". . .IN THE SAME MANNER AS OTHER PEOPLE": Government Policy and the Military Service of Canada's First Nations People, 1939-1945

by

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ABSTRACT

During the Second World War, thousands of First Nations men served in Canada's armed forces. This thesis examines how government and military policies on recruitment and organisation constrained the choices of Natives who volunteered for active service. In addition, it reconstructs the chain of events that led to the registration of most of the Native population, and eventually to the compulsory military service of Native men for overseas duty. Bureaucratic mismanagement, indecision and jurisdictional squabbling plagued this process, leaving First Nations people vulnerable to the intrusive policies of government agencies more concerned with the successful prosecution of the war than Native concerns. This study will provide a narrative basis for future historical work.

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For Kirsty.

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Chapter 1:

Canada's First Nations and the Second World War - Introduction and Historiography

From the very beginning, Canada's experience has been interwoven with Aboriginal people, an interaction that has frequently taken the form of military confrontation or alliance.[1] The military dimension of the relationship began to diminish in importance after the War of 1812 and disappeared completely after the North West Rebellion of 1885. Concurrent with this process, Canada's First Nations began to fade from the awareness of a young country, focused on constitutional and economic development. This state of complacent indifference has existed throughout most of the twentieth century. It is only in recent decades that a rediscovery of the Aboriginal population has taken place, as partly indicated by an upsurge in historical interest. However, thus far the attention of academic historians has largely neglected the military components of the relationship between the federal government and the Aboriginal population. This has been particularly evident in the historical writing on the twentieth century, and glaringly so in the case of the Second World War.

During that conflict, thousands of Native men either enlisted voluntarily or were conscripted into the military forces.[2] Unfortunately, the exact figure will never be known

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[1] In this thesis, the term Aboriginal is used in a general sense, rather than in the strict constitutional definition. The 1927 Indian Act defined "Indian" as any male person of Indian blood reputed to belong to a particular band, as well as any legally married spouse or child of such a person. In practice, the legal status of Native people was often unclear and any ambiguity in this thesis is a reflection of the vague or incorrect usage of terms by officials of the Indian Affairs Branch and other Departments during this period.

[2] Although numerous Aboriginal women enlisted in the women's auxilliary services of the armed forces, the regulations shaping their service differed significantly from those that affected the service of Native men. This study will concentrate on the policies that pertained to Aboriginal men only, as

because military personnel records do not include ethnicity among the data collected about each recruit. The Indian Affairs Branch tried to maintain an accurate record of the number of Native people that enlisted, and set the number of voluntarily enlisted status Indians at 3 090. However, these numbers are highly suspect and fail to reveal the extent of Native commitment to the war effort. The records of the Indian Affairs Branch were compiled from the reports of all Indian agents across the country. A letter from Dr. H. McGill, Director of the Indian Affairs Branch, to all agents and inspectors in September 1943, chastised the agents for not updating the numbers of enlisted Aboriginals from their agencies.[3] The diligence of agents in maintaining an accurate record varied considerably, and was complicated when the population of an agency was scattered over a large area or the Indian agent had a poor rapport with the residents of the agency. The Indian Affairs Branch did not record the numbers conscripted for home defence, and failed to account for those who, after being conscripted for service in Canada, decided to join the active forces. Combine this with the generally higher rejection rates for Aboriginal enlistees, reaching nearly 100 percent in some Native communities, and it becomes clear that a remarkably large percentage of the status Indian population of 118 378, were affected by military service.[4]

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constraints of time and space prohibit an adequate examination of the circumstances of both sexes.

[3] H. McGill to all Indian Agents, Inspectors of Indian Agencies, and the Indian Commissioner for British Columbia, Sept. 3, 1943, (National Archives of Canada [here after NAC], Record Group 10 [here after RG 10], c-8513, vol. 6769, file # 452-20, pt. 6).

[4] T.R.L. MacInnes to Edith Doran, Feb.15, 1943, (NAC, RG 10, c-8510, vol. 6764, file # 452-6, pt. 2). The figure quoted above was taken from the 1939 Indian census.

Despite the extent of Aboriginal participation in the military forces of Canada during the Second World War, surprisingly little work has been done on the subject. The abysmal state of the historiography with regard to this important episode provides sufficient motivation to undertake a study on Aboriginal military service. This thesis will partially fill the serious gap in the historiography of First Nations military service in the twentieth century. This study is not intended to provide an examination of the Aboriginal experience in the military forces, or a comprehensive evaluation of Native responses to conscription. Nor will it link post-war changes in federal Native policy to the experiences of the war years. These topics will have to wait for further study. Examining such subjects would prove difficult, in any event, without some knowledge of government policies towards military service by the First Nations. This thesis will concentrate on the formulation and administration of policy controlling Native access to voluntary enlistment as well as their liability under the National Resources Mobilization Act, 1940. The purpose of this focus is to form a narrative framework upon which future work can build.

Prior to examining Native military service, it is important to place this study in its historiographical context. Government policy regarding the military service, both voluntary and compulsory, of Native people during the Second World War might be expected to appear in any of three different bodies of literature. The numerous accounts of Canada's military experience in the Second World War form an obvious beginning point. A second potential source for this information is the works that focus on

conscription, an issue that significantly affected Native communities. Finally, the relatively young field of Aboriginal history should be expected to deal with Native military service in the Second World War. However, there is not one comprehensive and scholarly treatment of the subject.

The military history of Canada has generally ignored the contribution of First Nations people to the military success of both world wars. There is a broad and rich Canadian military historiography on which to draw; however, much of it is popular, unscholarly, work. The majority of these studies focus on either the operational conduct of the war or the high politics of alliance diplomacy. A significantly smaller proportion discusses the home front in Canada and the harnessing of the nation's economic and human resources for total war. Between the front line and the political offices the story of the Native service is largely lost. Military history, however, has been the well spring of the only two published works focusing on Native participation in the Second World War.[5] With the exception of these two recent works, reference to Aboriginal people in the Second World War is exceedingly sparse.

The recruitment of Aboriginals and other visible minorities during the First World War has been examined in an article by James W. St. G. Walker.[6] His essay, "Race and Recruitment in World War I: Enlistment of Visible Minorities in the Canadian Expeditionary Force," is a provocative examination of how the stereotypes of the

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5 Fred Gaffen, Forgotten Soldiers, (Penticton, B.C.: Theytus Books Ltd., 1985). Janice Summerby, Native Soldiers: Foreign Battlefields, (Ottawa: Ministry of Supply and Services, 1993).

6 James W. St. G. Walker, "Race and Recruitment during World War I: Enlistment of Visible Minorities in the Canadian Expeditionary Force," Canadian Historical Review, (LXX, no. 1, 1989: 1-26).

dominant society shaped and directed recruitment policy and military service for enlistees of Aboriginal, African and Asian ancestry. Walker's purpose in examining recruitment policy and minority military service in the First World War is to provide "a temporary opening in the curtain which typically covers Canadian racism," and at the same time to reveal the determination of ethnic minorities in a difficult environment.[7] Walker's article is the only scholarly study of Aboriginal military service in the twentieth century, and demonstrates the potential of the combination of military history and Native history.

The official military histories are the logical location to begin a search of Canadian military historiography for mention of Native ground, sea and air personnel in the Second World War. Official histories are designed to provide a framework of operations and policies, as a reference for other historians. As a result, there is very little attempt made to analyse the information or take a critical position. The histories deal with both the operational and policy aspects of the conflict, although the emphasis is decidedly on the former. Some of the best official history has been produced by C. P. Stacey, the Army's Official Historian during and after the Second World War. Unfortunately, Canadian Aborigines were not a subject with which he, or any other Canadian historian of that time, concerned himself. There is no reference to Native people anywhere in Six Years of War: The Army in Canada, Britain and the Pacific, the volume that covers government policy on recruitment and conscription.[8] Nor did he correct this omission in his seminal work on wartime policy, Arms, Men and Governments.[9] The more recent publication of the

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7 Walker, "Race and Recruitment in World War I," Canadian Historical Review, p.3.

8 Stacey, Six Years of War.

official RCAF history for the Second World War, by W. A. B. Douglas, similarly ignores the subject of Native service as air or ground crew.[10] Perhaps surprisingly, considering it is the poorest quality of the official histories mentioned, Gilbert Norman Tucker's The Naval Service of Canada: Activities on Shore During World War Two, is the only official history of the conflict that devotes any space to the consideration of Native service.[11] This is confined to a very brief mention of the racial restrictions on recruiting policy before 1943 and their impact on British Columbian Natives' ability to enlist in the Fisherman's Reserve.[12] Tucker notes that, "Aside from these minor restrictions [white race and European descent], the navy was free to search for its manpower throughout the Canadian community."[13] First Nations military service has not received any attention in the official histories because the *raison d'être* of the histories marginalises issues of ethnicity and culture.

Much of the military historiography on the Second World War is composed of works concerned primarily with the operational aspects of the conflict. A large number of regimental histories have been published, many of dubious quality, that provide a more

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9 C. P. Stacey, Arms, Men and Governments: The War Policies of Canada, 1939-1945, (Ottawa: Department of National Defence, 1970).

10 W. A . B. Douglas, The Creation of a National Air Force: The Official History of the Royal Canadian Air Force, Volume II, (Toronto: University of Toronto Press, 1986). The lack of consideration of Aboriginal experiences in the RCAF in this volume is symptomatic of the total avoidance of social issues in the work.

11 Gilbert Norman Tucker, The Naval Service of Canada: Activities on Shore During the Second World War, Volume II. (Ottawa: King's Printer, 1952).

12 Tucker, The Naval Service of Canada, p.268-9.

13 Tucker, The Naval Service of Canada, p.269.

specific operational focus than the official histories. Others are attempts to create operational accounts that are broad in scope, but in a more marketable form than the official histories. A good-quality example of this type of military history is The Maple Leaf Route series.[14] Neither of these operational types of military writing are useful in providing information on Aboriginal soldiers because Native soldiers never fought as a distinct group, and, as we shall see, are nearly invisible as a result. The operational and, in the case of the regimental histories, unit focus necessarily limits any mention of Aboriginal military service to individual soldiers and isolated incidents. While these anecdotes make exciting reading, and provide indications of military attitudes towards Native soldiers, they cannot provide the basis for a thorough examination of Aboriginal military service in the Second World War.

Surveys of Canadian military history mention Native peoples, but they demonstrate clearly the fading of the First Nations from the sweep of the national consciousness. One of the standard works of this genre is George F. Stanley's classic, Canada's Soldiers: The Military History of an Unmilitary People.[15] The early history of British North America is replete with reference to Aboriginal warriors, but these references end with the small contingent of Caughnawaga Mohawks that were sent on the Imperial Nile Expedition, and the Northwest Rebellion in 1885.[16] Another important scholar of Canadian military

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14 Terry Copp and Robert Vogel, Maple Leaf Route: Caen, Volume I. (Alma, Ont.: Maple Leaf Route, 1983). This volume was followed by others on Falaise, Antwerp and the Scheldt.

15 George F. Stanley, Canada's Soldiers: The Military History of an Unmilitary People, (Toronto: Macmillan, 1960).

16 Stanley, Canada's Soldiers, p.251-258, 270.

history, Desmond Morton, makes the same omission in his oft-reprinted, The Military History of Canada.[17] Even the most recent survey history of Canada's Army, We Stand on Guard: An Illustrated History of the Canadian Army, neglects the military role of Aboriginal people after the Northwest Rebellion.[18] The indication is clear, and a common feature of the bulk of Canadian historiography: the First Nations were only significant while they were independent political and military entities, capable of impeding the development of British North America and Canada.

A book focusing specifically on personnel policy in the Canadian Army during the Second World might be expected to address the issue of Aboriginal military service. However, Major-General E. L. M. Burns', Manpower in the Canadian Army, 1939-1945, is a poorly documented work driven by a clear agenda .[19] Burns needed the book as a basis for condemning the senior military and political command of the Canadian Army who had mishandled manpower policy during the war. This goal blinded him to many other aspects of manpower policies, including government policy towards the First Nations.

Morton and J. L. Granatstein's more recent work on the Second World War, A Nation Forged in Fire: Canadians and the Second World War 1939-1945, is an attempt to examine the national experience in combat as well as on the home front.[20] Despite

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17 Desmond Morton, The Military History of Canada, (Edmonton: Hurtig, 1990).

18 John Marteinson et al, We Stand on Guard: An Illustrated History of the Canadian Army, (Montreal: Ovale, 1992).

19 E. L. M. Burns, Manpower in the Canadian Army, 1939-1945, (Toronto: Clarke, Irwin and Co., 1956).

20 J.L. Granatstein and Desmond Morton, A Nation Forged in Fire: Canadians and the Second

extensive coverage of the dynamic changes in Canada's economy, social policy and wartime politics, the authors also overlook the Native experience. It is somewhat surprising that Morton and Granatstein did not give the subject any attention considering the increasing awareness in recent years of the Native role in Canadian history. No work specifically on the Second World War has yet been produced that directs any attention to this topic.

What historical attention has been directed to the Aboriginal military service in the twentieth century covers the entire century. Thus far there have been only two historical publications that focus on Native participation in all Canada's wars. The first and most important is Fred Gaffen's popular history, Forgotten Soldiers.[21] Gaffen, Senior Military Historian of the Canadian War Museum, made the initial foray into the grey area of Native military service in an attempt to satisfy his own curiosity and to provide some recognition for Canadian Aboriginal soldiers who had fought and died in both world wars.[22] He discussed enlistment and conscription policies, the culture shock of military service, the various campaigns of the Canadian Army and the impact of the war on the reserves. Forgotten Soldiers manages to touch upon many of the salient features of Aboriginal military service in the world wars. Littered among the sections on the progress of the war are numerous medal citations and anecdotes about individual Native soldiers, or of Aboriginal families who supplied unusual numbers of sons and daughters to the forces.

World War, 1939-1945, (Toronto: Lester and Orpen Dennys, 1989).

21 Fred Gaffen, Forgotten Soldiers.

22 Gaffen, Forgotten Soldiers, p.9.

The anecdotes make for stirring reading and do great honour to select Native veterans, but this 'drums and trumpets' approach results in a focus on the brave few who were recognised with medals or high rank, while leaving the unnamed majority mired in anonymity. The anecdotal nature of the short book, combined with its broad scope, restrict Gaffen to shallow and sporadic analysis. Even with its limitations for the academic historian, however, Forgotten Soldiers is a ground-breaking publication.

In 1993, the Communications Division of Veterans Affairs produced a pamphlet titled, Native Soldiers: Foreign Battlefields.[23] Written by Janice Summerby, this laudatory and anecdotal publication is written to commemorate native veterans; a purpose evident from the lack of context and interpretation found within the anecdotes. It is a disappointing shadow of Gaffen's book, and of only marginal interest for the historian seeking knowledge of First Nations' contributions to the war effort. The two works by Gaffen and Summerby provide only the first glimpses of the nature of Aboriginal military service in the Second World War. The current trend in the military field, towards what is termed New Military History, offers some hope that subjects that have been neglected previously, such as First Nations military service, will receive the attention that they deserve.[24]

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[23] Janice Summerby, Native Soldiers: Foreign Battlefields.

[24] The New Military History is a move by military historians away from the operational focus that has dominated traditional work in this field. More recent work has turned its back on the battlefield by examining such issues as war and society, the military as an institution and the civilian-military relationship. Some military historians have moved closer to the battlefield, and studied the experience of the individual soldier in the Keegan-style.

Whereas military historians have produced some initial steps toward a better understanding of the Aboriginal experience in the Second World War, those examining conscription have neglected it utterly. The two principle monographs on the topic of conscription are the product of J. L. Granatstein. His first book, Conscription in the Second World War 1939-1945: A Study in Political Management, was published in 1969 as a contribution to The Frontenac Library series.[25] Granatstein's second book, co-authored with Mac Hitsman, was titled, Broken Promises: A History of Conscription in Canada.[26] Though its time frame encompasses both wars, Broken Promises has the same purpose as does the previous work. In the preface of Conscription in the Second World War, Granatstein reveals his focus:

> Conscription has been one of the most contentious issues in Canadian political history. On two occasions the issue disrupted relations between English and French Canadians and shook the political foundations of the country. Both times, the questions involved were political ones more than military ones. . . In 1917 [national unity] was not [preserved] . . . In the Second World War, however, the political gifts and compromising skills of Prime Minister Mackenzie King . . . held the fabric of national unity together.[27]

He does not consider Canadian Aboriginal people because he is concerned with matters of 'national importance.'

This focus is not unique to the historiography of conscription. As James W. St.G. Walker has noted:

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25 J. L. Granatstein, Conscription in the Second World War 1939-1945: A Study in Political Management, (Toronto: Ryerson, 1969).

26 J. L. Granatstein and Mac Hitsman, Broken Promises: A History of Conscription in Canada, (Toronto: Oxford University Press, 1977).

27 Granatstein, Conscription in the Second World War, p.viii.

> There exists a fixed set of themes in Canadian historiography, a basic developmental line which is common to almost all our histories. Canadian historians writing in English have been seeking to explain how Canada evolved as an independent North American nation, and to prove that it deserves a right to exist . . . as a single political entity uniting English- and French-language groups. This line implies a series of touchstones which mark and illustrate the national evolution: the European occupation of Canada, of which the Iroquois Wars and fur trade form a part; English-French relations, including the Conquest, Quebec Act, Confederation, Riel, Manitoba Schools, Conscription, the Quiet Revolution, and Separatism; the progress of dominion status and responsible government. . .[28]

This quotation is not as valid in the 1990s as it was when Granatstein published his books in the 1970s, and the dominant interpretation still required general histories "to touch each or most of these stones in passing."[29] All events were measured relative to these bench marks and those that did not mesh with the standard plot were neglected.[30] This has generally been the case with Aboriginal military service during this century - it has been lost in the sweeping scope of the national epic. Granatstein's work on conscription fits this mould. His topic is the very "fabric of national unity" itself, and that most fundamental feature of the Canadian national experience, the French-English relationship.[31] The impact of conscription on the First Nations would not fit with the traditional narrative and as a result Granatstein never considered the issue. Such traditional interpretations of Canadian history have gone out of vogue recently and the topic of conscription in particular seems

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28 Walker, "The Indian in Canadian Historical Writing. . ." p.350.

29 Walker, "The Indian in Canadian Historical Writing . . ." p.350.

30 Walker, "The Indian in Canadian Historical Writing . . ." p.350.

31 Granatstein, Conscription in the Second World War, p.viii.

to be a dead issue. Considering the current lack of interest in conscription, it seems unlikely that the gap in the historiography will be filled from this angle.

Even though military historians, with the exception of Gaffen and Summerby, largely failed to examine Native participation in the Second World War, it might be expected that those historians who are writing specifically about the Aboriginal experience in the period would do so. They are not likely to be distracted by the detail of military operational accounts, nor to be blinded by the traditional high politics and magnetism of the national narrative. However, in the Native historiography the Second World War has received no more than passing mention and the military participation of Aboriginals in Canada's war effort even less. This surprising state of affairs is highly debilitating in any attempt to construct a comprehensive picture of Native military service in the Second World War.

Several important works do note the military service of Natives in a single sentence. John L. Tobias' essay, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," provides an example of this level of treatment.[32] He ascribes the increase in the public's concern for the welfare of the First Nations population after the war to "the strong Indian contribution to the war effort in the years 1940-45."[33] This brief mention of Native military experience is identical to the treatment that the

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32 John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," Western Canadian Journal of Anthropology. (vol. 6, no.2, 1976: 13-30).

33 John L. Tobias, "Protection, Civilization, Assimilation," p.24. Tobias can be excused for his short treatment of Aboriginal military service because of the outline nature of this essay.

subject has received in two survey works of Native history: Olive Dickason's, Canada's First Nations: A History of Founding Peoples from Earliest Times, and J. R. Miller's, Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada.[34] These three studies indicate the current weaknesses in the state of the field as it pertains to military participation by Aboriginals in the Second World War.

The possible reasons for this dearth of study are not readily apparent. One reason was highlighted by Robin Fisher and Ken Coates in the introduction to, Out of the Background: Readings on Canadian Native History.[35] The authors recognise that there has been "more energetic debate on the early contact and fur trading period than there is on the later phase of settlement and dispossession."[36] Indeed, Fisher and Coates carry the argument further stating, "There is very little good historical writing on the twentieth century."[37] There are simply too few historians examining the post-1900 experience of the Native people in this country, and those that do, have neglected the period of the Second World War. The military service of the First Nations is only one aspect of a time period that is little understood. It is unfortunate that historians of the Native experience have neglected the years between 1939 to 1945, as great potential exists for further study in this era.

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34 Olive P. Dickason, Canada's First Nations: A History of Founding Peoples from Earliest Times, (Toronto: McClelland and Stewart, 1993). J.R. Miller, Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada, (Toronto: University of Toronto Press, 1989).

35 Robin Fisher and Kenneth Coates, Out of the Background: Readings on Canadian Native History, (Toronto: Copp Clark Pitman, 1988).

36 Fisher and Coates, Out of the Background, p.2.

37 Fisher and Coates, Out of the Background, p.2.

A comparison with the historiography of Aboriginal military service in the United States, Australia and New Zealand during the Second World War confirms the potential in examining this topic. There are several studies that specifically examine the military service of the indigenous populations of these three countries, and all are from a different vantage point. The account from New Zealand is an official military record of the 28 (Maori) Battalion, by J. F. Cody.[38] It is primarily an operational account in the 'drums and trumpets' style, but a careful reading reveals some information on the policies of the New Zealand government. The operational focus of official history unfortunately prevents Cody from extending his discussions into the social, economic or cultural background of the formation.

