

Aboriginal Participation in Canadian Military Service: Historic and Contemporary Contexts

by Mr. John Moses

The aim of this paper is to indicate a spectrum of attitudes as exhibited by status Indian communities and individual Aboriginal persons in Canada in response to perceived challenges and opportunities arising from Canada's involvement in the First and Second World Wars.¹ It is anticipated that a familiarity with Canadian Aboriginal issues will become an added feature in the professional knowledge of Canadian Forces (CF) personnel. This is in view of further likely domestic operations within Canada including provision of Aid to the Civil Power, the continued expansion of Reserve programs such as the Canadian Rangers, current Regular Force recruitment initiatives including the CF Aboriginal Entry Program and the Sergeant Tommy Prince Army Training Initiative. As CF personnel will be dealing with First Nations constituencies within these contexts, it is appropriate they further their knowledge of First Nations socio-political and historical issues pertaining to military affairs in Canada.

Aboriginal communities across many parts of Canada have a tradition of military service in support of the Crown during conflict and war. However, this service has never been unconditional, nor without complication or controversy for those First Nations individuals and communities concerned. For status Indian people in Canada, the question of participation or non-participation in the two World Wars was divisive within Indian reserve communities and in some cases among individual families. The legacies of these divisions continue to be felt in some communities today.

A detailed history of Aboriginal/European relations is beyond the

scope of this paper. However, initial periods of First Nations/European contact across what is now eastern North America may be characterised in terms approaching relative equality. During peacetime the European powers involved (prior to 1664, the English, French and Dutch) were interested in maintaining the co-operation of their First Nations counterparts in pursuit of joint economic projects, principally those involving the fur trade, the success of which was largely dependent upon indigenous labour. In wartime, these same powers sought to secure the active support of their First Nations opposites as military allies, or to secure from them guarantees of neutrality.

Throughout this period, known historically as the era of the *peace and friendship treaties*, issues of land cession and surrender were typically not a feature of negotiations entered into between First Nations and imperial or colonial governments. For example, a peace & friendship treaty signed on March 10, 1760 provides the historical basis upon which the controversial decision in the *Marshall Aboriginal* fishing rights case rests. It was negotiated between the Crown and Mi'kmaq leadership, during the several months following the fall of the French at Louisbourg (June 1759) and Quebec (September 1759). This was fully three years in advance of the final cessation of hostilities between the English and the French with the signing of the Treaty of Paris in 1763. This particular treaty thus came into being during a time in which the Crown was actively courting the

favour of the Mi'kmaq, who were previously allied with the French. This treaty's context was very much one of mutual advantage and conciliation between Mi'kmaq and Crown interests, precisely at a time when the British were attempting to consolidate and entrench their hegemony across the Maritimes.

In the absence of such alliances particular coalitions of First Nations, acting under astute political and military leadership (often combined in the person of a single charismatic individual), were

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prepared to orchestrate events so that new circumstances more agreeable to their own immediate interests might be secured. Pontiac, an Odawa war leader formerly aligned with the French, united numerous First Nations to wage guerrilla war against British-held posts across the eastern Great Lakes region and the Ohio River valley throughout the summer and autumn of 1763. This was in the immediate aftermath of the demise of the regime of New France when the Treaty of Paris was signed. It was becoming clear to those First Nations previously aligned with the French, that the British did not intend to assume the same relatively liberal approach to First Nations trade and sovereignty issues that the French had pursued. Pontiac's actions in consequence were partly responsible for the British implementation of the Royal Proclamation of October 7, 1763 by

which the Crown sought *inter alia* to establish a policy mechanism, whereby a formalised system of negotiating land transactions between First Nations, interests and Crown authority might be established.

The Royal Proclamation remains foundational to any discussion of Aboriginal rights, land claims, and the Aboriginal law of Canada. The late Bora Laskin, former chief justice of the Supreme Court of Canada, described its significance most dramatically when he wrote, "*This Proclamation was an Executive Order having the force and effect of an Act of Parliament and was described ... as the 'Indian Bill of Rights'. Its force as a statute is analogous to the status of Magna Carta ...*".² The Royal Proclamation meanwhile has been constitutionally enshrined by virtue of its reference in the Canadian Charter of Rights and Freedoms at section 25, within the Constitution Act, 1982. Thus its impact continues to be felt to this day, representing to some First Nations the Crown's historic recognition of their status as sovereign independent nations. In Canadian courts it represents acknowledgement of Canada's fiduciary obligations and special trust relationship toward First Nations interests as the British Crown's modern successor in North America.

Thus from the mid-17th through early 19th centuries successive military alliances of particular First Nations with their respective European and colonial counterparts played a role in determining a balance of power. This would ultimately result in the formation and subsequent development of the modern Canadian and American nation-states as they exist today. Throughout this era what essentially were First Nations' armies under First Nations' leadership, could be mobilized to serve alongside European and colonial allies in the field in pursuit of joint military-strategic objectives. In the absence of such alliances, First Nations were - for a period of time - capable of prosecuting total



A Micmac warrior around 1740. Natives successfully halted the first European attempts to establish colonies in North America. Once permanent colonies were established, alliances with Natives proved decisive to the outcome of wars fought between the various colonies. Hopes of establishing a permanent Native homeland ended following the War of 1812. (courtesy Parks Canada)

warfare or warfare with limited objectives on their own behalf.

