take place in early June.
- The Minister's position is to not support the Bill.
- Under the Community Historical Recognition Program \$5M is available for commemorative and educational projects related to the Second World War internment experiences of Italian-Canadians. An Advisory Committee composed of community representatives will be appointed by the Government of Canada to provide advice to Citizenship and Immigration Canada on eligible projects submitted by the Italian-Canadian community.
- Passage of the Bill would have serious legal implications:
 - Increase liability for damages related to the internment with implications for legal action brought against the Government by a former internee – Mr. Osvaldo Giacomelli, and a potential action to be brought by the estate of Mr. Panfilo Ferri;
 - Affect an anticipated legal action from the NCIC over the design of the CHRP; and
 - Increase the risk of a Charter challenge by other communities affected by similar past government action.
- Financial authority and funds would have to be sought for the establishment of the foundation and other educational projects, should the Bill pass.

CONSULTATIONS:

- Departmental officials will be meeting with central agency representatives on March 18, 2009. The final MR is due at PCO by 4:00 p.m., on Tuesday, March 24, 2009.

- The MR has been developed in consultation with Communications, Finance, Parliamentary Relations, and both Canadian Heritage and CIC Legal Services.

RECOMMENDATIONS:

- You approve circulation of the draft MR for Central and Interdepartmental meetings.
- You approve sharing a draft with the Minister's Office.

Andrea Lyon

I concur

Richard B. Fadden

Attachment:

A. Ministerial Recommendation: Bill C-302