The wartime experience of Native Americans has been examined by two historians. Tom Holm, in "Fighting a White Man's War: The Extent and Legacy of American Indian Participation in World War II," was the first study to evaluate the importance of Native service.[39] Holm is less concerned with the nature of Aboriginal military service than he is with the effect that this service had on the perceptions of post war administrators. The author attributes the policy of accelerated assimilation, known as "termination," to the fact

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38 J. F. Cody, 28 (Maori) Battalion, (Wellington: War History Branch, 1956). Unlike the Canadian and American armed forces, the New Zealand Army formed a battalion solely of indigenous people in both world wars. The 28 (Maori) Battalion served with distinction throughout the fighting in Greece, Crete, North Africa and Italy.

39 Tom Holm, "Fighting the White Man's War: The Extent and Legacy of American Indian Participation in World War II," as published in Peter Iverson ed. The Plains Indians of the Twentieth Century, (Norman, Oklahoma: University of Oklahoma Press, 1985: p.149-168). This article was originally published in the Journal of Ethnic Studies, (Summer, 1981: 69-81).

that "Whites looked upon it [Native participation in the war effort] as an American Indian effort to prove themselves worthy of 'mainstream society.'"[40] A more comprehensive study was not produced until 1991, when Allison R. Bernstein published her scholarly and intelligent monograph, American Indians and World War II: Toward a New Era in Indian Affairs.[41] A specialist on Aboriginal history, Bernstein's account succeeds in filling a gap in an American historiography, unfilled by Holm, that had previously concentrated on the administrative reforms of the Indian New Deal in the 1930's. In previous accounts "the war experiences of Indians and the policy changes brought about by the war are relegated to a few pages or a chapter at best."[42] Bernstein considers the social, economic and political implications of the war on Native American communities as well as the military service of their young men. This is an important work to be consulted by any scholar interested in studying Canadian Aboriginal military service in the war.

Major Robert A. Hall has provided the only scholarly account of the military service of Australian Aborigines in, The Black Diggers: Aborigines and Torres Strait Islanders in the Second World War.[43] This well written and meticulously documented monograph covers the subject of Aboriginal military service in a comprehensive fashion. In addition, he considers the restrictive and racist policies of the Australian Army, the

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40 Tom Holm, "Fighting a White Man's War," p. 165.

41 Allison R. Bernstein, American Indians and World War II: Toward a New Era in Indian Affairs, (Norman, Oklahoma: University of Oklahoma Press, 1991).

42 Bernstein, American Indians and World War II, p.xi.

43 Robert A. Hall, The Black Diggers: Aborigines and Torres Strait Islanders in the Second World War, (Sydney: Allen and Unwin, 1989).

impact on the political and economic status of the indigenous peoples, and the changes that the war engendered in Australian society. The works by Cody, Holm, Bernstein and Hall demonstrate the tremendous possibilities of future comparative study of the Aboriginal wartime experience in other settler nations. Regardless, Canada's historiography lags far behind that of these other countries on this subject.

This chapter has provided a selective examination of the historical writing on the military service of Aboriginals in the Second World War. As has been demonstrated, a vacuum currently exists in this area of the Canadian historiography that urgently requires attention. It is within this context that the following thesis must function. An examination of government policies affecting Native military service seemed a logical beginning point for improving our understanding of this neglected aspect of the Second World War.

Much of the narrative that follows is reconstructed using the records of the Indian Affairs Branch as found in Record Group 10 at the National Archives of Canada. A brief description of the war-time organisation of the Indian Affairs Branch will facilitate a better understanding of the narrative to follow. The Department of Indian Affairs was demoted in 1936 to a Branch and placed in the portfolio of the Ministry of Mines and Resources. Thus T. A. Crerar, the Minister of that Department throughout the war, was also the Superintendent General of Indian Affairs. Under Crerar, two appointments, C. Jackson, the Chief Executive Assistant, and Deputy Minister Dr. C. Camsell, exercised intermittent influence on the military service of Native people.[44] Arguably, the most important officials

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[44] Camsell and Jackson did not exert a great deal of influence; however, both names do appear in the correspondence at different stages of the war. Jackson, as the Crerar's personal assitant, was visible in

in the Indian Affairs hierarchy were the two senior bureaucrats, Dr. H. McGill, Deputy Superintendent General, and T. R. L. MacInnes, the Secretary, who handled the day to day operations and made all but the most crucial policy decisions.[45] The Indian Agents who interacted with the First Nations population were under the administrative authority of an Inspector of Indian Agencies for each province.[46] The records of this bureaucracy are essential to a recreation of the policies that shaped Aboriginal military service.

The historical neglect of First Nations military participation in Canada's war effort provides this thesis with a context and purpose. The second chapter will focus on the structure of Native voluntary enlistment and service. The initial stage of the conscription process, National Registration, and the liability of Native people under the National Resources Mobilization Act will form the core of the third chapter. The fourth chapter examines the development of policy on the question of whether Aboriginal men could be compelled to perform military service. From this foundation, future work can be undertaken to deepen our understanding of Aboriginal military service, as well as other facets of the Native experience in the Second World War.

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the later stages of the war as the Minister became more involved in the question of sending Native conscripts overseas.

[45] McGill's official title was Deputy Superintendent General of Indian Affairs. However, he was generally referred to as the Director of the Indian Affairs Branch in the correspondence, and will be so referred to in this study. Acting Director R. A. Hoey replaced McGill in 1944.

[46] British Columbia's senior Indian Affairs official was titled the Indian Commissioner. The Indian Agents and Inspectors corresponded regularly with Secretary MacInnes and the Director. It is this rich documentary record that has provided the basis for much of the narrative that follows.

Chapter 2:

The Structure of Voluntary Aboriginal Military Service, 1939-1945

Over three thousand status Indians voluntarily enlisted in the military forces of Canada during the Second World War. These Aboriginal soldiers served in all three military branches, and in every theatre where Canadian ground, sea and air forces fought. However, notwithstanding Gaffen's and Summerby's books, the structure of Native military service remains virtually unknown. We do not have a comprehensive image of Natives in the armed forces, and important questions remain unanswered. Where did Natives serve: in the Army, in the Royal Canadian Air Force (RCAF), or in the Royal Canadian Navy (RCN)? Why did the government refrain from organising Aboriginals into segregated 'all-Indian' units, rather than dispersing them throughout the forces? Did they participate in a combat or a non-combat capacity? What, in effect, was the nature of First Nations military service?

Many factors combined to influence the types of contributions made by Aboriginal people during the Second World War. Not least of these would have been the personal preferences of Native recruits for a particular military branch. Historians and anthropologists have yet to examine the motivations of Aboriginal enlistees; unfortunately this interesting element of First Nations military service is outside the scope of this study. Even if Native predilections were known, it is unlikely that their personal preferences were of major influence as Aboriginal choices were significantly constrained and more directly dictated by two other factors.

The first factor was recruitment policy, which differed greatly between the various branches of the armed forces. Racial barriers were a fundamental element of the various recruitment policies and restricted the avenues open to young Native men. Even if Native men could submit an application, other hurdles remained to impede the would-be recruit. Health standards were strictly adhered to, and barred many from service because of the chronically poor level of health among much of the First Nations population.[1] Education standards functioned in a similar fashion for Natives due to the often negligible education provided during the interwar years. Once past the recruiting stations, however, another factor influenced the nature of their service: the question of organisation. Segregated Native units were advocated by many, but, as with other attempts to create racially segregated units, few attempts obtained more than passing notice from Indian Affairs and Military officials. Generally, Aboriginals were distributed throughout the forces. Recruitment policy and organisation played key roles in a process that channelled the vast majority of Native recruits into ground combat or close support roles, and scattered them across many units.

Before proceeding with an examination of the 1939-45 period, it is useful to understand the nature of First Nations military service in the First World War. Like other

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1 Annual Report of the Department of Indian Affairs: 1936, (Ottawa: Patenaude, 1937). Any other annual report from the interwar period will clearly demonstrate the deficiencies in health among much of the First Nations population. One must be cautious with generalisations of this nature as conditions varied considerably from reserve to reserve, and many Aboriginal people lived off the reserve. Having said this, there can be no doubt that there were serious problems in the administration of Native health care prior to the Second World War. Similar comments could be extended to the education of First Nations children.

minority groups in the early stages of the conflict, Native people experienced difficulty in enlisting in the Army and found themselves at the mercy of individual militia officers who exercised significant independence in determining who could join a particular unit.[2] Indeed, initially the Militia Council forbade the enlistment of Natives for fear the "Germans might refuse to extend to them the privileges of civilised warfare." [3] Many Native men were thus turned away during the early stages of the conflict. The ruling was not widely known, however, and some young Aboriginal men sailed to Europe with the First Contingent in spite of the regulations.

Recruitment remained officially closed to First Nations applicants until late in 1915. By that stage of the war, the Army's serious need for recruits led to a slackening of constraints and an end to the ban on Native enlistment. Two militia units, the 114th (Ontario) Battalion and the 107th (Manitoba) Battalion, gained quasi-official status as Native battalions and began actively recruiting Aboriginals. The commander of the 114th Battalion, raised in November 1915, hoped to enlist four full companies from the Six Nations community in the Brantford, Ontario region. The Militia Council allowed the 114th Battalion to recruit Native men outside its geographic area and encouraged other battalions to transfer any Native recruits to the Ontario unit. Some confusion existed over whether this battalion was an official Indian unit, and in the stiff competition for recruits it succeeded in raising only two companies or 350 Native men. In the end, neither the 114th nor the 107th battalion served in France in a combat role. The 114th Battalion was

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2 James W. St.G. Walker, "Race and Recruitment in World War I."

3 Gaffen, Forgotten Soldiers, p. 20.

broken up upon arrival in England and its personnel transferred to the reinforcement pool. The 107th Battalion was transformed into a Pioneer unit that performed non-combative tasks. While the existence of these two units did create a concentration of several hundred Native servicemen, thousands of other Natives were broadly dispersed throughout many different combat units.

All-Indian labour units were more common, and received the strong support of the Indian Affairs Department during the recruitment process. Several segregated Native platoons and companies were raised for the forestry, railway and construction corps, serving in the United Kingdom and on the Western Front.[4] It is not known if any Aboriginals served in either Canada's fledgling naval force or in the Royal Flying Corps. In all, approximately 3 500 Native men enlisted in the Canadian Army during the First World War, either in segregated Native labour units or scattered throughout the combat forces.

The structure of the Canadian forces differed significantly in the Second World War. While the Army remained the single largest service, both the RCAF and the RCN grew substantially larger than they had in the First World War. Despite the existence of a major naval organisation, however, fewer First Nations men enlisted in the Royal Canadian Navy than any other branch of the service. The root cause was the RCN's recruitment policy. At the outbreak of hostilities, the Naval Service maintained a 'colour

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[4] The Forestry Corps conducted extensive logging operations in Britain and France. The construction of reinforced trenchworks and railroads on the Western Front, combined with war industries, created an insatiable demand for lumber.

line' in official recruitment policy that required personnel to be of "Pure European Descent and of the White Race" before an application would even be accepted.[5] As a result, Aboriginals were effectively blocked from naval service.

The motivations for this flagrantly racist restriction were outlined by the Commanding Officer, Pacific Coast (COPC) in a report on the question of Native naval service on the British Columbia coast.[6] The COPC concluded that:

> Although it is considered that there is much excellent material among the Indians on the B.C. Coast, it is strongly recommended that all Royal Navies should still maintain the strict rule that personnel must be of 'Pure European Descent and of the White Race.'[7]

The report supplied three reasons for this recommendation, the first of which was purely racial in character. It was believed that "The confined living spaces of a naval rating do not lend themselves to satisfactory mixing of the white races with Indians."[8] The close quarters of naval service, therefore, precluded the adoption of Army and RCAF enlistment regulations that allowed for Native recruitment. The second argument involved the legal restrictions on Aboriginal access to intoxicants in the unregulated naval environment where drinking was prevalent and even encouraged.[9] While this problem could arise in the other services, only the RCN still issued a daily rum ration, or grog, to its personnel. The

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5 Maclachlan to Camsell, March 18, 1941, (Directorate of History (hereafter DHIST), 112.3H1.009 / D293).

6 Maclachlan to C. Camsell, Mar. 18, 1941. The report is quoted verbatim in this letter. Camsell, Deputy Minister of Mines and Resources, had initiated the correspondence to suggest that young Native males be given the chance to serve in the Naval Service off the coast of British Columbia.

7 Maclachlan to Camsell, Mar. 18, 1941.

8 Maclachlan to Camsell, Mar. 18, 1941.

9 Natives could not legally purchase liquor in Canada until the 1951 Indian Act removed the previous ban.

COPC felt certain that "bad feeling would ensue should differentiation of the supply of 'Grog' be made between the white man and the Indian."[10] The third point attempted to dispel the relevance of the fact that Britain's Royal Navy (RN) employed "Chinese, Maltese, and Guernese" in their ships.[11] These men were "only accommodated in big ships and then used in special capacities as officers' stewards and servants. They also mess separately from the white ratings."[12] The RCN was essentially a small ship navy in 1941, and did not have any capital ships where this limited service by non-white ratings could be accommodated. These reasons were sufficient for the Navy to turn down any request for Native access to the naval service.

To these arguments could be added a fourth, raised but not expanded on in the report's recommendation, quoted above. The COPC strongly advised that the RCN should maintain the strict 'colour line' of all Royal Navies, including those of Australia, New Zealand, and most importantly, Great Britain. The Dominion navies all had a common parent organisation in the British Royal Navy (RN), from whence common traditions, regulations and doctrine were derived. It is difficult to overstate the importance of this link when considering the RCN's unwillingness to remove the 'colour line' from its recruiting restrictions, as the transfer of vessels and personnel between British and Canadian service was commonplace. The pressure to fit into this larger

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10 Maclachlan to Camsell, Mar. 18, 1941.

11 Maclachlan to Camsell, Mar. 18, 1941.

12 Maclachlan to Camsell, Mar. 18, 1941..

structure certainly reinforced the RCN's inclination to preserve its white Anglo-Saxon nature.[13]

The RCN maintained the 'colour line' throughout the first half of the war, apparently with very little debate or opposition. It was able to do this in part because the Navy was the smallest of the three services, with 92 441 all ranks at its peak strength in January 1945.[14] As well, the RCN's casualty rate was not as heavy a drain as were those of the Army and RCAF, allowing the Navy to be more selective in its recruiting. With little pressure or need to alter its racial ban, it was not until 1943 that the RCN officially changed its policy.

On 12 March 1943, at the behest of the Minister of National Defence for Naval Services, the Committee of the Privy Council passed Resolution 1986. It contained the following terse statement:

> That the Canadian Naval Regulations provide that personnel entered in the naval service must be of the white race;
> That the Army and Air Force are accepting for Active Service personnel of any racial origin;
> That it is essential that the Canadian Naval Service adopt a similar policy.[15]

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13 The difficulty experienced by Aboriginal men in enlisting in the RCN highlights the inability of the Naval service to integrate ethnic minorities into its ranks. Visible minorities were not the only groups that found themselves unwelcome in the RCN during the Second World War - francophones were also discriminated against. While the Army and RCAF successfully organised French speaking units to accommodate and encourage francophone enlistment, the RCN proved either unwilling or incapable of altering its forces to absorb non-white and non-anglophone recruits.

14 J. L. Granatstein and Desmond Morton, A Nation Forged In Fire: Canadians and the Second World War 1939-1945, (Toronto: Lester & Orpen Dennys, 1989), p.69. The number of personnel in the RCN, though much greater than had been the case in the First World War, was small in comparison with the quarter million personnel in the RCAF, or the 600 000 plus general service recruits in the Army.

15 (DHIST, P.C. 1986, N.S. 30-2-12).

The attached naval draft order required that, ". . . any male British subject of any racial origin may be entered for the period of hostilities in the Canadian Naval Forces."[16] It is not clear what had changed since 1941 when the "Jim Crow Law," as it was known, had been justified because of the different circumstances of Canada's small ship navy.[17] Regardless, during the last two years of the war, the RCN officially accepted applicants of any racial origin, including First Nations.

The numbers of Native men to see service in the Navy is unknown. What is certain is that some did see service even before the 'colour line' was dropped. Fred Gaffen mentions one First Nations man who, already enrolled in the Royal Canadian Naval Volunteer Reserve before the war broke out, joined the rush of reserves at the first call up.[18] Others were able to enlist either through the ignorance or the collusion of superior officers and fellow ratings. It is not clear whether Aboriginal applicants were enrolled in greater numbers after 1943, although a report from the Army Historical Section suggests that the Navy maintained its 'colour line' in practice, even after the Order in Council became effective on March 12, 1943.[19] However, this report gave no substantive evidence for such an assertion. While it is reasonable to assume that there would have been some individual and unofficial resistance to the change in policy, in the absence of convincing proof, any allegations of systematic and organised retention of the 'colour line'

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16 (DHIST, P.C. 1986, N.S. 30-2-12).

17 Victoria Daily Times, March 20, 1943.

18 Gaffen, Forgotten Soldiers, p.64. Gaffen speaks of George Edward Jamieson who rose from Sea Cadet and Boy-bugler in the RCNVR before the war to the rank of Chief Petty Officer during the conflict, serving primarily in the North Atlantic. Jamieson continued his service after the war.

19 (DHIST, Historical Section Army H. Q. Report no.71), p.10.

must be treated with scepticism. In the final analysis, the RCN was not an accessible option for the majority of Aboriginal recruits during the Second World War.

The Royal Canadian Air Force, on the other hand, proved a slightly more hospitable place for Natives than the RCN. The RCAF also had racial restrictions on recruitment when the war broke out, but very quickly exempted First Nations applicants from this ruling. As a result, more Native men and women saw service in the RCAF than the Navy. However, despite the lack of an overt racial ban on Native enlistment, there were tangible barriers in the form of high education requirements and stringent health standards. Thus, while more significant than Naval service, only a small minority of the Aboriginal men and women who served during the war did so in the RCAF.

As of April 1939 the RCAF maintained a 'colour line' more strict than that of the RCN. The conditions of entry then stated that:

> All candidates must be British subjects and of pure European descent. They must also be the sons of parents both of whom are (or, if deceased, were at the time of death) British subjects or naturalised British subjects. Where there is doubt of nationality or descent, the burden of proof will rest upon the candidate.[20]

These regulations echoed almost verbatim the conditions of service required by Britain's Royal Air Force (RAF) in early 1939.[21] Like the RCN, the RCAF would be closely integrated with the RAF in case of a major conflict, and this required the harmonisation of

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[20] (DHIST, 75 / 347, 25-04-1939).

[21] (DHIST, AIR 2 / 3788, January, 1939). This document is actually pertaining to RAF requirements for their recruiting organisation in Canada, but refers to "paragraph 3 of the conditions of service given on Form 432" of the standard RAF enlistment regulations.

policies in a number of areas, including personnel. Unlike the RCN, however, the RCAF altered its regulations early in the conflict.

The Chief of the Air Staff received an enquiry from the Officer in Charge (OIC) of Montreal's recruiting center in mid-November, 1939, regarding the acceptance of a 'coloured' applicant. Flying Officer J. H. Hollies, acting for the Chief of the Air Staff, replied, "I am directed to advise that enlisted applicants must be of pure European descent with the exception of the North American Indians."[22] The motivation for the exemption of "North American Indians" is unclear. No mention of it has been found elsewhere, and it is not certain when it came into effect; yet from November 1939, no racially based restriction barred First Nations applicants from service in the RCAF. The Air Service jettisoned the 'colour line' completely in September, 1941.[23]

The road to Air Force enlistment remained, nevertheless, a difficult one for Canada's young Native men. The health standards maintained by the RCAF early in the war were rigorous and caused the rejection of many recruits, Aboriginal or otherwise. Each candidate had to be physically fit and underwent three medical examinations before reaching elementary flight school.[24] The health examinations searched for signs of

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22 Hollies to OIC, RCAF Recruiting Center, Montreal, (RG 24, vol. 3307, no. H.Q. 282-1-2 v.2). The applicant in question was refused the right to apply. The exemption of Aboriginals did not weaken the barrier to African and Asian applicants. However, the RCAF was very sensitive to criticism on this front and took pains to prevent aggravating non-white applicants. "Great care is to be exercised by Commanding Officers and all members of the staff of Recruiting Centres to ensure that all Canadian-born applicants of foreign origin are not made to feel they are being discriminated against because of their racial descent." This quotation was from an August, 1940, Manning Order which went on to say that a Canadian-born person could not be refused the privilege of *submitting* an application, (RG 24, vol. 3302, file # 280-1-2 v.1).

23 Scully to Edwards, Sept. 27, 1941, (RG 24, vol. 3302, file # 280-1-2 v.2)

24 F. J. Hatch, The Aerodrome of Democracy: Canada and the British Commonwealth Air Training Plan, 1939-1945, (Ottawa: Department of National Defence, 1983), p. 120.

communicable diseases as well as any minor deficiencies in blood pressure, heart action and vision.[25] A glance at the Indian Affairs Annual Report for any year between the wars will indicate the serious deficiencies in the health of Canada's Aboriginal community. For those attempting to enlist in the RCAF, the consequences of outbreaks of various diseases during the interwar period were significant. Tuberculosis and trachoma particularly affected Native chances of rejection: the former because it spread readily in the conditions of military living and the latter because of the damage it wrought to eyesight.[26] Health standards, along with the age limits, were eventually relaxed as the RCAF came under increasing pressure to fill its personnel quotas for the British Commonwealth Air Training Plan.

Many able-bodied Aboriginal men were also rejected because they lacked the required level of education. The pre-war regulations continued to be enforced for the first two years of the war. Applicants for pilot training must have completed junior matriculation, equivalent to grade twelve in Ontario and British Columbia and grade

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25 Hatch, The Aerodrome of Democracy, p.120.
W. A. B. Douglas, The Creation of a National Air Force: The Official History of the Royal Canadian Air Force Volume II, (Toronto: University of Toronto Press, 1986), p. 239-40.