Strategic alliances, however, between European-colonial powers, and First Nations acting under charismatic indigenous leadership, were more common. The Mohawk war captain Thayendanegea or Joseph Brant was a staunch ally to the British throughout the American Revolution and beyond. The Shawnee leader Tecumseh organized and led a broad coalition of First Nations forces who fought alongside the British against the Americans during the War of 1812. John Norton, Joseph Brant's own chosen successor at the Six Nations of the Grand River territory, led guerrilla bands and irregular forces of Grand River warriors across the Detroit and Niagara frontiers alongside the British throughout 1812-1814.

It is significant that from 1755 until 1830, a branch of the British Army known as the Indian Department was responsible for the Crown's administration of Indian affairs in North America. The support of the First Nations across eastern North America was no longer required in various endeavours as it once had been, whether in military or economic terms. This was because of the resolution across North America of successive power struggles between various imperial regimes and their successor states. The diminishment of the fur trade as a foundation of the North American economy and with enormous Aboriginal population declines concomitant with exponential increases in European immigration also contributed. In effect First Nations had ceased being regarded as potential military allies or trade partners and increasingly were seen as economic liabilities and as impediments to territorial development and expansion. By 1830 the administration of Indian affairs in British North America passed from military control to civil authority.

It was at this time that the assimilation of Aboriginal populations (entailing their Christian religious conversion and elimination of distinctive cultural patterns), and the attainment of First Nations lands, became the objective of colonial and subsequently dominion Indian policy. In a departure from the former practice of negotiating *peace & friendship treaties*, a new policy of concluding *land cession & surrender treaties* was initiated. This new policy approach was formalised in present-day Ontario as early as 1850 with the negotiation of the Robinson-Huron and Robinson-Superior Treaties that year. West of the Great Lakes it was entrenched by 1871, and from 1871 through 1921 Numbered Treaties 1 to 11 were concluded across the present-day prairie provinces, much of the Yukon and North West Territories (NWT). These treaties typically provided for the cession and surrender of First Nations traditional territories and hunting grounds in exchange for promises

of reserved lands and the payment of certain considerations, either as lump-sum monetary payments or in other cases as fixed annuities.

With the coming of Confederation, section 91(24) of the Constitution Act 1867, provided the federal level of government with authority over “... Indians and lands Reserved for Indians ...” This federal authority was codified in 1876 with the passage of the first consolidated Indian Act. Prior to this time separate pieces of colonial legislation provided a policy framework for the administration of Indian affairs within the respective provinces. The notion of “Indian status” was first introduced in Lower Canada (Canada East) as early as 1850, with the passage of “An Act ... for the better protection of the Land and Property of Indians in Lower Canada”. This Act contained the first legal definition of who was to be considered an “Indian” from the perspective of government.

By the mid-19th century the fortunes and prospects of First Nations communities across the central and eastern portions of British North America had changed dramatically. No longer in a position during time of conflict to mobilise under their own indigenous leadership. By the dawn of the 20th century First Nations persons resolving to demonstrate their communities’ continuing allegiance to Crown military authority were compelled to do so through enlistment as individual service personnel, in the armed forces of the Canadian dominion.

In socio-political terms as well as military affairs First Nations pursued different courses of action in response to the challenges and opportunities posed by the realities of armed conflict. These courses of action differed what ever the government, whether it was European, colonial or national. These ranged from that historical era during which the various European and colonial powers actively courted the assistance of particular First Nations as full allies in pursuit of joint military-strategic objectives, to the modern wars of the 20th century. In either instance, while many Aboriginal persons – both women and men – made collective or individual decisions to sup-

port the warfighting efforts, either through activities on the home front or as warrior participants. Other communities and individuals espoused carefully reasoned arguments in justification of their stances of neutrality or non-involvement.

During both World Wars the Crown considered all Aboriginal people in Canada as British subjects, the ambiguity of their actual citizenship status within the Canadian dominion notwithstanding.⁴ However, some First Nations maintained that prior treaties or other agreements with the Crown, and the force and effect of the federal Indian Act legislation of the era, combined to exempt their band members from compulsory military duty. Others felt that their voluntary participation in the war effort would enhance their claims toward full citizenship and legal equality in Canada in peacetime. In any event

the more draconian aspects of the Indian Act, including bans on political organization, traditional spirituality, and restrictions concerning off-reservation travel were removed by 1951. The legal right to vote without penalty in federal elections was ultimately extended to all status Indians in Canada in 1960.

