

Stories of Citizenship: Using Oral History to Understand the Past

Part 1 – Citizenship and Nationality Laws

The Naturalization Act (1914) was one of the laws that governed Canadian nationality and naturalization prior to 1947.

Read this excerpt from *The Naturalization Act* and answer the associated questions. After you have heard the oral history clips, you can return to the law and consider how the stories you have heard change your understanding of the law.

Naturalization Act of 1914 An Act Respecting British Nationality, Naturalization and Aliens

Interpretation

2. In this Act, unless the context otherwise requires, the expression
- (a) “alien” means a person who is not a British subject; ...
 - (d) “British subject” means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted; or a person who has become a subject of His Majesty by reason of any annexation of territory; ...
 - (f) “disability” means the status of being a married woman, or a minor, lunatic, or idiot; ...

Part I. – Natural British-born Subjects

3. The following persons shall be deemed to be natural-born British subjects, namely:
- (a) Any person born within His Majesty’s dominions and allegiance; and
 - (b) Any person born out of His Majesty’s dominions whose father was, at the time of that person’s birth a British subject...
 - (c) Any person born on board a British ship whether in foreign territorial waters or not...

See clip 3, Alice Louie-Byne
See clip 4, Keith Lock

Question: At the time that this law was in effect, was a person born in Canada with Chinese parents considered a “British subject” or an “alien”?

Part II. – Naturalization of Aliens

4. The Minister may grant a certificate of naturalization to an alien who makes an application for the purpose, and satisfies the Minister
- (a) That he has either resided in His Majesty's dominions for a period of not less than five years...; and
 - (b) That he is of good character and has an adequate knowledge of either the English or French languages, and,
 - (c) That he intends if his application is granted either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.

See clip 1, Judi Michelle Young
See clip 2, Poy Tong

4.3 The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Minister, and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision....

Question: At the time that this law was in effect, how could a Chinese "alien" be naturalized? Was there any guarantee that a naturalization petition would be successful?

5. A person to whom a certificate of naturalization is granted by the Minister shall, subject to the provisions of this Act, be entitled to all political and other rights, powers and privileges, be subject to all obligations, duties and liabilities, to which a natural-born British subject is entitled or subject, and as from the date of his naturalization have to all intents and purposes the status of a natural-born British subject...

Part III. - General

13. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien...

See clip 2, Poy Tong

Question: At the time that this law was in effect, did a Canadian-born woman's citizenship status change if she married a Chinese-born man? Did a Canadian-born man's citizenship status change if he married a Chinese-born woman?

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Part 2 – Citizenship in Oral History

Follow along as you listen to the excerpts from four oral history interviews with Chinese Canadians. As you listen, ask yourself the following questions:

- Who is the narrator? Did the events in question happen to them, to someone they know, or to a stranger?
- How does the narrator understand citizenship?
- How does this story fit with your understanding of the law? Does it support or contradict your understanding of the law? If it contradicts your understanding of the law, can both stories be true, or is one mistaken (i.e., story misremembered or law misapplied)?

Clip 1 – Judi Michelle Young: A woman describes her father's naturalization in the late 1800s

Interviewer: And what year was he born in, just to give us a sense and when did he immigrate to Canada?

Judi Michelle Young: He came in the late 1870s. I don't know exactly when he was born but probably somewhere in the 1860s. And he received his Canadian citizenship at 1899.

Interviewer: Was that fairly common for a Chinese labourer to receive citizenship at that time?

Judi Michelle Young: Probably not. He was one of the educated few I think at that time and he could and write Chinese but he learned English quite quickly and became one of the CPR's interpreters and he also helped to recruit and room and boarded those recruits. So consequently not only did he labour but he also helped in the other areas and that might have made him a little less dispensable.

Clip 2 – Poy Tong: A man describes his uncle's naturalization in the 1920s

Poy Tong: Yeah he was. And he became a citizen, in the '20s.

Interviewer 1: Wow.

Poy Tong: Because he owns a business. He owns the building. So therefore they let him become a citizen.

Interviewer 2: If you didn't own a building, or have property...

Poy Tong: Or business.

Interviewer 2: Was it so easy to become a citizen?

Poy Tong: No. You cannot be- a lady said, you cannot consider laundry as a business. Remember Jean Lumb?

Interviewer 2: Yes.

Poy Tong: She owned a grocery store, therefore she owns a business. She retained her citizenship- or she regained her citizenship. She lost her citizenship because she married a Chinese, not a Canadian.

Interviewer 2: Because she married someone that was not born in Canada?

Poy Tong: Right.

Clip 3 – Alice Louie-Byne: A Canadian-born woman describes her experiences in the 1940s

Interviewer: Okay Alice I'm just going to ask you a couple of questions just to round out the interviews from our last session. So our first one is: Can you tell me about your experiences with becoming recognized as a Canadian citizen despite the fact that you were born in Canada?

So basically you were born in Canada, like myself, I was born in Canada, and I've never really sort of questioned the fact that I was a Canadian citizen because I was born in Canada but I think for you, you had quite a different experience with that, right?

Alice Louie-Byne: I thought I was a Canadian but they didn't recognize me as a Canadian. Because I was born here.

Interviewer: Yeah. Exactly.

Alice Louie-Byne: So they did not recognize me as a Canadian.

Interviewer: So how did you find out that they did not recognize you as a Canadian?

Alice Louie-Byne: In applying for a job they would not let you apply for a job and then when I was 21 I thought being an adult they should be able to let me in then but they didn't.

Interviewer: You mentioned something about a civil servant exam or something like that?

Alice Louie-Byne: When I was 21 there was a job advertised for a civil service job. I had finished school and I was good at school and I thought I should try for it. And I tried for it and they said, 'Well you're not a Canadian citizen. You can't even write the civil service examination. You can't apply.'

Interviewer: So then when was it that you officially became recognized as a Canadian citizen?

Alice Louie-Byne: When the Canadian Citizenship Act was legislated and we all had to go through the process of becoming a Canadian citizen. So you were recognized whether – you got the paper that you were a Canadian citizen. I suppose that's what you call recognition.

Clip 4 – Keith Lock: The son of a World War Two veteran discusses his father’s training in the B.C. interior

Keith Lock: And at the time when they were in the Okanagan, they were visited by a general – very high-ranking guy – General Pearkes and he won a Victoria Cross in World War I. He was a very distinguished soldier. And he met them and they talked with them in their camp and he was astounded. They told him all the things that Chinese were restricted. And he was astounded. He didn't know this. And he didn't know that Chinese could not vote. And I think he realized the injustice. I think they all did. And he wanted to help. And he promised them that when the war was over he would help them get the vote. I guess he was moved because it was new information to him and here they were putting their necks on the line and they didn't have the basic citizenship rights as everyone else. And after the war he kept his word and he did work for Chinese enfranchisement in B.C. The fact that the Chinese served in World War II, that was the irrefutable evidence that Chinese Canadians were worthy of full citizenship. And I think that was part of the reason they did not want Chinese in the military because I think they knew if they were allowed to serve in war time that they would have no choice. And there was a lot of anti-Chinese feeling.