26 Annual Report of the Department of Indian Affairs: 1932, (Ottawa: Patenaude, 1933), p.8-10. Annual Report of the Department of Indian Affairs: 1933, (Ottawa: Patenaude, 1934), p.11-14. Annual Report of the Department of Indian Affairs: 1934, (Ottawa: Patenaude, 1935), p.9-12. Annual Report of the Department of Indian Affairs: 1935, (Ottawa: Patenaude, 1936), p.9-11. Report of the Department of Indian Affairs: 1936, p.16-18. Tuberculosis and trachoma were most commented upon in the reports of the early part of the 1930s. These spread quickly in the residential schools at a time when those who would later attempt to enlist were attending. These two diseases were not the only diseases that afflicted the Aboriginal population during that time period - measles, diphtheria, whooping cough, influenza and scarlet fever all appeared. The bands most affected by the health problems were the remote bands who had not built up a natural resistance to these microbes, a situation worsened by frequent malnourishment and insufficient medical care.

eleven elsewhere, before they could be considered.[27] Few Aboriginal applicants were able to meet this criterion. During the twenties and thirties, when most of these recruits had attended school, three-quarters of the country's Native children attained only a grade one to three level of education.[28] The RCAF encouraged those who were physically able but short on education to return to school. However, in 1941, the emphasis shifted from actual to potential academic ability, because the old plan had failed to generate the number of aircrew required. The recruiting process switched to aptitude and learning-capacity tests. Those whose test scores were high but who lacked adequate schooling received supplemental education while in the service.[29] A scheme that did not automatically reject applicants without junior matriculation undoubtedly worked to the advantage of Aboriginal recruits. The result was a higher number of Natives in RCAF ranks than was the case in the RCN, but still only a small segment of the total number of First Nations service men.[30]

The Army, and specifically the infantry, was the branch in which the overwhelming majority of Natives served. A major reason for this was the difficulty Natives experienced

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27 Hatch, The Aerodrome of Democracy, p. 120.

28 Jean Barman, Yvonne Hébert and Don McCaskill, Indian Education in Canada, Volume I: The Legacy, (Vancouver: University of British Columbia Press, 1986), p. 18.

29 Douglas, The Creation of a National Air Force, p. 240.

30 Janice Summerby, Native Soldiers, Foreign Battlefields, (Ottawa: Veterans Affairs, 1993), p. 23. The 1942-1943 Indian Affairs Annual Report recorded only 29 Native men in the Air Force, and 9 in the RCN (even with the colour line in effect). As of February 15, 1943, total Native enlistment had reached approximately 1 800. MacInnes to Doran, Feb. 15, 1943.

in gaining entry to either the air or naval service. Another factor that accounts for the concentration of Aboriginal service in the Army was its huge demand for personnel. In addition, this may have been the preferred choice for Aboriginal men inspired by the example of the approximately 3 500 Native veterans of the Army during the First World War.[31] The Army did not restrict Aboriginal recruitment, and generally applications were accepted without incident. However, it should not be assumed that these policies were administered uniformly or that the Army was especially eager for First Nations recruits.

Confusion over whether Aboriginals were eligible for enlistment and active service was evident at the outbreak of hostilities. Less than a week into the conflict, the Indian Commissioner for British Columbia was concerned when some young men from the northern Agencies began to enlist. In a letter to T. R. L. MacInnes, Secretary of Indian Affairs, the Commissioner wrote, ". . . it would be appreciated if you would kindly advise me if, in view of their being wards of the Government, any special sanction is necessary [for Aboriginal men to enlist]."[32] Commissioner MacKay also believed that "some action in connection with section 13 of the 'Indian Act' may possibly become necessary should Indians proceed overseas at a later date."[33] This particular section of the 1927 Indian Act involved the withdrawal of band membership from Native people who lived outside the country for more than five years.[34] Presumably, this regulation was relaxed for veterans

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31 Summerby, Native Soldiers, Foreign Battlefields, p. 3, 20-1.

32 MacKay to the Secretary, Sept. 13, 1939, (RG 10, c-8509, vol. 6764, file # 452-6, pt. 2).

33 MacKay to the Secretary, Sept. 13, 1939.

34 Indian Act, 1927, Section 13, This section was repealed in the new act of 1951.

who served overseas for the duration of the war, as no correspondence on the matter appears in Indian Affairs records at the end of the war.

The Indian Affairs Branch received a number of reports, from various points in British Columbia, Saskatchewan, Manitoba and Ontario during 1941 and 1942, of Army recruiters refusing Native applications. Some incidents were the result of individual initiative on the part of recruiting officers, while others were more systemic in scope. The Indian Affairs Branch was not always able to track down the causes of these more serious occurrences.

Secretary MacInnes received the first disturbing report from Robert Howe, the Indian agent at Vanderhoof, British Columbia, in April 1941. Howe's letter primarily concerned itself with other business, but mentioned in passing that, ". . . the Recruiting Officer for the District has instructions not to enlist Indians for any branch of the Army."[35] The agent's comment drew a prompt reply from MacInnes, who requested a report concerning the matter.[36] Howe contacted Major R. L. Gale, the Recruiting Officer at Prince George, who, ". . . stated that he had been instructed not to enlist Indians at the present time."[37] The agent presumed that this alluded to all Aboriginals, at least in Recruiting Area H (Prince George), and referred the Secretary to Gale's attached letter.[38] Unfortunately, this letter did not clarify the origin of these supposed orders. A report sent

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35 Howe to the Secretary, Apr. 10, 1941, (RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

36 MacInnes to Howe, Apr. 18, 1941, (RG 10, c-8513, vol. 6768, file # 452-20 pt. 4).

37 Howe to the Secretary, Apr. 24, 1941, (RG 10, c-8513, vol. 6768, file # 452-20 pt. 4).

38 Howe to the Secretary, Apr. 24, 1941.

from the agent at Bella Coola, British Columbia, in October of that year would suggest that this reticence was still in effect and wider in scope than just Prince George. A recruiting officer passing through Bella Coola informed the agent that, "the Army was not very keen on Indian recruits."[39] Despite the apparent difficulties and resistance from some of the military recruiters, over 250 British Columbia Native men successfully enlisted.[40]

A more serious and systemic problem arose in Military District 10, in February of 1942.[41] The initial news received by the Indian Affairs Branch was a report from the Indian agent at Kenora, Ontario, who forwarded some correspondence he had initiated with the local recruiting officer. The recruiting officer in conversation with Major Garton, the District Recruiting Officer, had tried to "point out the good work done by our Indians during the last war, but apparently, he [Garton] is acting on instructions from Ottawa in this connection."[42] A copy of the District Recruiting Order that had inaugurated the inquiry was enclosed:

> Indians also present a difficult problem. Out of seven Indians who had had six months training and were boarded for a recent draft, six were boarded out for T. B. and had to be discharged. Experience has shown that Indians cannot stand confinement or training, and their application should not be accepted.[43]

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39 Christie to the Secretary, Oct. 11, 1941, (RG 10, c-8513, vol. 6768, file # 452-20 p. 4).

40 Recruitment as of Jan. 15, 1945, (RG 10, c-8510, vol. 6764, file # 452-6 pt. 2).

41 Military District 10 comprised all of Manitoba, north-western Ontario, and the District of Keewatin, N.W.T.

42 Crandle to Edwards, Feb. 26, 1942, (RG 10, vol. 2768, file # 452-20 pt. 4).

43 District Recruiting Orders, M. D. 10, Feb. 20, 1942, (RG 10, vol. 2768, file # 452-20 pt. 4).

There is no evidence that the Indian Affairs Branch took any immediate action on these accusations.

This clear ban on First Nations enlistment soon generated more incidents in other parts of Military District 10. A telegram from Tom Lamb in The Pas, Manitoba, claimed that there were fifty-six men at Mooselake who wanted to enlist.[44] This group, comprised of Metis and Native men between the ages of eighteen and forty-five, had contacted Military District 10, but their "reception [was] not encouraging."[45] A similar scenario occurred at Norway House, Manitoba, where Dr. Corrigan, an Indian Affairs medical official, had found "a good many Indians who are physically fit and desirous of joining the army."[46] However, like those at Mooselake, these men received an unhelpful response from Major Garton. Corrigan did not accept Garton's concerns about a high incidence of tuberculosis after training as a valid reason for refusing Native enlistment. He believed that these men were improperly examined before enlistment, as a simple chest X-ray would have revealed the existence of the disease.[47] The repeated refusal to enlist Aboriginals in Military District10 finally provoked some action by the Indian Affairs Branch.

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44 Lamb to Indian Affairs, May 18, 1942, (RG 10, c-8513, vol. 6768, file # 452-20 pt.4). Lamb did not state his position in this incident, but he was presumably the Indian agent.

45 Lamb to Indian Affairs, May 18, 1942.

46 Director to Deputy Minister, May 10, 1942, (RG 10, c-8513, vol.6768, file # 452-20, pt. 4).

47 Director to Deputy Minister, May 10, 1942. Corrigan also stated that, once in the service, Aboriginals were no more liable to contract the disease than anyone else.

On 19 May, 1942, Dr. Harold W. McGill, Director of Indian Affairs, passed on a memorandum to the Deputy Minister of Mines and Resources notifying him of the situation.[48] Three days later the minister, T. A. Crerar, contacted his colleague in the Ministry of National Defence, J. L. Ralston, with the expectation that he would inquire into the matter further.[49] Ralston immediately issued instructions for a mobile recruiting unit to visit Moose Lake.[50] The recruiters examined over forty men and accepted only two. They were shipped to Winnipeg and eventually rejected.[51]

Even after Indian Affairs had taken action to enable indigenous enlistment in Military District 10, there were repercussions felt in Military District 12.[52] F. D. McDade, a physician from The Pas, Manitoba, provided eight young Native men from Cumberland House, Saskatchewan with a letter. This letter, based on faulty information, went as follows:

> This is to certify that the names of the men below listed voluntarily offered their services for their country, and due to the fact that they are Indians, Treaty or Non Treaty, the Government has advised medical practitioners not to accept any of these men for services, even if physically fit.[53]

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48 Director to Deputy Minister, May 10, 1942.

49 Crerar to Ralston, May 22, 1942, (RG 10, c-8513, vol. 6769, file # 452-20 pt. 5).

50 Ralston to Crerar, May 23, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5).

51 Garton to D.O.C.'s Representative, Feb. 17, 1943, (NAC, RG 10, vol. 6769, file #, 452-20-4).

52 Military District 12 covered all of Saskatchewan.

53 McDade to Whom it May Concern, May 21, 1942, (RG 10, vol. 6769, file # 452-20 pt. 5). This letter went on to assure prospective employers that they could hire these men without fear that they might be called away for military service.

The investigation into this incident was not completed until October, 1942. The OIC of Military District 12 had issued no orders to block Aboriginal enlistment, and was surprised to learn of the existence of such an order.[54] Apparently, McDade based the information in his letter on the restrictive Recruiting Order issued by the District Officer Commanding, Military District 10.[55]

Despite significant incidents across British Columbia, Saskatchewan, Manitoba and Ontario, where recruiting officers dissuaded or even denied Natives the privilege of submitting an application, it is unlikely that there was a general Army order blocking their recruitment. Three factors support this argument. Firstly, as a senior military authority in charge of recruiting, the DOC of Military District 12 would have been aware of such an order. Yet, he clearly stated his ignorance of any order barring Native enlistment.[56] Secondly, the fact that the Indian Affairs Branch received no information about other incidents in other parts of the country suggests that the occurrences recorded were local in nature. Thirdly, the very fact that thousands of Native men did successfully enlist and serve makes the existence of a nation-wide barrier to Aboriginal enlistment in Army recruiting policy highly suspect.

While there is no evidence to support a claim that the orders blocking Aboriginal recruitment originated in Ottawa, the Army was clearly not eager to enlist Natives. In

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54 Department of War Services to MacInnes, Sept. 10, 1942, (RG 10, vol. 6769, file # 452-20 pt. 5).

55 Benoit to MacInnes, Oct. 6, 1942, (RG 10, c-8513, vol. 6769, file # 452-20 pt. 5).

56 The DOC may have been covering up the existence of such an order, but in light of the other arguments against the existence of a barrier, this does not seem likely.

1944, the recruiting manual contained a special note on the "Enlistment of Indians and Half Breeds."[57] The note stated that:

> Care should be taken when accepting applications from or approaching Indians as prospective recruits. Here education standards are strictly adhered to. Experience has shown that they cannot stand long periods of confinement, discipline and the strenuous physical and nervous demand incidental to modern army routine. On the other hand, some very fine Indians have been enlisted, but these are usually persons who have had their schooling and training in an Indian Residential School.[58]

Thus, the Army was not closed to Native enlistment, but its attitude might be described as cautiously pessimistic about the prospects of Aboriginal applicants. In this respect, Native men and women were in a more advantageous position than other visible minorities such as Japanese, Chinese and Indo-Canadians who were largely blocked from all military service.[59] Despite the difficulties, thousands of First Nations people fought and laboured in the Army during the Second World War.

A framework of First Nations military service can be sketched from the discussion of recruiting policy. The recruiting policies of the various branches of Canada's armed forces set parameters on the options available to Native service men, and an overwhelming

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57 Shoulder to Shoulder: Information for Recruiting Personnel and Civilian Recruiting Advisors, 1944, (DHIST, 113.3A2009 / D2).

58 Shoulder to Shoulder, p.31. It is noteworthy that the Army desired Native people with a residential school background. This should not be surprising, however, as the highly regimented residential schools provided an environment remarkably similar to Army basic training and thus accustomed those who had attended the schools to strict discipline, limited freedom and hard manual labour.

59 Patricia Roy, "The Soldiers Canada Didn't Want: Her Chinese and Japanese Citizens," Canadian Historical Review, (Sept. 1978: 341-57). Less than a hundred Japanese and three hundred Chinese Canadians enlisted in the Canadian Forces.

number of Aboriginal servicemen joined the Army as a result. But, once within the military structure, where did they serve? Why were government and military officials loath to create segregated Native units? The answers to these questions explain much about the eventual shape that Native military service assumed.

There were a number of attempts made to raise combat and non-combat ground units composed entirely of Aboriginal men. These came from individual civilians, Native and non-Native, as well as from employees of Indian Affairs and the military. One recommendation came from M. Christianson, General-Superintendant of Indian Agencies in Saskatchewan, D. B. Rogers of the Regina Leader Post and Colonel Pascoe, District Recruiting Officer. They believed that the "raising of several all-indian platoons would give much impetus to [the] closing phase [of the] recruiting campaign."[60] Another came from Chief Dreaver of the Mitawasis Nation, whose suggestion for an "All Indian Battalion," capturing a headline in the Saskatoon Star-Pheonix in 1940.[61] This was not the only initiative to come from the Native population. Secretary MacInnes corresponded with Sergeant T. Poltier, an enfranchised Native man from Manitoulin Island, Ontario.[62] This man, a veteran of the First World War, had been in communication with an official of the Canadian Forestry Corps, encouraging the formation of special companies of

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60 Rogers to Crerar, June 30, 1941, (RG 10, c-8510, vol.6764, file # 452-6 pt. 2). Rogers telegram to the Minister of National Defence used the argument that raising at least one platoon to present before the Prime Minister in July of that year would be a great story. The story and pictures "would have national appeal," certainly a bonus for a newspaper journalist like Rogers.

61 Saskatoon Star-Phoenix, March 5, 1940.

62 MacInnes to Boag, July 22, 1941, (RG 10, c-8510, vol. 6764, file # 452-6, pt. 2). MacInnes noted the precedent of Native Pioneer Companies established in the First World War.

Aboriginal people from his region. MacInnes took up his case with the Secretary of National Defence, R. J. Boag, who provided official support and an offer of assistance.[63] However, the Department was less supportive of the idea of an Aboriginal combat unit, even if it might make the Army a more attractive place for Aboriginal men.[64] The Director reasoned that:

> From the standpoint of the Indian himself and the effectiveness of his service in the Armed Forces, we are not at all sure that an Indian battalion would be of much value. There are . . . a large number of distinct and separate bands of Indians throughout the Dominion. These bands have very little in common and in a great many cases speak a different language or dialect. For example, the Micmac Indians of the Maritimes have very little in common with the Crees of the western plains or the Indians in British Columbia.[65]

The Indian Affairs Branch and Army refused to consider a segregated Aboriginal unit unless the communities in a particular province or geographic area generated sufficient numbers of recruits. This did not occur, the Army did not create any all-Native units and, as a result, Aboriginal soldiers were dispersed throughout the organisation.

Even with the regular navy closed to First Nations enlistment for the first part of the war, the Fisherman's Reserve could have offered the possibility for Aboriginal fishermen to form crews. However, despite a request from the Deputy Minister of Mines and Resources, Dr. Camsell, the RCN was uninterested in Native Reserve Crews:

> The question of manning a number of the Fisherman's Reserve Vessels with Indian crews complete is not recommended owing to the obvious difficulties of maintaining standards of training and

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63 No other record of segregated Native labour units could be found and it is unlikely that any were raised.

64 Director to Hill, Aug. 19, 1942, (RG 10, c-8510, vol. 6764, file # 452-6, pt. 2).

65 Director to Hill, Aug. 19, 1942.

> discipline and also the problem of maintenance and upkeep of the boat itself.[66]

Again arguments were offered in support of the ruling. Foremost among these was the inadvisability of mixing members from different Native nations in a single crew. In addition, "It is considered that there are very few Indians who could be relied upon to take charge of Confidential Books, etc."[67] To determine those who could be relied upon required selection by naval officers with personal knowledge of the individual.[68] Yet another worry was the belief that mechanical maintenance would suffer on vessels operated by Native crews because "Indian Fishing Vessels are not generally looked after mechanically or otherwise."[69] This ruling eliminated any chance of Aboriginal naval service early in the conflict. Deputy Minister of National Defence Maclachlan was apologetic to Dr. Camsell for the negative nature of the report, and suggested that this group of personnel might best be reserved for shore duty in "defence of the coast at some Military Academy."[70]

Unlike the other forces, the Royal Canadian Air Force created a unit with the intention of concentrating as many Native air and ground personnel as possible under a single command. In April of 1942, the RCAF Overseas Establishment formed the 421

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66 Maclachlan to Camsell, Mar. 18, 1941.

67 Maclachlan to Camsell, Mar. 18, 1941.

68 It seems unlikely that many naval officers would have sufficient personal experience with Native people in 1941 to make such a recommendation.

69 Maclachlan to Camsell, Mar. 18, 1941.

70 Maclachlan to Camsell, Mar. 18, 1941.

Squadron (fighter) and dubbed it the "Red Indian Squadron."[71] A Field Bulletin circulated by the Air Officer Commander-in-Chief, RCAF Overseas, in September 1943, announced that, "It is desired that as many American Indians as possible should be placed in this unit."[72] This is the only incidence of a military attempt to create a unit manned primarily by Aboriginals, but, unfortunately, there is no way to confirm whether Native air and ground crew were transferred. No further documentation could be located and the squadron history makes no mention of First Nations personnel in the unit during the war years.[73] Thus it is unlikely that the directive was enforced or that it had any significant impact on the service of Aboriginals in the RCAF.

The structure of First Nations military service in the Second World War in many ways resembled closely the structure during the First World War. Aboriginal service might have been altered greatly by the existence, in the Second World War, of large Canadian air and naval forces that had not existed in the First World War. However, as has been demonstrated, recruitment restrictions based on race, education and health largely eliminated the other services as viable options for Aboriginal applicants. Usually, Native desires to enlist could find outlet only in an Army recruiting centre. In this respect the Aboriginal experience of military service in both wars was quite similar. However, unlike in the First World War, where several segregated all-Indian labour units were

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71 421 Squadron History, 1942-1982, (Stittsville, Ontario: Canada's Wings, 1982), p. 5.

72 Field Liaison Bulletin No.17, Sept. 1, 1943, (DHIST, file # S.2-1-2). The name of any individual of the correct ethnic background was to be forwarded to Head Quarters for transfer.

73 421 Squadron History, 1942-1982, p. 8-28.

organised and haphazard attempts were made at raising Native combat units, military and Indian Affairs officials in the Second World War were averse to segregating Natives into their own unit. As a result, Aboriginal recruits fulfilled their service individually, in many units.

Chapter 3:

The First Nations and National Registration, 1940-42

Canadians did not greet the outbreak of hostilities in September 1939 with the same enthusiasm they had exhibited in 1914. Prime Minister William Lyon Mackenzie King was eager to keep Canada's commitments to a minimum. The sharp and acrimonious split between French and English Canada following the imposition of conscription in 1917 haunted King, who feared that a large expeditionary force would suffer heavy casualties, necessitating compulsory military service. Thus King's personal proclivities reinforced the political pledge he had made to the Canadian people that his government would never enact conscription. Ottawa initially limited the size of Canada's expeditionary ground forces to a token division, with a second for the defence of Canadian soil. A greater contribution was to be made through the British Commonwealth Air Training Program, by supplying trained aircrew for allied air forces. Overall, however, "military participation would be subordinated to economic assistance."[1]

The early stages of the war favoured the limited commitment of Canada's human and military resources. After the collapse of Polish resistance, the war settled down into a relatively static phase known as the Phoney War. In this unthreatening environment, few people saw a need for the huge expansion of Canada's military to match the hundreds of thousands sent overseas in the First World War. However, circumstances in Europe changed in May and June of 1940, quickly shattering this complacency. Germany's *Wehrmacht* crushed Denmark and Norway in April. Then, beginning 10 May, the

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1 Jack L. Granatstein and J. M. Hitsman, Broken Promises: A History of Conscription in Canada, (Toronto: Oxford University Press, 1977), p. 134.

