

SUBMISSION:
CANADA'S ABORIGINAL WAR VETERANS

SUBMITTED BY:
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ABORIGINAL VETERANS: DEFINITION

The National Aboriginal Veterans Association represents the four major groups of Aboriginal Veterans; that is:

- persons with status under the various Indian Affairs Acts;
- non-status Indians not living on Indian reserves;
- Métis of Indian descent; and
- representatives of Inuit persons.

It is proposed herein that this submission will apply to all of the above-mentioned groups, without distinction. The main issue concerns the lack of adequate access to rehabilitation under the Veterans Charter and/or similar legislation governing Aboriginal Veterans who served in peacetime forces including theatres designated as “special duty areas.”

It may be necessary to narrow the focus of this submission to those with service in Theatres of Actual War, primarily in World War II and in Korea.

Generally speaking, however, the object is to suggest an *ex gratia* payment in view of the impracticality of the application of rehabilitation benefits to aboriginal war veterans.

FACTS IN RESPECT OF ABORIGINAL VETERANS

The following facts concern Aboriginal Veterans:

- World War I: at least 4,000 Aboriginal Canadians volunteered to join. World War II: more than 3,000 served, and several hundred (estimate) helped during the Korean War. Aboriginal Canadians also served in the Boer War.

- More than 500 Aboriginal Canadians gave their lives during these wars.
- Aboriginals' military service was perhaps ignored as they comprised a small percentage of the total Canadian forces employed. They were scattered among various units, mostly in the army; several joined the navy and the merchant marine, some the air force. They suffered their share of casualties in both world wars, and were in the front line of every major Canadian land battle.
- Most Aboriginals served in the infantry, primarily because it required the most manpower. Other branches of the military had entrance restrictions such as educational requirements or preference for candidates whose ancestors were British. These regulations were eventually rescinded; nonetheless, some Aboriginal Canadians and Métis voluntarily joined and were accepted in both services from the start.
- The cultural shock was severe; many had little contact or training with the regular forces of Britain or Canada or with militia. The ideas and skills of many were rooted in their history and culture. For example, they viewed the death of an individual as a vital loss to the social group; thus, heavy casualties were to be avoided if possible. Fighting tactics included stealth and concealment; dispersion, sniping and ambush became a style of fighting and was copied by others.
- Between the two world wars, Indian reserve lands were sold to the Soldier Settlement Board for veterans who wished to farm, by Order-in-Council (PC 393 of 16 February 1918). Many thousands of acres were leased to white farmers for up to five years to promote greater agricultural production for the war effort. This scheme lasted until 1922.
- A few Aboriginal Veterans, mostly from Ontario, obtained loans and purchased land outside of reserves without losing their treaty status, but only half a dozen grants of free land under the Soldier Settlement Act of 1919 were given to Aboriginal Veterans

of World War I on the prairies off reserves. Out of some 25,000 soldier settlers to whom loans were granted, only a small number were Aboriginal.

- From the 1920s, the Last Post Fund burial privilege and pension relief were discontinued, as Aboriginal Veterans on reserves were treated exclusively as treaty Indians. This policy was subsequently modified.
- Vocational training was offered to veterans, including Aboriginal Veterans disabled by the war, by the Department of Soldiers' Civil Re-establishment; however, more should have been done for all Aboriginal Veterans.
- Many Aboriginal Veterans returned to their previous means of livelihood, despite a reduced demand for goods and services during the depression era, but unemployment was particularly high among native labour. Aboriginal Veterans did not receive the same assistance as other returned soldiers under the War Veterans' Allowance Act; as of 1932, Aboriginal Veterans on reserves in need of help were to be treated like other Aboriginals on reserves rather than as veterans. This policy was changed in 1936.
- Families of Aboriginal soldiers received the same allowance as other servicemen, but in 1941-42 there were new developments. Some allowances were placed under the control of the local Indian Agent, and Aboriginal soldiers and dependants were urged to invest in war savings certificates or Indian trust funds if they wished to receive maximum benefits.
- Annual reports noted increases in both the number of recruits and the amount of money donated by reserve communities to help fight the international war that raged in Europe (including money for war orphans and other war-relief efforts).
- Aboriginal Canadians actively contributed to the war effort on the home front: joining Pacific Ocean defence units, working in factories, and increasing agricultural

production on their reserves. Some reserve lands were given by Aboriginals for use as airports, rifle ranges and defence posts.