Germans plunged into the Netherlands, Belgium and France in quick succession, fragmenting the Allied armies. The British were fortunate to escape the continent from Dunkirk with the bulk of their forces, but the loss of France was a devastating blow.

The debacle in France left Britain in a precarious position, and Canada with the uncomfortable status of senior ally. The crisis provoked a drastic change in the nature of Canada's commitment to the war effort. On 10 May 1940, the Cabinet War Committee decided to send the 2nd Canadian Division to England a month ahead of schedule.[2] Motivated by the worsening situation, on 17 May, the government decided to raise a 3rd Division, and ten days later a 4th Division. While the heightened awareness of the Canadian population during the crisis brought substantial numbers of volunteers, the increased size of the forces also raised the possibility of heavy casualties and the spectre of conscription.

Many public individuals and entities, among them the Royal Canadian Legion, began to advocate the implementation of conscription and the registration of the nation's human resources.[3] The Prime Minister was not yet ready to enact conscription, but the military threat Canada would face should Britain fall to Germany alarmed him. Under increasing pressure to take substantive measures, King drafted the National Resources Mobilization Act (hereafter referred to as NRMA). The bill, tabled in the House of

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2 Charles P. Stacey, Six Years of War: The Army in Canada, Britain and the Pacific, Volume I, (Ottawa: Queen's Printer, 1955), p. 76-77. The decision to send the 2nd Division had been made in April, so that an independent Canadian Corps could be established. The formation of a wholly Canadian Corps would enable greater control of Canadian forces than a single division.

3 Granatstein and Hitsman, Broken Promises. p. 141.

Commons on 18 June, was brief and general, effectively authorising the Governor in Council to make orders or regulations:

> Requiring persons to place themselves, their services and their property at the disposal of His Majesty in right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community.[4]

The only limitation of the government's powers under this Act was a prohibition of compulsory military service for overseas duty.[5] The NRMA thus authorised compulsory service, but, as King emphasised, for home defence only.

The first step involved in implementing the NRMA was a national registration of all men and women in the country over the age of sixteen. The operation would be conducted according to the organisation of electoral districts employed in the recent federal election. Within the newly created Department of National War Services, a Chief Registrar was appointed to administer the registration. Under the Chief Registrar's direction thousands of deputy and assistant registrars were sworn in across the country. The job would take place over three days, from August 19 to 21. No mention was made in the regulations and orders in council of Canada's First Nations people - they were forgotten.[6]

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4 Stacey, Six Years of War, p. 82.

5 Stacey, Six Years of War, p.82.

6 Canada Gazette, vol. LXXIV, no. 5, July 12, 1940, (NAC, RG 10, c-8511, vol. 6766, file # 452-14, pt. 1). This Order in council authorises the appointment of a National Registrar, but makes no mention of Aboriginal people in the description of the Registrar's duties.

Confusion reigned in Indian Affairs and First Nations circles after Parliament set the dates for National Registration. The uncertainties were evident even in the upper echelons of the Indian Affairs administration. On 17 July 1940, T. R. L. MacInnes, the Secretary of Indian Affairs, addressed a letter to the Secretary of National Defence, E. J. Boag, requesting a clarification of the status of Natives under the NRMA.[7] Indian Affairs had already received inquiries from a number of individuals, including the District Recruiting Officer of Military District 2 (Southern Ontario). MacInnes also requested some instructions from DND to forward to Indian agents who were already being questioned about the implications of the new legislation.

Dr. H. McGill, Director of Indian Affairs and the immediate superior of the Secretary, appeared unambiguous about the position of Aboriginal people in the National Registration. The same day that Secretary MacInnes was seeking clarification from DND, a Globe and Mail reporter quoted McGill as stating unequivocally that, "National Registration regulations will apply to all Indians living in Canada."[8] A letter he addressed to the newly created Department of National War Services on 18 July, again indicated his assumption of Aboriginal eligibility.[9] Dr. McGill not only expected all First Nations people would register, he went so far as to offer the services of Indian agents to facilitate the process.

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7 MacInnes to Boag, July 17, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

8 Globe and Mail, July 18, 1940.

9 Director to Deputy Minister of War Services, July 18, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

MacInnes appeared surprised when, several days later, he received a report of McGill's public statement from Agent A. D. Moore.[10] MacInnes' reply to Moore reiterated his continuing uncertainty about Aboriginal registration and requested a copy of the newspaper article containing McGill's statement.[11] The fact that the Secretary of Indian Affairs remained unaware of his superior's position a week after it became public and still maintained a contradictory position on the issue points to an appalling state of communication in the upper echelons of the Indian Affairs Branch.

Confusion at the head of the organisation was mirrored and intensified at the field level. Across the country Native people questioned their Indian Agents, who in turn sought information from the Branch: the first record of such queries arrived on 18 July, with more following.[12] Included in the stream of correspondence received by the Secretary in these early weeks was a copy of the minutes of a council meeting of the Parry Island Band. This Ontario band passed a resolution stating that:

> we Indians residing on Parry Island are agreed to notify the government stating that we Canadian Indians Council [sic] herein advocates the same status as in the last war, that we be not registered for war, and that the reply requested is very urgent.[13]

This was the first Native opposition to registration recorded by the Indian Affairs Branch, but not the last.

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10 Moore to Secretary, July 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

11 MacInnes to Moore, July 25, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

12 Devlin to the Secretary, July 18, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), A. D. Moore to Secretary, July 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), H.M. Jones to Secretary, July 23, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

13 Parry Island Band Minutes, July 23, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

The Department of National War Services and Department of National Defence had agreed on a policy for Aboriginal people by 22 July 1940, without immediately notifying Indian Affairs. The agents in the field became aware of the change in policy before their superiors in Ottawa. For example, the local registrar at Desoronto, Ontario, contacted the Indian agent on 22 July informing him that Natives had to register and that the Indian agent was the appropriate official to supervise the registration.[14] Similarly, another Ontario agent, A. D. Moore, discovered that the status of Aboriginals had been decided when two registration officials contacted Chief Patterson Cornelius of the Oneida Band to make arrangements for the registration of all members of that reserve. Moore pointed out to the Secretary that, ". . it would appear that this registration of Indians is going ahead without the knowledge of the department [of Indian Affairs]."[15]

Secretary MacInnes received notification of the policy stance from his DND colleague, Secretary Boag, three days later than some of the Indian agents became aware of the change. Boag wrote, "I beg to inform you that Indians are eligible to enlist under the Mobilization Regulations; subject of course to Medical Examination, and the normal regulations concerning recruiting."[16] Boag assumed that he could obtain medical reports for any Native individuals from the Branch, and implied that other services might be solicited in the future. Neither the mechanisms, nor the complications, involved in

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14 Jones to Secretary, July 23, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26 pt. 2).

15 A. D. Moore to Secretary, July 31, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). The indications from Moore's comments suggest that even at this late date he had not been informed of the official policy regarding registration of Aboriginals.

16 E. J. Boag to MacInnes, July 24, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

registering Canada's Native population were discussed at this time. The lack of communication between the two bureaucracies left the particulars of Aboriginal registration cloaked in ambiguity.

Once again, problems were first recognised by agents and inspectors in the field, and not by the chief bureaucrats in Ottawa. Inspector of Indian Agencies for Alberta, C. P. Schmidt, voiced a number of concerns in a letter to the Director on 29 July 1940.[17] He wondered who would administer the registration where, for instance, a large one-reserve agency adjoined two or more electoral districts; or where agencies contained several reserves, located in different constituencies.[18] Schmidt also recommended that Indian Affairs officials, particularly skilled interpreters, be present at the polling booths to aid Aboriginals in answering the registration questionnaire. Finally, he hoped to conduct, on the reserve, the registration of the First Nations population living off reserves.

In the case of the Tyendinaga Agency in Ontario, officials cancelled the registration as a census had been held there two months previously. The agent, however, believed the census an inadequate substitute and counselled that a full registration be conducted.[19] Moreover, he wondered whether "the Registration officials fully appreciate the many ramifications" involved in issuing Registration cards for members on the reserve as well as locating all those members who lived off the reserve and explaining the

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17 Schmidt to McGill, July 29, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

18 The reserves of the Blood and Blackfoot were provided as examples of the first description, and the Duck Lake, Saskatchewan, Agency (with reserves in four constituencies) as an example of the second variety.

19 Monthly Report on Tyendinaga Agency for July, H. M. Jones, Aug. 6, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

procedure to them.[20] There is no evidence that senior Indian Affairs officials considered the serious logistical problems associated with registering Aboriginal people at this time.

These questions became superfluous almost as soon as they reached the Indian Affairs Branch offices in early August because of a change in policy. The Chief Registrar of Canada, Jules Castonguay, informed McGill on 3 August that, "it has now been definitely decided that Indians will not be required to register at the pending National Registration."[21] The Registrar informed his personnel to take the definition of the term "Indian" from the Dominion Elections Act, 1938, which stated, "For the purpose of this provision 'Indian' means and includes any person of whole or part Indian blood who is entitled to receive any annuity or other benefit under any treaty with the Crown."[22] Castonguay provided no reasons for the abrupt reversal of policy, although it was likely caused by the complications involved in registering the Native population. Correspondence in 1941 between T. C. Davis, Associate Deputy Minister of National War Services, and Louis St. Laurent, who was at this time still a barrister in Quebec City, suggests that the Aboriginal population was not registered with the rest of the nation because it was believed special provisions could be arranged with Indian Affairs at a later date.[23] If such was the case, the Department of National War Services neglected to inform

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20 Monthly Report on Tyendinaga Agency for July, H. M. Jones, Aug. 6, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

21 Chief Registrar to McGill, Aug. 3, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

22 Chief Registrar to McGill, Aug. 3, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Non-Treaty Indians were thus not exempted from Registration.

23 Davis to St. Laurent, Feb. 6, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). Davis' role in the Department of War Services was Central Registrar. St. Laurent would soon join the Mackenzie King Cabinet as Minister of Justice, and after the death of Earnest LaPointe and the

the Indian Affairs Branch. Regardless of the motivation, however, MacInnes immediately issued a circular letter to inform all agents and inspectors that their services would not be required for registration purposes.[24] Thus, the issue of registering Aboriginals appeared to be laid to rest, almost two weeks before it was to have taken place.

The decision to exclude Native people from compulsory registration did not mean an end to confusion on the issue. On 17 August, two days before the registration was scheduled, local authorities informed the Tobique Band in Maliseet, New Brunswick, that they must register.[25] This news distressed the Band Council as they had read MacInnes' circular letter of 6 August; they immediately contacted the Branch. The Assistant Registrar also contacted MacInnes about the issue. The Secretary informed both that the Tobique Natives were not to be registered; still, the breakdown in communication was clear.

In another instance, an Indian agent wished to reinstate the compulsory registration for a particular reserve. J. P. B. Ostrander, Indian agent at Battleford, Saskatchewan, recommended that registration be enforced on the Saulteaux Reserve in his Agency.[26] The Non-Treaty Saulteaux Band was "very hostile to the department . . . It is practically impossible to do anything with them and they resent department regulations."[27]

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resignation of P. J. A. Cardin in 1942, rose to the unofficial position as King's senior Quebec lieutenant.

24 MacInnes to All Inspectors, Indian Agents and the Indian Commissioner for British Columbia, Aug. 6, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

25 Chief W. Saulis to Director, Aug. 17, 1940, (NAC, RG 10, vol. 6770, file # 452-26, pt. 2).

26 Ostrander to Secretary, Aug. 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

Ostrander had been unable to obtain a nominal roll of band membership, despite several attempts, and National Registration had offered a convenient opportunity. MacInnes misinterpreted his initial communication, however, and blithely replied that Aboriginal people could register voluntarily if they so desired. Ostrander thus missed his chance, as he wrote to MacInnes after the registration was complete: "When I recommended that these Indians be made to register under the National Registration Act it was with the idea that I would have some authority to compel them to do so."[28] Ostrander's desires demonstrate the varied perceptions of Native registration that existed in the minds of the officials concerned.

The communiqués that had circulated after the decision to exempt Aboriginals failed to clarify whether they could legally register on a voluntary basis. Agent R. H. Moore of Duncan, British Columbia, enquired of MacInnes, "While Registration is not compulsory for Indians, would it not be possible for them to Register if they so desire as ordinary citizens of this Country?"[29] MacInnes replied that, "Insofar as I am aware, there would be no objection to Indians registering if they desire to do so."[30] The question of whether Natives could register voluntarily gained increasing prominence in the Secretary's correspondence with the Indian agents as problems became evident.

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27 Ostrander to Secretary, Aug. 22, 1940, (NAC,RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

28 Ostrander to Secretary, Aug. 22, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

29 Moore to Secretary, Aug. 9, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Natives were not 'ordinary citizens' of Canada, however, as will become clear in Chapter 4.

30 MacInnes to Moore, Aug. 9, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

A number of Indian agents contacted the Secretary, the first on 9 August and more followed as the dates of National Registration loomed closer. The principal worry voiced by the agents was that Native people who lived and worked off the reserves would have difficulties without a Registration Card.[31] The regulations of the NRMA required that all persons possess a Registration Card to gain employment and collect a pay check. The new regulations impaired not only employment, but border crossings as well.[32] Within hours after the beginning of National Registration on 19 August, Aboriginal men and women flooded agents' offices demanding to know how they would apply for work off the reserve without such identification.[33] As Agent H. M. Jones asserted, "As no doubt there will be many restrictions regarding the carrying of a Registration card, many of the Indians are going to be continually embarrassed unless they can identify themselves as Indians."[34]

Indian Affairs administrators finally realised the extent of the problem at the eleventh hour. The Director sent out an urgent night letter on August 20.[35] He ordered:

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31 R. H. Moore to Secretary, Aug. 9, 1940, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2). H. M. Jones to Secretary, Aug. 14 and 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). A.D. Moore to Secretary, Aug. 20, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). D.M. MacKay to Secretary, Aug. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). McKay was the Indian Commissioner for B. C. and stated that, "Inquiries of this nature are becoming general from Agents in the Province . . ."

32 Brisbois to Secretary, Aug. 26, 1940, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2). Border crossing was of particular concern to Brisbois because his agency at Caughnawaga straddled the Canada-U.S. border.

33 H. M. Jones to Secretary, Aug. 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). A. D. Moore to Secretary, Aug. 20, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Jones reported that 25 Natives from his agency appeared in his office during the morning of the 19th, and Moore that 50 showed up in his office during the course of the same day.

34 Jones to Secretary, Aug. 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt.. 2).

35 McGill - Night Letter, Aug. 20, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

> With regard to national registration any Indian who finds it necessary for reasons of employment to register is at liberty to do so and I would advise that this should be done *stop* please advise all Indians in your agency immediately.[36]

Unfortunately, the agents received this information on the last day of the Registration, often not until the afternoon of 21 August, and in some cases not until 22 August.[37] They contacted as many of their charges as they were able, but many were at work and unavailable.

The short-sighted policy of the Department of National War Services combined with the late reaction of the Indian Affairs Branch caused the loss of employment and more serious problems for a large number of Native people. The complaints rolled in from agents across Canada. Employers, diligently following the letter of the regulations, frequently refused Native claims of exemption from registration. Private companies and employers were not the only ones doing so, as crown corporations and even government employment agencies similarly refused to accept Native exemption.[38] Aboriginal people not only had to worry about losing their jobs, they faced arrest by zealous and ignorant police and legal officials for not possessing a Registration card. An article in the 29 August edition of the Ottawa Evening Citizen mentioned two cases of this nature that had

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36 McGill - Night Letter, Aug. 20, 1940.

37 Schmidt to Secretary, Aug. 26, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Devlin to Secretary, Aug. 30, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Swartman to Secretary, Aug. 22, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Swartman's remote agency at Sioux Lookout, Ont., did not receive the directive until the day after Registration was completed.

38 Devlin to Secretary, Aug. 30, 1940, The Canadian Pacific Railroad was an important employer of Aboriginals from Devlin's Agency, and they refused to issue pay checks without a Registration card. Agent's Report for August, J. A. Marleau, Aug. 31, 1940. (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). The employment office in North Bay, Ontario, refused to accept treaty tickets in lieu of National Registration cards, and a number of Native people lost their jobs or were refused employment as a result.

come before the courts.[39] In one of the cases, Angus Seymour of the St. Regis Band in Quebec explained that he was exempt as a Native, "an excuse which was a poser for [the] Deputy Magistrate."[40] The crown attorney believed "there might be something in Seymour's contention," a notion soon confirmed by Jules Castonguay, the Chief Registrar. In the face of the endemic problems of identifying First Nations people and informing both the public and law enforcement officials, some agents of the Indian Affairs Branch began to take haphazard steps to aid Natives.

Indian agents were the first to react to the initial rush of distressed Aboriginals who appeared in their offices once the threat to their off-reserve jobs became clear. The agents issued individual letters of identification to cover the matter, however, the demand was too great and frequently the letters proved insufficient to secure employment.[41] Requests became general for the Indian Affairs Branch to issue some type of departmental identification card to Native people in lieu of Registration cards.[42] The cards advocated by the agents were to contain the name, band and agency of the individual, as well as a clear explanation of Indian exemption from National Registration. One agent recommended

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39 Ottawa Evening Citizen, Aug. 29, 1940.

40 Ottawa Evening Citizen, Aug. 29, 1940. Seymour, 69, was a veteran of the First World War. The level of ignorance demonstrates clearly the problems that the Aboriginal population faced in their dealings with the general public.

41 MacKay to Secretary, Aug. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

42 Jones to Secretary, Aug. 14, 1940, Moore to Secretary, Aug. 20, 1940, MacKay to Secretary, Aug. 21, 1940, Brisbois to Secretary, Aug. 26, 1940, Devlin to Secretary, Aug. 30, 1940, Marleau - Monthly Report, Aug. 31, 1940.

that the problem might best be solved by completely registering the Native population.[43] Despite their apparent merit, there are no indications that the Director and Secretary considered immediate action on these requests. Without any higher direction or action, agents had to make do with any measures at their disposal. As noted, letters of identification were their primary recourse. The agent in Sturgeon Falls, Ontario, issued "treaty tickets" to the members on that agency, however, these were no more effective than letters of identification.[44]

The pressure and scope of the crisis finally goaded government officials into tangible action on 3 September when Castonguay phoned McGill to discuss the situation. Both men agreed that making the registration of all Aboriginals compulsory was the best solution.[45] MacInnes issued a circular letter the following day informing all Indian Affairs staff of the latest policy change - the second reversal in a month.[46]

Castonguay and McGill settled some of the procedural matters during their phone conversation. The Indian Affairs Branch was to prepare a list of Indian agents, their addresses and the approximate population of each agency, specifying gender where possible.[47] This information would then be forwarded to the Central Registrar, T. C.

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43 Lewis to Schmidt, Aug. 22, 1940, reproduced in a letter from Schmidt to Secretary, Aug. 26, 1940.

44 Marlean - Monthly Report, Aug. 31, 1940.

45 Report of phone conversation between Castonguay and McGill, Sept.. 3, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

46 MacInnes - Circular letter, Sept.. 4, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

47 Report of phone conversation between McGill and Castonguay, Sept. 3, 1940.

Davis, along with information regarding the policy change and the decision to appoint each Indian agent as deputy registrar responsible for registering the members of his agency. Davis would provide the essential materials and instructions to the agents who could then proceed with the registration. MacInnes promptly informed all the agents of what he expected of them and exhorted them to "do all in your power to make the registration of your Indians as complete and successful as possible."[48]

The announcement generated very little, if any, concern in several agencies. The local registrars in Gaspé, uninformed of the original Native exemption, had registered all Native people in that area between 19 and 21 August.[49] Individual initiative of agents and local officials in several regions had enabled the local Native population to register early. For example, the agent in Muncey, Ontario, distressed upon receiving the night telegram from the Indian Affairs Branch on the last official day of the National Registration, arranged with the local registrar and MP to keep the booth on the reserve open for an additional day.[50] The extra time allowed the news to disseminate through the population and over 150 employed Natives registered on 22 August. Similarly, in Kamloops, B.C., Aboriginal people traditionally formed the labour force for the hops harvest, but farmers refused to hire them without registration cards. The agent arranged with the Postmaster to register the Native harvesters a week after the National Registration was complete.[51]

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48 MacInnes' Circular, Sept. 4, 1940.

49 Cass to MacInnes, Sept. 14, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2) The fact that the Agent did not stop this registration indicates that either he was also not told of the policy or failed in his duties.

50 Moore to Secretary, Sept. 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

In yet another instance, the agent in Edmonton contrived to register during August all those who required a card for employment.[52] The members of these Agencies were fortunate to escape the worst of the problems experienced elsewhere. These agents had only to register those who remained.

Native people on most agencies were less fortunate. After the 3 September policy change, the agents faced the immense task of registering the entire Aboriginal population, which severely impeded the regular work of the agencies.[53] However, it appears that the Department of National War Services set no date for the completion of registration, leaving the agents to their own devices. Some set aside a few days when all members of the agency would register and others took advantage of situations where their charges gathered together, but generally the agents registered Aboriginals a few at a time, as convenient.[54] The particular conditions of each reserve determined when, how and, in some cases, who registered the Native population.

Heavy work loads meant that the agent alone could not effectively register all the reserve residents and often required additional registrars and assistants. If the agent had

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51 August Report, W. J. Ferguson, Sept. 10, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

52 August Report, G. C. Laight, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Presumably, Laight had volunteered as a registrar and merely extended the service to those of his charges who needed a card.

53 August Report, Brisebois, Sept. 6, 1940, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2), Officer Commanding "G" Div., R.C.M.P. to Indian Affairs Bureau, Sept. 26, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

54 October Report, G. Down, Nov. 5, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Daunt to Secretary, Sept. 9, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Daunt took advantage of the fact that many of the Aboriginal communities of the New Westminster Agency were gathered to harvest hops in September.

to leave the office to conduct registration, a clerk was occasionally appointed deputy registrar to handle any individuals who presented themselves for registration during the agent's absence.[55] In northern Saskatchewan, the agent recommended that the managers of Hudson's Bay Company posts be appointed registrars because they met more frequently with the members of the remote bands.[56] However, usually agents simply hired temporary clerks or interpreters for the duration of the registration.[57] The Department of National War Services paid for any such expenses incurred by the agents.[58]

From the moment the materials and instructions arrived and the agents began to consider the practicalities of registration, a serious problem emerged. Many of the remote bands who, in some instances, had been gathered during the summer were dispersed by September. One of the first indications of this problem came from Kenora, Ontario.[59] The Indian agent, Frank Edwards, warned that "This will take some time as we have 1600 Or [sic] 1700 Indians scattered all over the country, many are not seen from one year to another, but will do our best to get the registration complete."[60] Edwards informed the Indian Affairs Branch that any possibility of making the registration complete would

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55 Daunt to Secretary, Sept. 9, 1940.

56 Ostrander to Secretary, Sept. 17, 1940, (NAC, RG 10 , c-8514, vol. 6770, file # 452-26, pt. 2).

57 Edwards to Secretary, Sept. 17, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Deputy Registrar to Chief Registrar, Sept. 19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

58 MacInnes to Castonguay, Jan. 18, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), There is ample evidence of the Indian Affairs Branch and the Agents referring expense accounts to the Chief Registrar.

59 F. Edwards to Secretary, Sept. 16, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

60 Edwards to Secretary, Sept. 16, 1940.

require extensive travel by car, train or boat to reach remote reserves. Travel to these remote areas entailed great expense, as indicated by the agent from Fort St. John, B.C., who:

> need[ed] two men and a number of horses. The cost will be in the neighbourhood of $25.00 per day when using horses, and I am not familiar with costs of dog team travel. An advance of $1500 will be necessary.[61]

Even the Department of National War Services balked at expenses of this scale, especially when numerous other agencies reported similar conditions.

The problems inherent in such individual canvassing of scattered rural populations could have been alleviated if the Native population had been included in the National Registration in August. Many communities, who gathered during the summer months, had dispersed by September to winter hunting grounds and traplines or to agricultural work during the harvest.[62] This state of affairs existed throughout the Territories and the northern areas of Ontario and the western provinces. In some cases, air travel was the only possible way to contact them, and even then there was no guarantee that the agent could register everybody. The indecision involved in delaying Native registration appeared to be a costly blunder by the Department of National War Services.

In the minds of officials at all levels, the benefits of immediately registering these remote bands did not outweigh the costs. Many of the agents suggested that it would be

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61 H.A.W. Brown to Secretary, Sept.19, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

62 Brown to Secretary, Sept. 19, 1940, Lauzenby to Secretary, Sept. 16, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Swartman to Secretary, Sept. 17, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Ostrander to Secretary, Sept. 17, 1940, Yukon RCMP to Indian Affairs, Sept. 26, 1940.

more economical to register immediately any Natives residing near their agency offices, but to leave those who had dispersed until they again gathered for annuity payments or other reasons.[63] The Department of National War Services and Indian Affairs Branch were amenable to these recommendations, even if it meant leaving the registration of some individuals until the summer of 1941.[64]

In cases where remote Aboriginal groups did not speak English and were illiterate, War Services simply exempted them from registration. As T. C. Davis explained:

> The members of these Indian bands live under primitive conditions far removed from civilization and I doubt whether they could make any real contribution to the war effort of the Nation. It would be unwise to bring these people out to do any industrial work and, insofar as military service is concerned, while they would make splendid soldiers, I would very much doubt the wisdom of trying to interest them in the military life, at least in the light of the situation as it presently prevails. I think, therefore, that we could safely leave their registration to a future time, should the condition of the country become such as it would become of beneficial use to have them register.[65]

Despite the rather dichotomous statement that such Aboriginal men would make "splendid soldiers," Davis clearly believed that these people could make little contribution to the war effort and foresaw the registration of remote bands only if Canada's military situation became desperate. The authorities first applied this measure to some reserves of the Sioux Lookout Agency in Ontario, but soon extended it to other agencies where similar circumstances existed, as well as to all Inuit.[66]

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63 Edwards to Secretary, Sept. 17, 1940, Ostrander to Secretary, Sept. 17, 1940, G. Swartman to Secretary, Sept. 17, 1940, Lazenby to Secretary, Sept. 16, 1940, Brown to Secretary, Sept. 19, 1940.

64 Director to the Commissioner, RCMP, Oct. 22, 1940, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2).

65 Davis to S. T. Wood, Nov. 18, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

A provincial regulation, rather than military necessity, soon became the sole catalyst in the registration of Ontario's northern Native communities. The NRMA required the registration of all firearms as well as human resources in the country. The RCMP and provincial police forces were responsible for conducting this section of the registration process. Ontario law enforcement officials did not express concern about the unregistered firearms of remote Aboriginals who were exempted from registration in 1940-41. However, a provincial regulation that became effective early in 1942, changed this by requiring the possession of a Registration card to purchase or own a rifle or shotgun in Ontario.[67] Regulations that required a Registration card for employment purposes might have little impact on Native groups who rarely encountered the white population, but a restriction on the ownership of firearms was clearly a different proposition. At the request of the agent at Sioux Lookout, MacInnes sought advice on the matter from the Chief Registrar. Castonguay determined that the most expedient solution would be to complete the registration of all previously exempted First Nations communities in Ontario.[68] The decision to complete the registration of all Ontario's Native population did not affect remote bands in other provinces and territories, who continued to be exempted.

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[66] Chief Registrar to Secretary, June 19, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Castonguay to Gibson, Oct. 7, 1940, (NAC< RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

[67] G. Swartman to Secretary, Jan. 30, 1942, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 3). Swartman mentioned that the Provincial Police notified him that the new regulations would apply to all people, including Aboriginals, presumably without regard for the registration status of the band.

[68] MacInnes to Chief Registrar, Feb. 4, 1942, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 3), Chief Registrar to MacInnes, Feb. 7, 1942, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 3).

By mid-1942, the problems and complications involved with the registration of Aboriginals had been largely overcome, and the majority of those required to register had done so. There remained only the ongoing task of registering boys and girls as they reached their sixteenth birthday. By that stage of the war, attention was shifting to the application of compulsory military training and service to Canada's First Nations people.

National Registration generated a diversity of reactions among Native people in Canada. This short discussion of Aboriginal reaction to registration is not intended as a definitive representation of their motivations and feelings. However, for the purpose of this study, it is necessary to have some understanding of the extent and variety of reactions produced by registration because policy makers acted in the context of these reactions. This policy effected Native communities across Canada, and therefore examples will be taken from many parts of the country. Although it is recognized that local social and historical contexts also shaped Aboriginal reactions to registration, a full examination of each case is outside the scope of this thesis. Some bands participated willingly, and even eagerly, expressing resentment at not being considered competent to register with the rest of the country. Others protested vigorously and resisted pressure to register, even if it meant prosecution. Perhaps the most common reaction was confusion, a product of the frequent and abrupt reversals in policy and the inadequate communications network of the Indian Affairs Branch. Numerous Natives, either through ignorance or conscious resistance, came into conflict with the NRMA regulations and faced a range of censures from Indian Affairs, law enforcement and the judiciary. Generally, however, authorities

registered the Native population without consideration for the scattered and sporadic opposition.

Few Indian agents reported any resistance by Aboriginals during the registration. One agent related that, "The majority of our Indians took this registration with very good grace."[69] The people of the Sarnia Agency demonstrated a degree of enthusiasm greater than most. The Indian agent was:

> happy to say the Registration was conducted and responded to in a very satisfactory manner. I do not recall one Indian questioning or refusing to answer any question. In fact, they all seemed eager and willing to be part of any eventuality.[70]

This community showed "a spark of resentment at being classed as a people incapable" of participating in the original registration.[71] However, such passion was rare, and on the whole, the registration procedure failed to provoke strong feelings, and most Aboriginal people acquiesced without incident or comment.

In some parts of the country, however, Native individuals and political organisations expressed dissatisfaction with, and open opposition to, registration. The Sturgeon Falls, Ontario, community had no desire to register, but did not feel strongly enough to escalate their displeasure to civil resistance.[72] The situation differed at Walpole Island, Ontario, where several members of the band did refuse to complete the registration

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69 James Daley, October Report, Nov. 1, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

70 D. W. Down, October Report, Nov. 5, 1940.

71 G. W. Down, August Report, Sept. 4, 1940. (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2).

72 J. A. Marleau, August Report, Aug. 31, 1940.

during October of 1942.[73] Similar resistance occurred at the Lower Similkameen and Penticton reserves in British Columbia, where the agent experienced difficulties in explaining the changes in policy and need for registration.[74] As a result, several elders at Penticton, and Chief Susap Louie and a dozen others at the Lower Similkameen Reserve, refused to register. However, their resistance was short-lived. During November, the police prosecuted several locals for failing to register their firearms, and prevailed upon Chief Louie to register, thereby depriving the resistance of leadership.[75]

Such incidents of resistance to registration by Aboriginal people met with a number of responses from the state. Usually, the Indian agent diffused any difficulties by explaining the need for registration and the consequences of refusal.[76] If the agent failed to persuade recalcitrant individuals to register, then the police would make an example of the principal protesters.[77] Jail sentences for those convicted of contravening National

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[73] James Daley, October Report, Nov. 1, 1940. There is no other correspondence regarding this disobedience at Walpole Island and presumably the resisters were prevailed upon to accept the registration.

[74] A. Barber, October Report, Nov. 1, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

[75] A. Barber, November Report, Nov. 30, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

[76] A. H. Barber to Secretary, Mar. 21, 1943, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Barber demonstrated remarkable patience in dealing with a number of elders on the Penticton Reserve in B.C. as shown in the following quotation: "On October 11th last when at Penticton Reserve, I spent all afternoon with Francois Timoyakin, his son-in-law, George Lessard, and several other old Indians explaining the necessity of registration. I have seen him several times since and on the 18th instant advised both him and Lessard at the house of the latter that unless they agreed to register very soon, they would be prosecuted for failure to do so. It is my intention to give this man another opportunity to register and if he still refuses to do so, to advise the authorities to take action, as a number of Indians have stated that Timoyakin is "beating the law."' It is unlikely that many other agents would have allowed over five months to elapse before pressing charges.

[77] RCMP Division File No. 40 T 172 / 73, Mar. 30, 1941, (NAC, RG 10, c-8514, vol. 6770, file #452-26, pt. 2), RCMP Division File 41E-269-1867, Jan. 2, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

Indians and allies of the Crown. The Chief Executive Assistant to the Minister of Mines and Resources, C. W. Jackson, was of the opinion that:

> no matter what they might put down, their nationality would not be changed thereby and for the purposes of registration it is perhaps not so important just how Question 7 [nationality] is answered, because we know and the chief Registrar knows that they are British subjects. The registration is being carried out under a Canadian Act not a "Six Nations" Act.[81]

Officials of Indian Affairs and National War Services finally decided to allow these Iroquois to register as "Canadian-born members of the Six Nations Indians," believing that this designation could not mean anything other than British subject.[82] Although they allowed that such a concession might cause more trouble in the future, it was preferable to incarcerating large segments of the Six Nations population in order to enforce NRMA regulations.

Anderson wrote numerous letters protesting the imposition of registration on the Six Nations, none of which went through the usual channels of the Indian Affairs Branch.[83] In September of 1940, the Council sent one telegram to the Prime Minister requesting an appointment to discuss the matter, and a second to solicit the Governor General's intercession on behalf of the Six Nations.[84] However, these overtures failed and the hereditary chiefs turned to other means.

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81 C.W. Jackson to Dr. McGill, Feb. 14, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Jackson had come to this decision in communication with T. C. Davis from the Department of National War Services.

82 T. C. Davis to C. W. Jackson, Feb. 12, 1941, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2).

83 The Council of Hereditary Chiefs did not accept the jurisdiction of the Indian Affairs Branch or the Indian Act and bypassing the normal channels of communication was symbolic of this resistance.

84 "Jas. S. Hill" Ohsweken to W.L.M. King, Sept. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file #

Registration Regulations varied from fourteen days to three months.[78] Most resistance was sporadic, short-lived, and easily overcome through the combined influence of the Indian agent and local law enforcement.

The same cannot be said of the Six Nations of Ontario and Quebec, who generated the most vociferous, organised and sustained protests against the registration of the Aboriginal population. The Hereditary Council of Chiefs, "the only true legal representative of the Six Nations Confederacy," and in particular its Secretary, Arthur Anderson, provided the primary impetus for resistance. This organisation, opposed to the 'official' elected council approved by the Indian Affairs Branch, wielded significant influence across several of the Six Nations Reserves.[79] The hereditary chiefs based their opposition on a long-standing argument that the members of the Six Nations Confederacy were not Canadian or British subjects, but loyal allies of the British monarch.[80] The crux of the problem was how Six Nations men and women would enter their nationality on the registration questionnaire. The government was not keen to have them register as anything other than British subjects for fear this would encourage further national aspirations, but the Hereditary Council insisted that its people must register as Six Nations

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78 RCMP Division File 41E-269-1867, Jan. 2, 1941, MacInnes to Castonguay, Aug. 5, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 3).

79 Arthur Anderson to W. L. M. King, February 22, 1941, (NAC, RG 10, c- 8514, vol. 6770, file # 452-26, pt. 2). Anderson was the driving force and conducted all the correspondence. The organisation was based in Brantford, Ontario, but seems to have had contacts at Caughnawaga and St. Regis, Quebec.

80 D. J. Allan to Director, Sept. 25, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). There were other organisations within the Six Nations population that propounded similar theories.

The Indian Superintendent in Brantford posted notices around the Six Nations Brantford Reserve informing the residents that registration would take place on 25 September 1940. The night before, the local RCMP found posters on the reserve signed by Arthur Anderson and the Council of the Hereditary Chiefs "giving public notice that they [Six Nations] were not required to register."[85] The notice quoted from a letter received from T. C. Davis in August, before the policy change, stating that "Treaty Indians are not required to register under the National Registration Act," and Anderson posted them even though the Council knew of the reversal of policy.[86] Anderson's actions drew an angry response from Indian Affairs officials, such as D. J. Allen the Superintendent, Reserves and Trusts, who declared that:

> This incident at the Six Nations Reserve at Brantford presents an opportunity of declaring the whole Long House Group, The Mohawk Workers' Organization, and all organizations harbouring the theory that they are not British Subjects illegal organizations, and definitely and finally putting them out of business. This in the judgement of the writer should be followed by a seizure of all their books and records on all reserves, and particularly in the case at Brantford the arrest of Anderson and possibly all members of the hereditary council on charges to be preferred under The Defence of Canada Regulations.[87]

In spite of Allen's draconian scheming the authorities refrained from arresting Anderson. He continued to write to officials in hopes of enlisting their support against what the

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452-26, pt. 2), Unsigned to Hon. Earl of Athlone, Sept. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

85 D.J. Allen to Director, Sept. 25, 1940.

86 Allen to Director, Sept. 25, 1940. Castonguay had contacted Anderson previously and informed him of the policy change.

87 Allen to Director, Sept. 25, 1940..

hereditary chiefs believed an illegal act, and many Six Nations members in Brantford and St. Regis continued to resist into 1941 and beyond.[88]

The process of registering Canada's First Nations people in 1940-41 was only the first step on the road to conscription for overseas service, but as the preceding narrative makes clear, even that first step was very uncertain. From the initial writing of the National Resources Mobilization Act, the status of Aboriginals remained unspecified. As a result, not only the Native population, but federal Indian agents, the Indian Affairs Branch and other governmental bodies functioned in a state of abject confusion. The conflicting and overlapping jurisdiction of the Indian Affairs Branch and the Department of National War Services, combined with short-sighted reactive policies, hampered the decision-making process and contributed to the general disarray. As a rule, the latter assumed responsibility for the policy decisions pertaining to Natives, while the former affected a subordinate role. The Indian Affairs Branch and its personnel still played an important role in the registration process by aiding at the logistical level. However, bureaucratic indecision and ad hoc reactive policies placed heavy demands upon an infrastructure ill-suited to such work. This often lead to breakdowns in communication during the frequent policy changes of the early phase of the registration process and delays

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[88] E. R. Read to Indian Affairs, Feb. 13, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2). Jude Thiebeault to MacInnes, Nov. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Anderson to W..L.M. King, Feb. 22, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Anderson to Malcolm MacDonald, High Commissioner for the United Kingdom, Feb. 22, 1941, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), Neither of the letters from Anderson to the Prime Minister or the British High Commissioner were successful in garnering support as both were referred back to the Indian Affairs Branch. At the end of March, 1943, an estimated 1 000 Six Nations residents of Brantford had still not registered. RCMP Division File No.40 T 172 / 73, Mar. 30, 1941.

during the actual task of mobilising Aboriginal participation and quelling resistance. Whether Native resistance to registration actually forced changes in policy is difficult to determine; its sporadic and short lived nature make such a proposition unlikely. However, its limited impact would change as the problems already evident in the registration question became exasperated by the larger issue of compulsory military service.

Chapter 4:

Conscription Policy and Canada's First Nations, 1940-1945.

The historiography of conscription in Canada has always considered the problem of compulsory military service within the context of the overarching relationship between French and English Canada. According to the traditional interpretation, the Liberal government of Mackenzie King brought in conscription in stages so as to delay a crisis for as long as possible, thereby diffusing any potential French-English split over the issue. In this endeavour, King was remarkably successful and is lauded for his deft political manoeuvrings. Conscription had little impact on the military situation in Europe and thus its real importance, the standard interpretation comfortably asserts, was its place in the sweep of the national narrative. Conscription, however, had a complex influence on Canadian society. It was more than simply a fanning of the flames of the traditional antagonism between the two dominant ethnic groups.

The highly intrusive nature of the National Resources Mobilization Act became an issue of crucial importance to Canada's First Nations people. Although many people did not realise it, the natural consequence of registering the Native population under the NRMA was their liability to be called for military training and service; a fact that shocked and angered Native communities throughout Canada. Aboriginal leaders argued that as wards of the government who did not possess the basic privileges of citizenship, they should not be forced to fulfil the obligations of full citizens. In addition, during the negotiation of several treaties, the government had provided assurances that Natives

would never be forced to fight in foreign wars. These arguments had secured an exemption from conscription for Native people during the First World War, a precedent that Aboriginals remembered well. In spite of their arguments and resistance, "Indians [were] in the same position as white people with regard to military service."[1]

In the context of conscription, the First Nations became a 'people in-between,' both administratively and legally. They fell between an Indian Affairs Branch eager to avoid responsibility for policies affecting Aboriginal military service and the Department of National War Services and Department of National Defence, both of which were too preoccupied with larger problems to worry about the concerns of an indigenous minority. Worse than the administrative orphaning suffered by Native people were the implications of their constitutional position within Canada. The Ministry of Justice determined that Native people, while not Canadian citizens, were British subjects. This nebulous, and unenviable, status forced Aboriginals to fulfil the duties of citizenship without its rights. This chapter, after examining the context and development of conscription policy, will briefly cover Aboriginal reactions before focusing specifically on the issues of jurisdiction and legalities involved in implementation of the NRMA. In the final analysis, the issue of conscription proved an unhappy episode in the relationship between the First Nations and the Canadian government.

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[1] MacInnes to R.P.L. L'Hureaux, Aug. 14, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5).

To comprehend the Natives' position in the conscription issue, it is necessary to place their Second World War experiences in context. The First Nations initially came into contact with compulsory military service in the First World War. Their experience in that conflict was especially important as it influenced Aboriginal expectations of their status relating to conscription policy between 1940 and 1945. Protests had followed the 1917 Military Service Act; a deputation from the Six Nations travelled to Ottawa and presented their case to the authorities.[2] The government acceded to the twofold argument presented by Native representatives. The Aboriginal leaders argued that during several treaty negotiations, assurances were given that Native people would never be compelled to fight in foreign wars, and, in addition, that they should be exempt because they were disenfranchised. The War Times Election Act provided that, "naturalised persons . . . deprived of the franchise should by reason of that deprivation be relieved from the duty of performing combatant military service."[3] The order in council passed by the government to deal with Native concerns not only exempted Aboriginal men from conscription for combat purposes, it also made it easier for them to apply for deferments from non-combat service. Natives were not, however, completely cleared of service obligations and could still be called for non-combat service. The existence of this exemption, even though it was only partial, formed a precedent that would have serious repercussions over two decades later.

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2 P. C. 111, Jan. 17, 1918, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

3 P. C. 111, Jan. 17, 1918. The order in council specifically refers to the status of naturalised Japanese Canadians who were exempt under the provisions of the War Time Elections Act. This regulation did not apply to those Aboriginal people who had become enfranchised or had voted illegally at a Dominion election.