- Aboriginal women also made sacrifices and contributions during the war: tending sick and wounded soldiers overseas; being active in patriotic leagues; and participating in Red Cross societies collecting food, money and clothes to ship.
- The Veteran's Land Act was applied to Aboriginal Veterans; benefits were available, including money for university education as well as vocations and technical training, and the re-establishment credit.
- During both world wars, enlistment of treaty Indians was encouraged by the government and the response was far greater than treatment had merited. Aboriginal Canadians fought exceptionally well (their record as scouts and snipers, particularly in World War I, is unsurpassed) and suffered heavy casualties, but did not share to the same extent in the material benefits of society upon return. There was enduring patriotism among Aboriginal Veterans and their families in spite of wartime sacrifices. Most viewed their war service with pride, although there was some bitterness and anger about past involvement.
- Aboriginal Canadians, strongly encouraged to enlist, paid a significant toll in killed, wounded and sick. In contrast to their country, which made political and economic gains, many Indians remained much the same. Their sacrifice achieved very little for them politically, economically or socially.

SUMMARY: More than 7,000 Aboriginal Canadians served in the First and Second World Wars and the Korean War, and an unknown number of Inuit, Métis and other Natives also participated (one Native veterans' group estimates that 12,000 Natives served in three wars). "We're proud of the word 'volunteer.' Nobody forced us, we were good Canadians – patriots – we fought for our country."

SHAMEFUL TREATMENT OF ABORIGINAL VETERANS

As indicated thus far in this submission, the Government of Canada failed almost entirely in establishing legislation and/or regulations and procedures which took into account the special circumstances of Aboriginal Veterans.

The *modus operandi* of the Department of Veterans Affairs was, according to our research, to refer Treaty Indians to the agent representing the Department of Indian Affairs. A similar lack of interest was shown to other groups of Indians for whom the Department of Indian Affairs had responsibility.

Many of the Métis had not been able to obtain scholastic qualifications; neither had reasonable occupations been available to them prior to enlistment.

There is no need to attempt to establish the many inconsistencies which applied to all Aboriginal Veterans in one degree or another. Time is of the essence, and it is considered both reasonable and essential that the Government consider all Aboriginal Veterans as a disadvantaged group, compared with other veterans. They could not, in most instances, avail themselves of the many avenues of rehabilitation such as vocational training, Veterans Land Act (due to specific prohibitions regarding ownership), university education, the establishment of businesses which would have qualified for benefits under the Business and Professional Loans Act, to name a few.

It is not possible to give legitimate concern to the problems of the Aboriginal Veteran on an individual basis. While it may be correct to state that in some instances Aboriginal Veterans did succeed in civilian life, they only did so by virtue of unusual circumstances which may have applied to them, such as ownership of agricultural property or livestock, to cite one example.

In our opinion, if an Aboriginal Veteran did succeed, it was the exception to the rule. Therefore, the proposal being made herein would apply, across the board, to all Aboriginal Veterans. The remedy is tied directly to the period of service of the individual and such would be the only criterion in determining an *ex gratia* payment.

COMPARISON WITH OTHER GROUPS

The Veterans Charter is generally recognized as being one of the most generous re-establishment plans of any government in respect of its war veterans. Nonetheless, history has proven that, notwithstanding the positive elements of the Veterans Charter, the legislation embodied therein has not met the needs of certain specific groups. For comparison purposes, we mention the following:

- war veterans who were prisoners of war of the Japanese in the Far East campaign (primarily Hong Kong veterans);
- others who were subjected to crimes identified in the Geneva Convention, including those Canadians taken prisoner in the Dieppe raid who were targeted for unusual and cruel treatment (including manacling) by their German captors; and
- members of Canada's Merchant Navy.

It is apparent from exhaustive studies that Canada's Aboriginal Veterans are a composite of another special group for whom the benefits of the Veterans Charter were of little or no helpful application.

PROPOSED SOLUTION

It is shameful that successive governments have allowed the situation in regard to Aboriginal Veterans to develop over a period of many years; thus, there is a need now for a solution which can be quickly applied. In our opinion, there is a fair and reasonable basis upon which the Government could approve an *ex gratia* payment. We refer to the re-establishment credit legislation as a base. This legislation will be found in the War Service Grants Act as follows:

8. Subject to this Act, every member of the forces who does not elect to take benefits under Part I of the *Veterans' Land Act*, except section 17 thereof, or any educational, vocational or technical training benefits under the *Veterans Rehabilitation Act* is, in order to assist in his re-establishment, eligible, in addition to the war service gratuity, for a re-establishment credit [emphasis mine] in an amount equal to the total amount payable to him under subsection 3(1).