An understanding of the broader context of the development of conscription policy within Canada during the Second World War will also help to comprehend the circumstances that affected Native people on this issue. The initial phases of conscription in Canada only allowed for the training or service of conscripts within Canada itself. Although Parliament passed the National Resources Mobilization Act in June 1940, the formal proclamation of compulsory 30-day military training did not appear in the Canada Gazette until 13 September. Only childless, single or widowed men between the ages of 21 and 24 were subject to the initial call; the first group of 27 599 began training on 9 October 1940.[4] Military leaders and their political superiors considered 30 days inadequate to produce a useful soldier, but shortages of military equipment during massive expansions in the regular military services prohibited a more lengthy training period.[5] Three such groups eventually performed their allotted training, the last beginning on 10 January 1941, before senior military officials recommended extending the training period. Beginning on 20 March 1941, the Department of National War Services called smaller groups of approximately 5 000 for four months of training. Not only did recruits face a longer training period, all who successfully completed the training were automatically enrolled in the non-permanent active militia for the duration of the war. These NRMA militia soldiers served in Canada or its territorial waters in coastal defence roles, thereby freeing general service soldiers to proceed overseas. By the spring of 1941, NRMA

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4 C. P. Stacey, Six Years of War, p.119. Over 2 000 failed the physical examination.

5 J. L. Granatstein, Conscription in the Second World War, p.30.

soldiers faced with the less than exciting prospect of long-term military service in Canada frequently opted to 'go active' and join the general service with the Army overseas.[6] Despite the extension of the provisions of the NRMA, however, all training and service remained in Canada at this stage of the war.

Political pressure for the imposition of comprehensive conscription for overseas service became increasingly insistent throughout 1941, and was further buttressed after Japan's dramatic entry into the war in early December 1941.[7] Prime Minister King remained constrained by his promise, given in 1939, never to enact such a measure. The pressure finally forced the Liberal government to hold a plebiscite in the spring of 1942 requesting a release from "any obligations arising out of any past commitments restricting the methods of raising men for military service."[8] Canadians outside Quebec strongly supported releasing King from his pledge. As a result, Bill 80 was passed, completely removing the restrictions on the extension of the NRMA to overseas service. By August 1942, the road to total conscription lay open. However, the Liberal government did not immediately enforce the powers it now wielded, instead King decided to hold them in reserve until such time as conscription became necessary for the successful prosecution of the war.

Over the course of the next two years, "a succession of orders in council gradually widened the scope of employment of NRMA men within the North American zone."[9] On

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6 C. P. Stacey, Six Years of War, p.122.

7 C. P. Stacey, Six Years of War, p.122.

8 J. L. Granatstein, Conscription in the Second World War, p.42.

9 C. P. Stacey, Six Years of War, p.123.

several occasions, Canadian officials sent NRMA units to Newfoundland and the United States for service and training. The invasion of the Alaskan island of Kiska was the most significant of these operations, involving 5 300 Canadian NRMA troops under US. command.[10] In August 1943, a general order authorised the posting of NRMA soldiers to Newfoundland, Bermuda, the Bahamas, Jamaica, British Guyana and the United States.[11] The government had not yet passed an order in council enabling the employment of NRMA soldiers for active service overseas, but it was edging inexorably closer.

The King government decided that conscription was necessary in November 1944. Following the Overlord invasion in June of that year, the First Canadian Army had engaged in bitter fighting and had suffered heavier casualties than expected. Shortages of trained infantry were evident by September, and worsened as winter approached. At least 15 000 trained replacements were needed to bring Canadian units up to strength before the renewed campaigns of 1945. The voluntary recruiting system failed to produce the required personnel, and King finally agreed to send 16 000 NRMA soldiers, or Zombies as they were derisively termed by this stage of the war, to Europe. The first of these entered the front lines in February, but only 2 463 actually served at the front before war's end on 8 May 1945.[12] The anticlimactic ending of the contentious issue of conscription does not

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10 C. P. Stacey, Six Years of War, p.500-2.

11 C. P. Stacey, Six Years of War, p.123.

12 J. L. Granatstein, Conscription in the Second World War, p.66. Casualty levels dropped during the winter of 1944-45, and there was less urgent need for the NRMA soldiers by the time they arrived in Europe. That is why only a few of those shipped overseas actually saw combat. King determined that he would not send more "Zombies" unless it became absolutely necessary, thus he had still not brought in systematic conscription when hostilities ceased.

negate its importance. Indeed, the final escalation of conscription was a matter of crucial importance to the First Nations during the Second World War.

The implementation of conscription among Aboriginal people involved several stages and procedures. The poor communications and bureaucratic bungling that had marred the registration of the Native population continued during the early phase of the conscription process. In addition, the logistical complications of Natives living in remote regions did not cease once they had completed a registration form. After the government confirmed Aboriginal liability to serve, the question of deferment from service attained a new importance for many Natives. The final crisis and the decision to send NRMA men overseas raised the strongest protest from Native groups, as it clearly contravened the precedent established in the First World War.

As noted in the preceding chapter, government officials finally decided to register the Native population on 3 September 1940. Decision makers viewed the ruling as an expedient solution to the employment problems of unregistered Natives. This short-sighted policy apparently failed to account for the consequences that would follow from making the NRMA regulations applicable to Aboriginal people. The Indian Affairs Branch may have been unaware of the 30-day military training scheme that the government intended to implement, but the Department of National War Services certainly knew, because the 30-day training received authorisation on 30 July.[13] No one appeared

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[13] C. P. Stacey, Six Years of War, p.119. The policy was not announced until 13 September, ten days after McGill and Castonguay, the Chief Registrar, agreed to complete the registration of all First

to think it important that the Indian Affairs Branch be warned that Aboriginals would be liable to serve.

Secretary MacInnes received the first indications of a problem from a number of Indian agents. Agent J. F. Lockhart of Fort Francis, Ontario, sent in the first notice on 20 September:

> Today Leanord Bruyers No. 147 Couchiching Band and Charles Calder (Mourreseau) No. 150 of the same band have been notified to report for Medical Examination relative to the 30 day training period. Will you kindly advise by return mail if Treaty Indians are subject to this training, as the older Indians contend that they are [sic] not subject to conscription during the last war.[14]

The Branch administrators were seemingly unprepared for this contingency, and the only reply MacInnes could give Lockhart was that the "matter [was] receiving the attention of the Department and you will be advised within a few days."[15] Many urgent letters reached the Secretary of Indian Affairs during the next several days.[16] Those who had not as yet experienced similar problems in their own agency requested clarification of Aboriginal status under the 30-day training plan, should any future medical notices arrive.[17]

Nations people.

14 J.F. Lockhart to Secretary, Sept. 20, 1940, (NAC, RG 10, vol. 6764, file 452-6, pt. 2).

15 Secretary to Lockhart, Sept. 24, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

16 F.J.C. Ball to Secretary, Sept. 27, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), D. J. Allen to McGill, Sept. 26, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), E. P. R. Randle to Secretary, Sept. 21, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

17 Edwards to Secretary, Sept. 16, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), R. H. Moore to Secretary, Sept. 23, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

McGill directed the Branch solicitor, W. M. Cory, to investigate the matter on 24 September. The Director mentioned the correspondence from the agents and the precedent of the 1918 order in council exempting Aboriginal men from combat service. However, he was particularly concerned as to whether Cory "consider[ed] that this thirty-day training by Indians would constitute military service."[18] Cory took the matter up with the Department of Justice, who informed him that no legal reason existed whereby Native men were exempt from military training.[19] The Branch solicitor then contacted Major General LaFleche, Associate Deputy Minister of the Department of National War Services, who, on his own authority, determined that all Native men "must hold themselves in readiness for call for military service."[20] Cory did not raise the issue of the First World War precedent because in his view "there is . . . a clear distinction as between military service referred to in the said Order in Council and the present training that is required."[21] The Secretary was then able to circulate the information to the field agents:

> The National War Services Department has now advised that all Indians must hold themselves in readiness for call for military service (30 days' training). If the Indians desire to avoid this military service, representation must be made by them, individually, when they are called for their medical examination.[22]

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18 Director to Cory, Sept. 24, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

19 Cory to McGill, Sept. 26, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

20 Cory to McGill, Sept. 26, 1940.

21 Cory to McGill, Sept. 26, 1940.

22 MacInnes to all Agents Inspectors and Indian Commissioner for B.C., Sept. 28, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

Although it did not erase the doubts in the minds of administrators, and most certainly failed to assuage First Nations anxieties, among Indian Affairs personnel, this communiqué ended the initial confusion about Native status *vis a vis* 30-day training.

The logistical problems that had plagued the implementation of registration among remote and dispersed Native bands continued when they began to receive notices to report for medical examinations. Those who spent much of the year removed from white society and visited a post office infrequently often did not get their notices for long periods of time.[23] These individuals subsequently became delinquents and subject to arrest by the RCMP. If isolated Aboriginal men received their notice to report for medical examination, they frequently did not have access to a doctor without travelling long distances.[24] Most could not afford the time or expense of making the trip, and, in any event, many were not keen to submit themselves for military training and service. Under these conditions, ignoring the notices proved the easiest option.

Those who took this option were frequently able to avoid a confrontation with the law indefinitely. The RCMP saw little point in sending patrols in search of fugitives, whether they were intentionally delinquent or not, who lived part of the year as highly mobile hunters and trappers, far removed from centres of population.[25] If the authorities

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[23] Indian Affairs to all Indian Inspectors, Apr. 17, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), C. P. Schmidt to Indian Affairs Branch, Aug. 20, 1943, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 2).

[24] W. M. Thursdale to Secretary, Feb. 1, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), W. Christie to Secretary, Oct. 11, 1941, (NAC, RG 10, vol. 6764, file # 452-6, pt. 2), R. H. S Samson, Agent's Report for March 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), E. Macpherson to McGill, Aug. 9, 1943, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

succeeded in locating the man they sought, he still might fail the physical, thereby wasting all the resources expended to apprehend him. An officer in Amos, Quebec, produced a report in February 1942, explaining the problems he imagined in calling Natives from remote areas:

> Their mode of living could not be changed to the extent of the ordinary training camps for obvious reasons . . . Their physical endurance differs to that of white men, their customary dress is different, the food they are accustomed to, is all together different and they readily absorb disease germs with the slightest contact . . . Further, from the more remote areas a lot of Indians have not even seen a railroad and have not the slightest knowledge of English and French languages.[26]

While the arguments contained in this quotation are to some extent based on racial stereotypes, clearly practical concerns existed that made the conscription of Native men, who spoke neither English or French and had little familiarity with white society, somewhat problematic.[27] The RCMP, like the Department of National War Services before them, held the potential value of military participation by Aboriginal men from

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25 RCMP Division File No. 41M 172-1821, Feb. 25, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). Sergeant J. A. E. Derrosiers, the detachment commander, submitted this report on the case of Frank Thomas, a local Native who failed to submit to the medical exam , and could not be reached for several months as he was away trapping. This report was supported with some reservations by the commanding officer of the Quebec RCMP Division, who forwarded the matter to the Commissioner, RCMP. From there, copies were sent to the Department of National War Services and the Indian Affairs Branch and initiated a review of the policies regarding Aboriginals and military training (4 month duration by this stage of the war). MacInnes to Commissioner, Mar. 13, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

26 RCMP Division File No. 41M 172-1821, Feb.25, 1942.

27 Refer to quotation of T.C. Davis, Associate Deputy Minister of National War Services, in Chapter 3, page 61. The reasoning supplied in the RCMP report is strikingly similar to that presented by the Department of National War Services when it was decided to exempt remote Aboriginal communities from registration. In that instance, T.C. Davis determined that the costs involved in registering these groups was simply not worth the results that would be obtained.

remote areas in such low esteem that it failed to outweigh the costs of bringing them in for the physical examination.

Policy makers in the National War Services Department, the Indian Affairs Branch and the RCMP consulted during the first months of 1942 on ways to handle the logistics of this situation. MacInnes notified the provincial inspectors of the proposed solutions in a strictly confidential letter on 17 April 1942.[28] National War Services was considering modifying the application of the National War Service Regulations to Native men in outlying areas. Officials deemed it inadvisable to officially amend the Regulations to exempt isolated Natives, "as such action obviously might establish an embarrassing precedent."[29] Under the modified policy, notices to report for medical examination would still be sent to all eligible Native men, including those in remote areas, but delinquents removed from population centres would not be prosecuted "or [suffer] other drastic action."[30] MacInnes sought the inspectors' opinions on the proposed plan, and reports on the agencies where this ruling might apply.

All the inspectors supported the proposal as a useful solution to problems that had plagued them for over a year, although concerns remained and it appears to have been implemented as policy in a haphazard fashion.[31] Inspector C. P. Schmidt suggested that no

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28 Secretary to the Inspectors, Apr. 17, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20 , pt. 4).

29 Secretary to the Inspectors, Apr. 17, 1942.

30 Secretary to the Inspectors, Apr. 17, 1942.

31 A.G. Hamilton to the Secretary, Apr. 20, 1942, (NAC, RG 10, c-8513, vol.6768, file # 452-20, pt. 4), J. Thibault to the Secretary, Apr. 21, 1942, (NAC. RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Inspector of Indian Agencies, Ontario, to the Secretary, May 23, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), C.P. Schmidt to the Secretary, May 26, 1942, (NAC, RG 10, c-8513, vol. 6768, file

attention be paid to those who failed to respond to their notices because unsuccessful efforts to enforce the regulations would "start gossip in the various neighbourhoods, when insinuations will no doubt be made that the Indians 'are getting away with it.'"[32] However, as Inspector A. G. Hamilton informed the Secretary in November 1942, the lack of action against delinquents produced exactly the same attitude among some Aboriginal communities that Schmidt had feared. Hamilton opposed the sending of notices to isolated Aboriginal groups unless the authorities followed it up with prosecution, as he found:

> A growing feeling "that they (the Indians) are not obliged to obey the Government, nor the Army" . . . Allowing the Indians merely to disregard their notices is not good - they assume it to be their right and the notices are treated more or less as a joke. There is an underlying feeling of defiance which is becoming more and more evident; and is already showing its effect in our general administration of reserve matters.[33]

The Secretary's reply does not survive in the records, and there is no other correspondence to suggest that Hamilton's recommendations were acted upon. The question of prosecuting Aboriginals who ignored their notices seems to have remained somewhat ambiguous. A message from Humphrey Mitchell, Minister of Labour, to Crerar in March

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452-20, pt. 4), A.G. Hamilton to the Secretary, June 10, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), D.M. McKay to the Secretary, April 24, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). McKay, the Commissioner for B.C. had set up a series of procedures in consultation with the Divisional Registrar, C.G. Pennock, and did not wish any changes as the arrangement was working well. The working agreement, McKay assured, did not "interfere in any way with the purposes of the Act, but was designed to insure that, in so far as possible, action compelling Indians to report for service would only be taken in the case of those medically fit and otherwise in a position to obey the law."

32 C.P. Schmidt to the Secretary, May 26, 1942.

33 A.G. Hamilton to the Secretary, Nov. 10, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5). None of the other inspectors indicated a similar state of affairs, and conditions in Manitoba may have been significantly different than elsewhere.

1945 indicated that the two bureaucracies failed to formalise and co-ordinate their policies, even at this late stage of the war.[34] Mitchell informed Crerar that the Department of Labour had found the results of enforcing conscription on Aboriginals were insufficient to outweigh the costs. The Department of Labour was withholding prosecution of its own volition, although in the opinion of the Mitchell, they did not have the authority to do so, and recommended that the situation needed clarification.[35] In short, the authorities failed to develop a uniform policy for enforcing the National War Services Regulations with respect to Aboriginal men.

Deferment of ones' training period was the only option for Aboriginal men who wished to avoid compulsory military service. The regulations provided exemptions for only a select group of occupations, including judges, clergy, police officers, fire fighters, and officers of penitentiaries or asylums.[36] For those who failed to qualify for an exemption based on occupation, deferment had not been particularly important when the period of training was only 30 days. However, this changed once the training period increased to four months, followed by ongoing service in home defence forces. Any man called for military training and service could apply individually for a deferment, provided he had a valid reason for so doing. For example, if the individual formed the sole support

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34 H. Mitchell to Crerar, Mar. 6, 1945, (NAC, RG 10, c-8513, vol. 6769, file #452-20, pt. 6). The direction of the compulsory military service programme had been shifted to the Ministry of Labour in the fall of 1942. The move was intended to facilitate the efficient co-ordination of the nation's human resources for industry and military service.

35 Mitchell to Crerar, Mar. 6, 1945.

36 C. P. Stacey, Six Years of War, p.122.

for dependants, such as infirm or elderly parents, there was a good chance that his application would be accepted. More commonly, officials granted deferments for men involved in the production of goods necessary to the war effort. Essential categories included food producers, such as agricultural workers and fisherman, and industrial workers, such as armaments manufacturers or forestry workers. After July 1941, applicants for deferment were examined and, if found healthy, enrolled in the Army and given a leave of absence without pay for a finite period of time.[37]

Deferment became an issue of crucial importance in many Aboriginal communities. Originally, the men's individual representations received the attention of the Divisional Board, whose decision was "final and conclusive."[38] In British Columbia, all applications for postponement began to flow through the Indian agent as part of a January 1942 working arrangement between D. M. McKay, the provincial Commissioner, and the Divisional Registrar.[39] Judging from the amount of such correspondence in Indian Affairs Branch records, this later became standard policy across Canada. However, the use of deferments varied greatly between different communities, depending on the primary employment of the reserve. Aboriginal groups that were fully employed in the fishing industry, such as those on the coast of British Columbia, and others based on agriculture could obtain a very high percentage of postponements. For example, the population of the Kwawkewlth Agency on the Pacific coast proved highly successful at obtaining

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37 C.P. Stacey, Six Years of War, p.122.

38 MacInnes to all Indian Agents, Inspector and the Indian Commissioner for B.C., Sept. 28, 1940, MacInnes to A. O'Bompawin, Oct. 20, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 2).

39 McKay to C.G. Pennock, Jan. 16, 1942.

deferments; as of March 1944, "every Indian who has applied for deferment to this office . . . has been granted."[40] J. Colman, the Inspector of Indian Agencies, contrasted the Kwawkewlth example with the Kootenay Agency in the interior of the province, which had accounted for over fifty volunteers and no deferments from a population of 435.[41]

Deferment offered policy makers the easy option of a "halfway house" exemption while government determined its policy regarding this difficult issue. The response of Major-General LaFleche, of National War Services to the Indian Affairs solicitor during this initial period of uncertainty regarding Aboriginals and the 30-day scheme is revealing:

> The policy of the Government had not yet been determined with regard to Indians but if Indians wished to evade military service (30 days training) representations would have to be made by them individually when they were called for their medical examination.[42]

Rather than making a decision on the status of Aboriginal people, LaFleche instead proposes a stopgap use of deferment, an idea that harkened back to a policy first used in the First World War. In 1917, Native protests against conscription had caught the government off guard, but it hesitated to enact an explicit exemption for Aboriginal people until 1918.[43] Instead, officials advised Natives to seek deferment under existing

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40 Report of Kwawkewlth Agency for Month of March 1944, (unsigned), (NAC, RG 10, c-8513, vol. 6769, file # 452-20-3). The report mentions that only one man is serving overseas, four are general service recruits in Canada, two are NRMA soldiers serving in Canada , and 106 had obtained a deferment. This from a population of 1 269. The dominant economic activity of the Agency was fishing. With the ejection of the Japanese population from the B. C. coast, the Native population, already prominent in the industry, moved in to provide the majority of the labour pool.

41 J. Colman to Indian Affairs Branch, May 3, 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20-3). Despite the low rates of military service in the Kwawkewlth community, they did support the war against the Axis through generous donations from band funds to the Red Cross, and considerable purchases of Victory Bonds.

42 Cory to McGill, Sept. 28, 1940.

43 Walker, "Race and Recruitment in World War I," Canadian Historical Review, p.19.

regulations, such as agricultural or industrial essentiality. In spite of LaFleche's initial reaction, however, the government refrained from creating a *de facto* exemption in this manner during the Second World War.

Between the first application of compulsory military training in 1940 and the final escalation during the conscription crisis of December 1944, small changes occurred in the policies dealing with conscription. A low estimation of Aboriginal potential for contributing to the war effort, combined with constant protest, left administrators with nagging doubts about the value of continued efforts to conscript Native men. The Department of National War Services reviewed the policy on a number of occasions, first in January 1941 and finally in March 1945 following the imposition of overseas conscription, but Aboriginals remained in the same position as other British subjects under NRMA Regulations.[44] Constraints were erected to make it impossible for males of military age to perform government work without a rejection slip from a military recruiting centre.[45] The option of escaping conscription by moving to the United States ended when that country enacted its own conscription scheme. Aboriginal Canadians received the same treatment as Canadians residing in the United States; they could either choose to submit to compulsory service in the Canadian Army or join the American forces.[46] Despite the expanding powers of the government to call Native men for military

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[44] Department of National War Services to McGill, Feb. 3, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), M. J. Caldwell to Crerar, Jan. 20, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), R. A. Hoey to Chief E. Gamble, Mar. 17, 1945, (NAC, RG 10, c-8513, vol. 669, file # 452-20, pt. 6). The policy was reviewed also in July 1941 and in December 1944.

[45] C.E. Webb to McKay, Apr. 17, 1942, (NAC, RG 10, c-8513, vol.6768, file # 452-20, pt. 4), McKay to Secretary, Apr. 18, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). Edwards to Secretary, Apr. 27, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

service, however, conscription became increasingly ineffective at producing personnel. This was largely due to three factors: the high medical rejection rates of Aboriginals; depopulation of the physically fit males from reserves in many parts of the country as a result of the combination of high volunteer recruitment and previous conscriptive measures; and the number of Native men that worked in essential industry.

A shortage of healthy volunteers was not unique to the Aboriginal population, as the military had effectively exhausted the supply of voluntary enlistment by the autumn of 1944. The Liberal government acted to relieve the critical shortage of trained infantry in Europe by shipping 16 000 Zombies, or NRMA soldiers, overseas. While the 1918 precedent had not been directly applicable to compulsory military service for home defence only, the extension of the measure to active service overseas made the precedent directly relevant. The Indian Affairs Branch finally pressed for a Native exemption to compulsory military service; on 11 December 1944, C. Jackson, Chief Executive Assistant, conveyed to A. D. P. Heeney, Clerk of the Privy Council, the Minister of Mines and Resources' desire to raise the issue in the Cabinet.[47] Jackson acknowledged that the Department of Justice had already ruled Aboriginals to be British subjects and liable to compulsory service and added, unnecessarily, "now that a number of those who have been called up are liable to be sent overseas, the question, so far as Indians are concerned, becomes more important."[48]

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[46] Under Secretary of State for External Affairs to C. Camsell, Aug. 12, 1943, (NAC, RG10, c-8513, vol. 6769, file # 452-20, pt. 6). A. Bernstein, American Indians in World War II, chapter 2. Native Americans were liable to be drafted in the United States as all had been made citizens, unlike Canada's First Nations population which did not possess, and often did not desire, citizenship.

[47] C. Jackson to A.D.P. Heeney, Dec. 11, 1944, (NAC, RG 10, vol. 6769, file # 452-20, pt. 6).

At the Cabinet War Committee meeting on 22 December 1944, Crerar argued:

> That there was considerable objection to this [Native] liability as affected the recent extension of the regulations for compulsory overseas service and suggested that provision for exemption from overseas service might be provided by administrative action.[49]

The Committee decided that all Native men would continue to be liable for home service. However, they agreed with the recommendations of Crerar, ruling that in cases where the Indian Affairs Branch determined that exemption could be claimed under treaty with justification, "Indians be not [sic] posted for service overseas."[50] The decisions of the Cabinet War Committee limited the number of Native people who could claim exemption from overseas service to those communities under Treaties 3, 6, 8, and 11.[51]

Following this ruling, the government had to move quickly to make sure that no Native men who could claim exemption proceeded overseas by mistake and were killed.[52] All District Officers were told to question any Aboriginal NRMA soldiers in the military camps before selecting them for posting overseas. If the Native NRMA soldier was a

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48 Jackson to Heeney, Dec. 11, 1944.

49 Heeney to Crerar, Dec. 26, 1944, (NAC, RG 10, vol. 6769, file # 452-20, pt. 6). J. L. Granatstein, Conscription in the Second World War, p. 63. It is interesting to note that Crerar pushed the limited exemption for Natives even though he was the leader of the conscriptionist faction in Cabinet, and pressured Mackenzie King strenuously to enforce the final stage of conscription during November and December of 1944.

50 Heeney to Crerar, Dec. 26, 1944.

51 These four Treaties encompassed a large territory including parts of western Ontario, southern Manitoba, central Saskatchewan, northern Alberta, north-east British Columbia and parts of the Northwest and Yukon Territories. The combined Native population of the four treaty areas was approximately 22 450. This formed only a small portion of the 118 378 status Indians in Canada, as reported by the Indian Affairs Branch (based on 1939 census).

52 Unknown (Indian Affairs official) to Colonel Tosland, Jan. 17, 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

member of an agency within the four treaty areas, they were to remain in Canada until lists of names from each agency were prepared and their membership checked. Acting Director R. A. Hoey directed the Indian agents to prepare nominal rolls as soon as possible of all of their charges who had been conscripted.[53] It is unknown if Aboriginal soldiers were included in the 16 000 Zombies sent to Europe in 1945 or the 2 463 who entered the front line.[54]

The combination of high rejection rates for Aboriginals because of health, and the fact that many qualified for deferment tended to make administrators underestimate the importance of the NRMA to First Nations communities. However, Native protest over the registration of First Nations people was a pale shadow of their reaction to their young men being compelled to serve in the Army. Where registration had spawned only sporadic and scattered protests or resistance, conscription provoked continuous and wide spread opposition. Escalations in the extent of NRMA soldiers' duties tended to bring intensified protests. Band councils and Native organisations from all over Canada sent messages, resolutions and petitions to the Indian Affairs Branch, and, when that failed to produce a satisfactory response, to other government bodies and individuals. Resistance to compulsory service was also far more common and wide spread than had been the case with registration. Many simply ignored the notice to report for medical examination, and

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53 Acting Director - Draft Circular to Agents in Treaty 3, 6, 8 and 11, Jan. 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

54 Granatstein, Conscription in the Second World War, p. 66.

hid from the law if it became necessary. Arrests were common, and in at least one instance violence broke out, resulting in several shootings and two near riots.

Attempting to encapsulate the intricacies and variations of the many Native cultural groups on a national scale would be next to impossible and will not be attempted here. Some of the motivations and legal claims behind Native antagonism to conscription will be examined in more detail in the legal section of this chapter. While recognising that each Aboriginal community, band, agency or treaty group reacted to conscription policy from within their distinct historical context, it is undeniable that compulsory military training affected nearly all First Nations people. The process of policy formulation interacted with this Aboriginal discontent, and cannot be fully understood without recognising this fact. The scale, persistence and vehemence of the opposition inspired numerous reviews of the policy and pressured the Indian Affairs Branch to seek some form of exemption from overseas service for Natives in 1944.[55]

The appearance of the medical notices on reserves in September 1940 inspired immediate comment and protest from Native councils. The Caughnawaga Council in Quebec passed a resolution on 2 October 1940, expressing its dissatisfaction with the decision of the National War Services Department to hold Natives liable for service.[56] A similar response arose among the Huron at Loretteville, Quebec, where, on 14 October

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[55] Agents report for October - A. Strang, Nov. 1, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Indian Agent to the Secretary, Feb. 1, 1941, Agents' Report for May - A.G. Smith, May, 1943. This discussion is not trying to suggest that all Aboriginal men opposed reporting for conscription; according to the agents, some served willingly and were even pleased with the idea of military service. Nor is this suggesting that all Native communities opposed and resisted the policy's implementation.

[56] Brisebois to Indian Affairs Branch, Oct. 5, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

1940, the Protective Committee contacted the Governor General. The Huron and Six Nations were not the only First Nations to express their displeasure over the issue. Other objections arrived from the Peigan of southern Alberta and from the chief and council in Birtle, Manitoba.[57] The initial burst of disaffection appears to have diminished somewhat because each training session only lasted thirty days, and was for the defence of Canadian territory - a fact that most supported. Indeed, almost all Aboriginal leaders and councils voiced support for the war effort and their acceptance of the voluntary enlistment of Native men.[58]

Each escalation in the level of conscription created a surge in correspondence from Native groups to the Indian Affairs Branch. When the length of training was extended to four months and indefinite service in the militia in 1941, it brought renewed anger and protests from many groups.[59] Similarly, protest grew following the plebiscite and the passing of Bill 80 in the spring and summer of 1942, which some mistakenly construed as the beginning of conscription for overseas service.[60] Native groups continued a less

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57 T. W. Webb to Secretary, Oct. 22, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), A.G. Smith to Secretary, Oct. 30, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

58 Indian Agent to the Secretary, Oct. 17, 1940, (NAC, RG 10, c-8513, vol.6768, file # 452-20, pt. 4), Webb to Secretary, Oct. 22, 1940, Shot Both Sides, Frank Red Crow, Percey Creighton, Fred T. Feathers and Cross Child to Minister of Defence, Sept. 3, 1942, Chief M. George to Crerar, Sept. 19, 1942.

59 J.N.R. Iredale to Schmidt, Apr. 21, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Blackfoot Council Meeting - Minutes, May 30, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), G.H. Gooderham to Secretary, Mar. 26, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Skeena Agency - Report for Sept., 1941, (NAC, RG 10, c-8513, vol. 6768, file #452-20, pt. 4), Chief Reuban Bull to Mackenzie King, Oct. 1, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), W.P.B. Pugh to the Secretary, Oct. 1, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), W. Christie to Secretary, Oct. 11, 1941. There are other examples of the distress that was caused by calling Native men for four months military training in addition to ongoing service in the active militia.

60 Brisebois to the Secretary, June 10, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5),

frequent correspondence with government officials throughout 1943 and 1944, with increasing levels of frustration on the part of Aboriginal leaders over the perceived lack of concern and effective action.[61] Not surprisingly, the sending of NRMA soldiers overseas in 1945 generated a final influx of angry letters.[62] While the continuous stream of correspondence pressured government officials on the issue of conscripting Aboriginals, First Nations opposition extended beyond the written word to include the sending of representatives to Ottawa, and, not infrequently, to outright resistance.

The inability of letters to penetrate the bureaucracy and attain results convinced some Native leaders that face to face meetings with government officials were the only way that they could make their grievances heard. On 29 October 1940, the first such group arrived from St. Regis, Quebec, to discuss the issue of 30-day training.[63] The River

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Thomas George to the Department of National Defence, June 15, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), Shot Both Sides, Frank Red Crow, Percy Creighton, Fred T. Feathers and Cross Child to the Minister of National Defence, Sept. 3, 1942, Chief Mackenzie George to Crerar, Sept. 19, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5). Several of these letters indicate that some believed that Bill 80 was the beginning of conscription for overseas. Even if there were no misunderstandings of the scope of the plebiscite and Bill 80, the degree of correspondence at this time is indicative of the heightened level of concern over the issue among the Aboriginal population.

61 Randle to Indian Affairs, Mar. 15, 1943, (NAC, RG 10, c-8513, vol.6769, file # 452-20, pt. 6), Jules Sioui to Ministers of the Cabinet, Nov. 30, 1943, (NAC, RG 10, c-8514, vol.6769, file # 452-20-10, pt. 2), Andrew Paull to Crerar, Jan. 19, 1944, (NAC, RG 10, c-8513, vol. 6769, file # 452-200, pt. 6). Andrew Paull was President of the expanding North American Indian Brotherhood, which had been active in encouraging resistance to compulsory service among Native communities on the Pacific coast since 1941. It gained new followers and political power over the issue of Aboriginal conscription. By 1945, the organisation had expanded out of British Columbia and had a vice-president from Caughnawaga, Quebec, and a Secretary from Christian Island, Ontario.

62 Blackfoot Council Meeting Minutes, Feb. 21, 1945, (NAC, RG 10, c-8513, vol.6769, file # 452-20, pt. 6), Andrew Paull to Crerar, Feb. 27, 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), Acting Director to Chief Gamble, Mar. 17, 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), Quarterly Report - Randle, Mar. 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

63 MacInnes to D. P. McNaughton, Oct. 30, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). MacInnes informed the McNaughton, the Indian agent for St. Regis, noting his displeasure that they had not spoken to the McNaughton before coming to Ottawa, "but as they came here at their own expense, their representations were listened to." Generally, the Indian Affairs Branch attempted to

Desert Band from Maniwaki, Quebec, sent Chief John Jacob to discuss the matter in June 1941, and resolved to request another meeting with the McGill in September 1942. MacInnes refused permission on the second occasion because the matter was "not under the jurisdiction of this department, and Indians are in the same position as other people when they are called up."[64] The constant rebuffs of Six Nations' requests for a change of their status under the NRMA finally prompted them to send a group of representatives to the Ministers of Justice and of Mines and Resources in the spring of 1943.[65] More deputations to Ottawa followed in October 1943, March 1944 and the last in March 1945.[66] A missive from the Indian Superintendent at Brantford, who was sympathetic to the concerns of the Six Nations, reached the Indian Affairs Branch several weeks after the 1945 interview with Crerar, saying:

> The Council naturally frequently enquires as the the [sic] final decision over the matter, of which so far there is no official word from Ottawa, and the Department may appreciate that it is the want of final action or even explanation over matters of vital importance to the Indian people, which is so much the cause of the want of confidence by the Indians in our Department, and their ever-increasing belief in the impossibility of their getting justice or proper consideration of their major grievances.[67]

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dissuade such visits.

64 J.E. Gendron to MacInnes, June 20, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Gendron to MacInnes, Sept. 8, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), MacInnes to Gendron, Sept. 11, 1942, (NAC, RG 10, c-8513, vol.6769, file # 452-20, pt. 5).

65 Camsell to E.P. Varcoe, May 15, 1943, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

66 Crerar to Louis St. Laurent, Minister of Justice, Feb. 26, 1944, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), Hoey to Gamble, Mar. 17, 1945, (NAC, RG 10, vol. 6769, file # 452-20, pt. 6).

67 Quarterly Report - Randle, Mar. 1945.

At the bottom of this report is a typed note by MacInnes, affirming that "No action [was] required."[68] Considering the extent of bureaucratic inertia and their inability to receive fair deliberation on their grievances, it is hardly surprising that resistance to compulsory military service was common in many Native communities.

By far the most prevalent form of opposition was the refusal to appear for medical examination upon receiving the notice from the Department of National War Services. Incidents of this nature abound in the records of the Indian Affairs Branch: the Squamish people near Vancouver in September 1940; the Stoney Nation of Alberta in April 1941; the Mohawks at Caughnawaga throughout the war; and the Micmac of Nova Scotia in October 1942.[69] The men's reticence was frequently a manifestation of their communities' opposition to conscription. In some cases, elders were the driving force in the young men's refusal to report, giving them sanction to do so and even aiding in their avoidance of the RCMP.[70] Those who were able crossed the border and took refuge in the United States, while members of more isolated communities simply vanished into their hunting territories.[71] The problems became so prevalent that McGill finally issued a circular letter on 31 July 1943, notifying his agents that:

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68 Quarterly Report - Randle, Mar. 1945.

69 Agent's Report for September, F. J. C. Ball, Sept. 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2), J. H. R. Iredale to Schmidt, Apr. 21, 1941, Director of Mobilization to MacInnes, Oct. 21, 1942, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 5), RCMP Division File 41 M 172-302, Montreal Detachment, Aug. 18, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Brisebois to the Secretary, Dec. 10, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4). Many other examples of the Caughnawaga, not to mention a large number of other First Nations groups, could also be provided.

70 Iredale to Schmidt, Apr. 21, 1941, Brisebois to Secretary, Feb. 19, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

71 Brisebois to Secretary, June 10, 1942.

> The National Selective Service authorities have now advised that some difficulty is being experienced in the call up of Indians under the Mobilization Regulations. Please do everything within your power to see that the Indians comply with the regulations and report circumstances to the department requiring attention.[72]

There was one recorded instance of violence between the RCMP and Mohawks on the Caughnawaga Reserve on 26 November 1943, which the agent attributed in part to the tension created by the conscription issue.[73] Native resistance to compulsory service remained a constant fact of life throughout the war. It would be too much to state that the vehemence of Aboriginal opposition forced administrators to change the policy of conscripting Native men. However, the pressure compelled officials of the Indian Affairs Branch, Department of National War Services and Department of Justice to reconsider the policy on several occasions, and arguably influenced the final decision to exempt some Native groups from overseas service in December 1944.

The process of compelling Native men to serve in the Army involved the interaction of numerous different government departments and agencies. The jurisdictional and administrative tangle that emerged left Aboriginal people lost among the agendas of numerous bureaucracies. The Indian Affairs Branch, which should have been

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[72] McGill to all Indian Agents, Inspectors and the Indian Commissioner for B. C., July 31, 1943, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

[73] Brisebois to McGill, Dec. 2, 1943, (NAC, RG 10, c-8514, vol.6769, file # 452-20-10, pt. 2). This incident involved two altercations on the night of 26 November 1943. The first involved an assault on two constables at a restaurant on the reserve by a larger number of Mohawks, during which one of the constables was wounded and both retreated under a hail of rocks and bottles. The two returned some hours later with six reinforcements from Montreal and raided the restaurant, where they arrested several draft dodgers. However, their tires were slashed and they to were forced to retreat by a large number of the residents. One of the officers was separated from his fellows and assaulted; during the scuffle that followed the officer shot three of his attackers. The incident drew significant media attention.

the chief architect of policies affecting Native people, distanced itself from conscription and declared that it did not have "any authority to give a ruling as to the status of Indians under these [NRMA] regulations."[74] Bereft of their traditional voice in government, the First Nations population was left at the mercy of policies formulated by other government agencies, whose primary concern was not Native rights or sensibilities.[75] When Aboriginal councils or leaders attempted to gain an accounting from either the Indian Affairs Branch or the other departments, it proved difficult to determine who was the responsible party. Neither the boundaries of jurisdiction nor a clear chain of command ever materialised. Natives were lost in the bureaucracy, and became a people 'in-between' in a jurisdictional and administrative sense.

The initial confusion in September 1940 as to whether Aboriginals would be liable to military training under the provisions of the NRMA was, in part, indicative of the ambiguity over jurisdiction. As was mentioned previously, on 24 September 1940, McGill requested that Cory, the Branch solicitor, examine the legalities of 30-day training for Aboriginals.[76] Cory took the matter to both the Department of Justice and the Department of National War Services. Major-General LaFleche, of the Department of National War Services, on his own authority, determined that Aboriginal men "must hold themselves in

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74 McGill to LaFleche, Oct. 3, 1940, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

75 John L. Tobias, "Protection, Civilization, Assimilation," Some would argue that the Indian Affairs Branch was not particularly concerned with the rights or sensibilities of the Native population. However, as Tobias argues in this article, one of the basic paternalistic tenets of the Indian Act and the Indian Affairs Branch was the protection of Native peoples from exploitation until they were ready for assimilation. The Branch abdicated this role with regard to conscription during the Second World War.

76 See Chapter 4, p.76- 77.

readiness for call for military service."[77] The original decision to include Native people under the strictures of the NRMA, and particularly liability for compulsory service, thus originated under the authority of the Department of National War Services, and not the Indian Affairs Branch.

Indian Affairs officials quickly bowed to this decision, and in so doing abdicated any authority over the conscription of Native people for the majority of the war. On 2 October 1940, LaFleche sent the Branch a letter outlining his decision, along with a copy of the National War Services Regulations, 1940, Recruits. After reading the Regulations, McGill came to the conclusion:

> That this Branch or Department would not have any authority to give a ruling as to the status of Indians under these regulations. I do not find anything in the regulations which, either directly or by implication, would suggest that the Indians in fact have any special status. Therefore, I can only assume that they are liable in the same manner as other subjects.[78]

While McGill could find no legal reason in the National War Services Regulations that would exempt Natives, he could have recommended such a course as a matter of policy. The Indian Affairs Branch refrained from doing this for most of the war. Instead, MacInnes and McGill informed all who inquired that the matter was not under Indian Affairs jurisdiction, and that:

> The question was carefully considered by the authorities responsible for the administration of the National Resources Mobilization Act, 1941, and the War Measures Act, when the conclusion reached was that no good reason existed for the special exemption of Indians from military service for the defence of Canada.[79]

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77 Cory to McGill, Sept. 26, 1940.

78 McGill to LaFleche, Oct. 3, 1940, (NAC, RG 10, c-8514, vol. 6770, file # 452-26, pt. 2).

79 Director to Randle, Nov. 5, 1940, MacInnes to the Commissioner, RCMP, Sept. 3, 1941,

It was not until conscription for overseas service became a reality late in 1944 that the Indian Affairs Branch re-emerged as a key force in policy formulation.

During the years that the Indian Affairs Branch removed itself from the decision-making process, other governmental departments determined policy affecting the Aboriginal population of Canada: the Department of National War Services, Department of Labour, Department of Justice, Department of National Defence and RCMP. National War Services made the initial decision to conscript Aboriginal men, and, in combination with the Department of Labour after December 1942, continued to be the dominant force in policy formulation relating to registration, call up of Natives and military training.[80] Once past the initial training phase, NRMA soldiers were enrolled in the militia for indefinite service defending Canada, thereby coming under the jurisdiction of the Department of National Defence.[81] The Department of Justice ruled as to the legal status of Aboriginal people under the NRMA, providing legitimacy to the policies of the other

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(NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), MacInnes to G.R. Bennit, Sept. 3, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), MacInnes to M.E.J. Bastion, Feb. 23, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), MacInnes to Gendron, Sept. 11, 1942, Camsell to Varcoe, May 15, 1943, Director - Circular letter, July 31, 1943, Director to W. Schreiber, Dec. 13, 1943, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), (unsigned) to M.J. Edwards, M.P., Mar. 12, 1942, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

[80] Benoit to McGill, Mar. 22, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Benoit to MacInnes, Mar. 9, 1942, Director of Mobilization to MacInnes, Oct. 21, 1942, Associate Director Mobilization to MacInnes, Mar. 23, 1944, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6), H. Mitchell to Crerar, Mar. 6, 1945, A. MacNamara to the Commissioner, RCMP, Mar. 24, 1945, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6). The Department of Labour administered the mobilisation of personnel and the Department of National War Services had jurisdiction over military training and deferments.

[81] Benoit to McGill, Mar. 22, 1941, G.H. Cassels to McGill, Apr. 9, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), Cassels to MacInnes, June 25, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4).

departments.[82] The RCMP, working in association with National War Services and the field agents of the Indian Affairs Branch, developed policy pertaining to the enforcement of the National War Services Regulations.[83] However, in reality the jurisdictional boundaries were ill defined and overlapping. Even more problematic for Native communities, was the common shifting of responsibility and "passing [of] the buck," between departments.[84]

Aboriginal correspondence vanished into this administrative fog, which made it extremely difficult for them to determine with whom they should speak, let alone gain a sympathetic hearing. The traditional endpoint for correspondence pertaining to Aboriginals would have been the Indian Affairs Branch; however, the Secretary and Director denied any authority, and continually referred to the rulings of the Department of Justice, and the decisions of National War Services.[85] This answer was not often satisfactory:

> Naturally the Indians would be greatly surprised to be told . . . that the Department had advised that they had no jurisdiction in regard to the military training of Indians, when it is generally accepted and known to them that under the Indian Act, the direction, management and charge of Indian Affairs is in the Department's hands.[86]

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82 Director to St. Laurent, Mar. 5, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), W.S. Edwards to Benoit, July 17, 1941, (NAC, RG 10, c-8514, vol. 6769,, file # 452-20-10, pt. 2), E. Miall to LaFleche, Aug. 26, 1942, (NAC, RG 10, c-8514, vol. 6769, file # 452-20-10, pt. 2).