9. (1) Where a member dies without having used all of the re-establishment credit for which he is eligible under this Act, any unused portion thereof may, in the discretion of the Minister, be made available to

(a) the widow of the member, in the case of a male member;

(b) any dependent children of the member, in the case of a male or female member, if the member dies without leaving any widow or widower or if the widow or widower is dead or cannot be found or it appears to the Minister that she or he has abandoned the children; or

(c) the dependent mother of the member, in the case of a male or female member, if there is no person described in paragraph (a) or (b) to whom the said credit may be made available.

(2) For the purposes of this section a child or mother of a member shall be presumed to be a dependent child or mother if, in the opinion of the Minister, such child or mother was, at the time of the member's death, wholly or substantially dependent upon such member for support.

(3) Any credit made available to the widow, child or mother of a member pursuant to subsection (1) may, with the approval of the Minister, be made available to such other person for the benefit of the widow, child or mother as the Minister designates, in such manner and, in any case where there is more than one child, in such shares as the Minister may determine.

World War II veterans were entitled to a War Service Gratuity of \$7.50 for every month of service in Canada, and a further \$7.50 for every month served in an overseas theatre of war. It is correct to state that the majority of the Aboriginal Veterans may have received this War Service Gratuity. It does appear, however, that many native veterans did not receive the full re-establishment credits under the legislation. Irrespective of whether an Aboriginal Veteran received a re-establishment credit, it is easily demonstrated that, as a group, the re-establishment credit and the other benefits under the Veterans Charter failed miserably in assisting the Aboriginal Veteran to take his place in society which he had earned through service (often in combat situations) to Canada.

Using the re-establishment credit available to other veterans as a basis, it should be both feasible and appropriate to establish a figure for compensation based on the amounts available under the War Service Grants Act, but recalculated in regard to a formula for investment yield based on a term extending from 1945 to 2006.

It would not be practical to attempt to do the calculations, but the amount, if amortized over a 61-year term, would be sufficient to warrant compensation within the following rough calculation:

- For periods of service in Canada only: \$7,500.00 for each year, with portions of a year being included
- For periods of service in a theatre of actual war (as defined in the War Service Grants Act, or the appropriate legislation for Korea): double the amount above

GENERAL COMMENT

It would seem that this proposal would be acceptable to the Government. In the first place, it is based on legislation which was put into effect after World War II. It reflects the basic re-establishment credit, but attempts to provide an *ex gratia* payment for the lack of adequate and fair consideration in the post-war period for Aboriginal Veterans. This would put the Government in a rather simplified position of multiplying the number of months' service in Canada and overseas by a specific amount (to be determined). The simplicity of the scheme should appeal to a Government which is determined to provide an uncomplicated and quickly responsive remedy.

In this regard, there is no need to put forward the reminder that the life expectancy of these veterans indicates the need for prompt action.

It has not been mentioned previously, but it is intended that this benefit would be paid to the widow (as defined in the Pension or War Veterans Allowance Acts), should the veteran have predeceased her.

Several other factors are of importance as follows:

- Such payments would be exempt from federal and all other taxes.

- Such amounts should be paid, irrespective of whether the recipient is in receipt of other allowances from the federal, provincial or other sources.
- The payments should be made directly to the veteran, if alive, or to his spouse.

OBSERVATIONS

It is our understanding that some consideration is currently being given to the establishment of an Ombudsman and/or some other means of investigating the financial and other circumstances of Aboriginal Veterans, with a view to developing a form of compensation. With respect, this proposal would be time-consuming and might well prove to be unfair, depending upon the ability of the veteran, his surviving widow or other representative to plead the case for compensation.

According to official Government reports, the blame lies primarily with the failure of the Government to understand the plight of the Aboriginal Veterans. Because their country ignored the problems involved in their rehabilitation, many Aboriginal Veterans became disillusioned to the point where their behaviour may have been seen as somewhat less than that required to meet an adequate standard. No blame can be attached to the individual. Having said this, in many instances the fault must lie with the Government and its agents.

A further point is emphasized based on personal knowledge and research. No attempt should be made to recount what might be termed the “unhappy circumstances” which followed the discharge of the Aboriginal Veteran from military service.

It is proposed now that this submission be made on the basis of what may only be described as emergency or crisis proportions.

This proposal is submitted by the National Council of Veteran Associations, of which the National Aboriginal Veterans Association is a constituent member.

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HCC/st