83 RCMP Division File No. 41 M 172-308, Aug. 18, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt.. 4), RCMP Division File No. 41M 172-462, Aug. 13, 1941, (NAC, RG 10, c-8513, vol. 6768, file # 452-20, pt. 4), RCMP Division File No. 41M 172-1821, Feb. 25, 1942, Indian Affairs Branch (unsigned) to all Inspectors, Apr. 17, 1942.

84 Six Nations Council Meeting - Minutes, Apr. 1, 1943, (NAC, RG 10, c-8513, vol. 6769, file # 452-20, pt. 6).

85 Director to St. Laurent, Mar. 5, 1941.

Other departments also eschewed responsibility, or at least spread the blame, where possible. The Department of National War Services used the rulings of the Justice Department and the courts to lend its policy of conscripting Aboriginals credence and legitimacy.[87] The Department of Justice, on the other hand, was able to absolve itself from responsibility for policy because it could only interpret the laws as they were written. The Minister's reply to a Council resolution challenging the legality of conscripting members of the Six Nations, in February 1943, demonstrates this:

> This Department has repeatedly expressed the opinion that under the treaties, and laws and the regulations as they at present exist, the objection taken in this resolution on behalf of the Six Nations Indians to military service is not well founded from the legal viewpoint. As to whether or not it should be dealt with by His Excellency in Council or by Parliament for other than legal reasons, is a matter which I would prefer to leave to my Colleague the Honourable Minister of Mines and Resources.[88]

The difficulty of determining the responsible authority was complicated for Native people because their correspondence was supposed to be directed through the Indian agent and the Indian Affairs Branch.

A single example will demonstrate the degree of futility and frustration that faced Aboriginal people who wished to question the governments' actions and policies. Jules Sioui of Loretteville, Quebec, contacted the Prime Minister in February 1942 concerning

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86 Randle to McGill, Nov. 14, 1940.

87 Associate Director for Mobilization to MacInnes, Mar. 23, 1944.

88 St. Laurent to W. F. Pawless, Feb. 16, 1943. (NAC, RG 10, vol. 6769, file # 452-20, pt. 6), Six Nations Council Meeting - Minutes, Apr. 1, 1943. It was this letter from St. Laurent that prompted the officially elected Six Nations Council to declare that "the Department and the Government are passing the buck." Randle, the Indian Superintendent in Brantford, told the Branch in April 1943 that "Generally speaking they are coldly bitter and resentful over the matter, and feel their side of the question is never considered, or their rights protected." The level of frustration is hardly surprising.

military service by Native men.[89] In accordance with procedure, the Prime Minister's office promptly forwarded the letter to the Indian Affairs Branch for consideration. MacInnes then contacted the agent in Loretteville and instructed him to:

> Kindly advise Mr. Sioui and any Indians concerned that the question of military service is not under the jurisdiction of this Branch, and if you have not already done so, please explain to them the regulations respecting military service. Please inform Mr. Sioui that his letter has been received and referred to you and please inform him also that in the future all communication should be forwarded to this branch through your office.[90]

Not only did Sioui's communiqué return to a government body where it could not be answered satisfactorily, it was sent back to the Branch Sioui was attempting to circumvent by contacting the Prime Minister. To make matters worse, MacInnes then scolded him for not sending his correspondence through the proper channels and ordered Sioui to cease the practise.

As a result of the application of conscription to Aboriginal men, the First Nations found themselves stranded in a jurisdictional malaise. The traditional voice of the Indian Affairs Branch largely, and voluntarily, silenced itself. Those governmental bodies that determined NRMA policy were driven by powerful, overarching concerns for the prosecution of the war effort, that forced the grievances of Native people to the

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89 Sioui, not unlike Arthur Anderson of the Six Nations Hereditary Chiefs, frequently bypassed the Indian Affairs Branch and contacted other government bodies or important individuals. He agitated strenuously against Native liability to military service during the war. Government intractability eventually drove him to a more and more threatening tone in his correspondence. In a letter to the Cabinet, on 30 November 1943, Sioui's anger is clearly evident, "you have been laughing at us for too long. I take the liberty of telling you that the future has great surprises for you, a nice reward for your acts of terrorism . . . You now have to decide and to answer my appeal for the liberation of my compatriots whom you have placed in your military camps in such an unjust manner and for which I will never forgive you." Sioui to the Cabinet, Nov. 30, 1943.

90 MacInnes to Bastion, Feb. 23, 1942.

background. The overlapping of jurisdiction between several departments led to a diffusion and dispersal of responsibility. Aboriginal leaders and organisations who wished to question or protest Native liability under the NRMA found it extremely difficult to establish which department, if any, had the authority to change policy. In the end, only the Indian Affairs Branch had the authority to alter the status of Native people with regard to compulsory service; it simply refrained from doing so until December 1944, when Crerar pressed Cabinet to exempt certain Aboriginals from overseas service as a matter of policy.

Much of the debate and contention that swirled around the issue of compelling Aboriginals to serve in the Army, hinged on legal matters. Native people were considered disenfranchised wards under the protection of the federal government. The precedent of the First World War fuelled Native assertions of their exemption from the regulations of the NRMA, but the Department of Justice and the courts, in *Le Roi vs. Harris Smallfence*, disagreed.[91] When conscription expanded to include overseas service in December 1944, only a limited exemption was given to those First Nations who had been assured during treaty negotiations that they would not be sent overseas to fight the monarch's wars. However, the vast majority of the Aboriginal population found itself in a nebulous and unenviable constitutional position, forced to fulfil the obligations of citizenship without its privileges.

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91 *Le Roi vs. Harris Smallfence*, Court of the King's Bench in Montreal, Quebec, June 21, 1943, [unreported].

At the time of the Second World War, nearly all Aboriginal people in Canada, unlike their counterparts in the United States, possessed neither the franchise nor citizenship.[92] Instead, Native people were designated wards of the government because of the prevailing belief that Native peoples needed protection from exploitation in their dealings with Europeans.[93] At the time of the war, Canada, along with Australia, New Zealand and South Africa, was in an unusual position as a dominion within the British Empire, and all Canadian citizens were, by definition, also British subjects. Wardship and the denial of citizenship did not preclude Aboriginal people being considered British subjects. NRMA regulations were based on the assumption that potential conscripts be British subjects; whether they were citizens of Canada was irrelevant in the context of conscription. This would have serious connotations for Aboriginals' position in relation to the mobilisation.

The legal status of Aboriginal people received only cursory consideration during the initial decision to compel Native men to undertake military training. The Indian Affairs Branch consulted the Department of Justice and received assurance that there was no problem with Natives being forced into military training. However, at this early stage, administrators primarily concerned themselves with the relationship between the First World War exemption from combative service and the proposed 30-day training plan. The consensus opinion was that "a clear distinction [existed] as between military service

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92 Allison Bernstein, American Indians and World War II. In the case of the United States, citizenship was forced on all Native Americans in 1924 in recognition of, and reward for, their participation in the First World War.

93 J.L. Tobias, "Protection, Civilization, Assimilation," p. 39.

referred to in the said Order in Council and the present training that will be required."[94] The legal position of Aboriginal people would become an increasingly important issue as a result of protests from First Nations leaders and organisations.

The opposition and legal arguments of Native people did not spring from a lack of support for the war against the Axis powers. The comment of the Indian Superintendent in Brantford about the elected Six Nations Council was applicable to many First Nations communities:

> The Council attitude of opposition to compulsory training of their young men is not heated or disloyal, but the reasoned attitude of a body of men who feel keenly and strongly that they have a just grievance in view of the distinction there is between their status and that of an ordinary British subject.[95]

The emphasis on legal arguments varied somewhat between different First Nations groups depending on their historical relationship with the government, treaty agreements and their legal objective.[96] However, some common themes are evident in many of the legal cases made by Aboriginal groups. As mentioned earlier, most First Nations groups believed that the precedent established in 1918 applied to any military service and they expected its

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94 Cory to McGill, Sept. 26, 1940.

95 Randle to McGill, Nov. 14, 1940.

96 This assertion requires some expansion. The historical context of the relationship between a Native group and the government could affect the legal arguments pursued by the group: one example of this was the Six Nations, who considered themselves to be allies of the British crown as a result of the agreements with colonial administrator Lord Sydney in 1784. Treaties formed an important part of the legal arguments of other groups who had been assured during the negotiations that "the English never call the Indians out of their country to fight their battles." House of Commons, July 23, 1943, p. 5307. In other cases, Aboriginal leaders and councils like those of the Blackfoot, Blood or Fort Fraser people argued that if they were forced to fulfil the duties of citizenship, they should be awarded the privileges. Gooderham to the Secretary, Mar. 26, 1941, Shot Both Sides, Frank Red Crow, Percy Creighton, Fred T. Feathers and Cross Child to the Minister of Defence, Sept. 3, 1942, Chief M. George to Crerar, Sept. 19, 1942.

renewal. Many also cited promises made during the numbered treaty negotiations and adhesions, signed between 1871 and 1929. Those who had not received specific pledges of exemption from overseas combat were frequently told to "settle down, cease fighting and live on peaceable terms with the whites."[97] Nearly all First Nations' representations to the government emphasised what, in Native opinion, was an unjust forcing of a ward to defend its guardian. In the words of the chiefs of the Blood Nation of southern Alberta:

> why should we be asked to go when we only live in the empire and are not part of it. We are only wards of the government and have no voice in controlling the affairs of government but are asked to submit like children and take full responsibility with those who are fortunate to be full citizens and subjects of the King.[98]

The Department of Justice continued to rule that Native people were British subjects the same as any other, despite Aboriginal claims to the contrary. As long as military training and service were solely for Canadian defence, the Native arguments about the 1918 order in council and treaty promises drew a negative response.

The legalities of conscripting First Nations people under the National War Services Regulations were challenged in the test case, *Le Roi vs. Harris Smallfence*, on 21 June 1943.[99] Smallfence, a Caughnawaga Mohawk, appealed his original conviction for refusing to report for a medical examination to the Quebec Supreme Court, Justice Wilfrid Lazure presiding. The appellant admitted the facts of the case, but wished to challenge his conviction on three points of law. The appellant, through his counsel, first submitted that

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97 T.W.V. Webb to the Secretary, Oct. 22, 1940.

98 Shot Both Sides, Frank Red Crow, Percy Creighton, Fred T. Feather and Cross Child to the Minister of Defence, Sept. 3, 1942.

99 *Le Roi vs. Harris Smallfence*, Notes du Juge, June 21, 1943, (NAC, RG 10, c-8514, vol. 6769, file # 452-20-10, pt. 2).

"indiens ne sont pas des sujets britanniques dans le sens ordinaire du mot, et certainement pas dans le sens de la section 4 des règlements des Services Nationaux de guerre."[100] Smallfence asserted that they were wards of the government, and as such entitled to special care and protection. Justice Lazure rejected this contention, referring to the Indian Act, 1927, which designated Indians as British subjects, subject only to restrictions, such as the right to vote, or entitlements placed upon them by legislators. As Justice Lazure stated, "Il n'y a pas doux ou plusiours [sic] sortes de sujets britanniques, et la loi s'applique à tout le monde, à moins que le législateur ait fait des exemptions." The National War Services Regulations, 1940, provided no such exemption for Native people.[101] The appellant's second point of law contended that Order in Council, No. 111, providing exemption from service in 1918 was still in effect in the Second World War. Lazure discounted this assertion because the Order in Council concerned made additions only to the regulations of the Military Service Act of 1917, which had been repealed at the end of that conflict. Moreover, Smallfence was charged under the NRMA, 1940, not the Military Service Act, rendering this particular point irrelevant. The final challenge involved a complex legal claim that "la Loi des Mesures de Guerre serait inconstitutionnelle si elle avait pour effet de lior les indiens," and the National War Services Regulations "ultra vires."[102] Smallfence contended that only Parliament had the authority, under the British North America Act, to legislate policy affecting the First Nations, and had not delegated

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100 *Le Roi vs. Smallfence*, June 21, 1943.

101 *Le Roi vs. Smallfence*, June 21, 1943.

102 *Le Roi vs. Smallfence*, June 21, 1943.

this authority to the Governor General in Council in the War Measures Act, either explicitly or by implication. The Justice rejected this as well, citing two previous cases that had confirmed the right of the Governor in Council to wield legislative powers as broad as those granted to Parliament by the British North America Act.[103] Lazure closed his judgement by stating:

> le Tribunal en vient donc â conclusion la que les indiens sont des sujets britanniques qui sont soumis, comme tous les autres sujets de Sa Majesté, aux règlements sur les Services Nationaux de guerre; pour qu'ils en fussent exemptés, il aurait fallü que le législateur en fasse une mention spéciale comme dans tous les autres cas d'exemption, ou comme le gouvernement a cru sage de le faire on 1918 par en arrêté ministériel spécial.[104]

Lazure's ruling confirmed the previous opinion of the Department of Justice and formed the precedent that guided conscription policy until December 1944.

Government actions during the conscription crisis in the autumn of 1944 demonstrate clearly that decision makers were unmoved either by moral arguments founded on Aboriginal status as wards or by the precedent of the First World War; only clear treaty promises forced the creation of an exemption for a minority of Aboriginal communities. When C. W. Jackson, Crerar's Chief Executive Assistant, informed A. D. P. Heeney, the Clerk of the Privy Council, that the Minister of Mines and Resources wished to raise the issue of Aboriginal exemption in Cabinet, he referred directly to Order in Council No.111.[105] Indian Affairs, in the 1944 conscription crisis, determined that the

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103 The cases listed were Fort Frances Pulp and Power Company, Limited, and Manitoba Free Press Company, Limited, reported in Law Reports, Appeal Cases, 1923, p. 695, and Gray, 57 Supreme Court, p. 150. The first of these cases was heard before the Privy Council and the other by the Supreme Court of Canada.

104 *Le Roi vs. Smallfence*, June 21, 1943. Smallfence's appeal was dismissed and he was handed over to the military authorities who escorted him to a military training camp in accordance with the law.

principle reasons for the 1918 decision were that Aboriginal people did not possess all the rights of white citizenship and that promises of exemption were made during some treaty negotiations. Jackson went on to state that, "It would seem that this latter ground is the one on which they were exempted in the last war."[106] However, the wording of the Order in Council gives the impression that the treaty promises were a subordinate and complementary reason.

In fact, P. C. 111 focuses primarily on their status as Canadian born disenfranchised persons. The preamble notes:

> And whereas in the War Time Elections Act 7-8 George V c 99, Parliament provided that the naturalized persons thereby deprived of the franchise should by reason of that deprivation be relieved from duty of performing combatant military service and it would appear just and reasonable that a similar course should be pursued in relation to other disenfranchised persons, whether natural born or naturalised subjects of His Majesty.[107]

The addition made to the Military Service Regulations, 1917, under this order in council applied to Native people only so long as they had not voted in a Dominion election. The matter of treaty obligations played little or no part of the legal reasoning for the order: the War Time Elections Act, a piece of legislation not renewed in the Second World War, was the primary piece of legislation concerned. The regulation was applied to Aboriginals because they were disenfranchised and it was seen as unjust to force them into combative service. Considering the wording of Order in Council P. C. 111, the interpretation

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105 C. Jackson to Heeney, Dec. 11, 1944.

106 Jackson to Heeney, Dec. 11, 1944.

107 P.C. 111, Jan. 17, 1918.

presented in Jackson's letter to Heeney is difficult to support; however, Indian Affairs could ignore these moral arguments because the ruling of Justice Lazure had already negated any challenge based on principle. The treaty promises pertaining to military service overseas were the only moral imperatives that Indian Affairs officials recognized, and they pressured Cabinet for an exemption based solely upon this criterion. The result was a strictly limited exemption based on a "careful survey . . . of the various treaties," that protected only some 20 000 of a total status Indian population of approximately 118 000.[108]

In conclusion, First Nations people entered the Second World War with the expectation that the precedent of exemption from conscription, established over two decades earlier, would be renewed. When their expectations were disappointed in the second conflict, it proved a bitter experience. Aboriginal opposition and resistance forced the government to re-evaluate its policy on several occasions; however, backed by the power of the law, the government refused to exempt Native men from the provisions of the NRMA. The bureaucratic bungling, which carried over from the mismanaged registration process, and the ambiguities of jurisdiction that plagued policy formulation accentuated Aboriginal frustrations. In effect, the First Nations population 'fell through the cracks' of administration and legalities, and was subjected to the rigours of compulsory military service. The final escalation of conscription to overseas service may not have affected a large number of Aboriginals, but its importance cannot be measured in

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[108] Jackson to Heeney, Dec. 11, 1944.

numerical terms. In the end, the federal government compelled a people, legally wards under its protection without any rights of citizenship, to fulfil the most trying and dangerous of obligations expected of full citizens - to risk one's life in defence of the state.

Conclusion.

This study has examined the government policies that affected the voluntary and compulsory military service of Canada's First Nations people during the Second World War. This important aspect of wartime administration has received little attention from historians. The work that is available on Native military service is the product of popular historians, who have placed more emphasis on anecdotes than analysis of the government's actions as they affected Native military service. Most scholarly work on the Second World War has been swept up by the dramatic politics of a nation at war, the military operations of the conflict, or the English-French confrontation over conscription. This study will provide the narrative base, previously lacking, from which further work on the First Nations and the Second World War can progress.

Government policies profoundly affected the nature of both voluntary and compulsory military service by Native people. This was particularly evident in types of roles that Native men fulfilled after voluntarily enlisting. The first factor shaping Native service proved to be recruitment policy, based to varying degrees on race, health and education standards. Aboriginal recruits found their options so constrained in this manner that the vast majority could gain acceptance only to the Army. Within the forces, organisational policy then became an important potential influence on the shape of Native service. Generally, the Army and RCN were loath to create racially segregated units, and only the RCAF attempted to concentrate its Native air and ground crew into a single unit.

However, there is no evidence that this attempt proved successful. More commonly, Native soldiers fought, laboured and died in the Army, strewn throughout the units of the infantry, armour and artillery.

When Parliament passed the National Resources Mobilization Act in 1940, authorising compulsory military training and service for home defence, the question of Aboriginal people's status under the legislation quickly came to the fore. Registration of Aboriginals, the first step in the process of conscription, produced endemic levels of confusion among bureaucrats, Native people and the general public. Rapid fluctuations in policy combined with the inability of the Indian Affairs infrastructure to disseminate new information to its charges accentuated the uncertainty. The bureaucratic mismanagement and short-sighted nature of the policies pursued by the Department of National War Services and the Indian Affairs Branch created a more serious situation for the First Nations population. Without registration cards, they lost their off-reserve employment and ran into problems at border crossings. Worse, overzealous law enforcement officials, ignorant of the status of Native people under the regulations of the NRMA, occasionally arrested Aboriginal people for not possessing a card. Administrators' hesitant reactions to the original problems created further difficulties in registering Native groups in isolated areas because many had dispersed by September. The entire process was dominated by indecision, bureaucratic bungling and short-sighted decision making.

The uncertainties of the registration process gave way to the more important matter of compulsory military training and service, and administrative ambivalence, jurisdictional "buck passing," and legal ambiguity took over. Initially, confusion also dominated the application of NRMA regulations to Native people. The logistical considerations of forcing individuals from remote Native communities carried over from the registration period. As in the case of registration, RCMP and government officials, due to their low evaluation of Natives' potential contribution to the war effort, were less than eager to expend meagre resources to apprehend those Aboriginal men who refused to report for examination. More important for Aboriginal people was the abdication of authority over the issue by the government body charged with protecting Native concerns - the Indian Affairs Branch. In the wake of this, policy formulation fell to other departments more concerned with the demanding task of mobilising the nation's resources than the fears and frustrations of the indigenous population. Not only did First Nations people fall 'in between' in a jurisdictional sense, they also found themselves in a nebulous legal position. As British subjects who lacked Canadian citizenship, Native people were liable to the same duties as citizens, but without the compensating rights and the franchise. Nor would the government act to provide them with an exemption based on this fact as was done in the First World War, particularly as the Wartime Elections Act was not renewed in the Second World War. The point was tested in an appeal case in Quebec, and the Native position rejected. Only when the possibility of Aboriginal men being compelled to fight overseas in 1944 became a reality, a situation in clear contravention of several

treaty promises, did the government feel morally obliged to provide a limited exemption. Overall, the conscription issue was an unhappy one for Canada's First Nations.

This study has ranged over a broad cultural landscape and examined a large number of issues surrounding Native military service in the Second World War. Of necessity, therefore, it has not been possible to pursue the many fascinating aspects of Native military service that have emerged in the research and writing of this work. There is tremendous potential for further study in this field. Yawning gaps exist in our understanding of the state and development of Native administration during the war years. As well, no work has yet been done on the influence, if any, of the conflict on the formation in 1946 of the Joint Senate and House of Commons Committee on the Indian Act. A comprehensive reconstruction of the Native experience in the military would be an important addition to the historiography, and is the logical progression from this study. Also worthwhile, would be an examination of the social, political and economic implications of a major conflict for indigenous people, focusing on the experiences of a particular community or nation.[1] All the above could be further broadened through comparisons with the experience of minority indigenous peoples in other countries, such as the United States, New Zealand and Australia.

The marriage of military and Aboriginal history promises to be a productive one. This work has attempted to demonstrate its potential, and much remains to be studied.

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[1] An especially rich documentary source exists for the Six Nations people in the Indian Affairs records of the Second World War.

This is certainly the case in the context of the Second World War. On a more general level, however, too little is understood about the military nature of the relationship between the First Nations and those who have come to live on this continent with them. This thesis forms a starting point; it is hoped that historians will continue to make additions to the historiography of Aboriginal military service and the experience of Native people during the Second World War.

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