During the First World War the leadership of particular First Nations communities objected to the activities of recruiters on reserve lands and opposed the attempted conscription of band members under the Military Service Act of 1917.⁵ During the Second World War, the political organization le Comité de Protection, operating out of the Huron reserve near Quebec City maintained that Indians were exempt from service



David Greyeyes, a grain farmer from Saskatchewan, served with The Saskatoon Light Infantry (M.G.) in Sicily, Italy, France, Belgium and the Netherlands. Following the war Greyeyes was Chief of the Muskeg Lake Band and a Regional Director for the Department of Indian Affairs. In 1977, he was appointed to the Saskatchewan Sports Hall of Fame and a Member of the Order of Canada. (courtesy Department of Veterans Affairs)

under the wartime National Resources Mobilization Act. This was by virtue of their inferior citizenship status under the Indian Act, and in view of their sovereignty as they inferred it from their interpretation of the Royal Proclamation of 1763. Other communities in northern Ontario claimed similar exemptions under the 1850 Robinson-Huron and Robinson-Superior Treaties.⁶

Of those who did participate in 20th century war efforts, the service records of many First Nations individuals and Indian reserve communities are impressive. By the closing months of the Second World War (i.e. January, 1945) the Indian Affairs branch issued a directive exempting prairie and northern status Indians covered by Treaties 3, 6, 8

and 11 from overseas service. However, by this relatively late date in the conflict no fewer than 324 men from the various bands signatory to these treaties had already enlisted.⁷ Oral testimony from the Golden Lake Reserve in eastern Ontario maintains that of the reserve's entire able-bodied male population eligible for service during the Second World War, all but three volunteered for duty.

The First World War record of the Six Nations of the Grand River Reserve near Brantford, Ontario is likewise notable. Of a total reserve population of approximately 4,500 in 1914, 292 men and 1 woman (a nurse with the Army Nurse Corps of the American Expeditionary Force) voluntarily enlisted for duty overseas. The majority of these were posted to the largely status Indian 107th and 114th Battalions of the Canadian Expeditionary Force. Of these, 29 were killed in action, 5 died of wounds or illness, one became a prisoner of war, and one was reported missing.⁸ These figures notwithstanding, the issue as to whether or not band members would participate in the war effort was divisive within the community, and indeed the political legacy, and ramifications of individual and family decisions taken to serve during 1914-1918, are felt to this day.

The experiences of individual First Nations servicemen and women during their recruitment and upon their release varied greatly. As indicated above, during the First World War at least two battalions of the Canadian Expeditionary Force were raised largely among status Indian communities.⁹ During the Second World War, both the Royal Canadian Air Force (RCAF) and Royal Canadian Navy (RCN) for the first part of the conflict maintained racially based recruitment policies. Although these were removed from both branches by 1943, they had the net effect of placing (with exceptions) the majority of Aboriginal volunteers in the Army.¹⁰ Confusions during the Second World War, both on the part

of Indian Affairs officials and service recruiters, as to the implications of the Indian Act for potential status Indian volunteers further complicated matters.

In some instances status Indian vol-



Brigadier Oliver Martin was a Mohawk Indian whose military service began in 1909, spanning two world wars. During the First World War, he served with the 107th and 114th Battalions and later joined the Royal Flying Corps where he earned his pilot's wings. After the war, Martin remained with the Militia, becoming Commanding Officer of The Haldimand Rifles (disbanded 1936). During the Second World War, Martin commanded several training brigades in Canada. After the war he became the first native to be appointed provincial magistrate in Ontario. He died in 1957. (Courtesy Department of Veteran's Affairs)

unteers were told they could not be commissioned or even enlist and still hold legal status as Indians under the Indian Act. In other instances upon their return to Canada, newly repatriated Indian veterans were told that because of their ambiguous citizenship and legal status under the Act, they were ineligible to receive veteran's benefits. In order to apply they would have to renounce their Indian status. In yet other instances veterans returned home to find that in

their absence their regional Indian agents had arbitrarily removed their names from their Indian reserve band lists. In some cases after the First World War, agricultural lands were made available for farming by veterans under the terms of the Soldier Settlement Act, but at the expense of expropriating the land from Indian reserve allotments. Similar problems were encountered post-Second World War in relation to the Veterans' Land Act.¹¹ During the Second World War, the federal government for use as military training and proving grounds expropriated Indian reserve lands.

These issues aside, as a function of their wartime and overseas service, many Aboriginal people had the experience of leaving their home communities for the first time in their lives and encountering not only non-Aboriginal people, but also other Aboriginals from other areas of the country. Often friendships formed with other Aboriginals while in training and overseas were instrumental after the Wars in facilitating the organization of some of the first Aboriginal political organizations. Approximately 4000 status Indians (and an unrecorded number of Metis, non-status and Inuit) volunteered for service during the First World War. Status Indian enlistments for the Second World War are recorded at 3090.¹² In 1919 newly returned Mohawk war veteran Fred Loft, from the Six Nations Reserve, founded the first national Aboriginal political organization in Canada, the League of Indians of Canada. In 1927, partly in response to the activism exhibited by organizations such as the League of

Indians of Canada, amendments to the federal Indian Act made it illegal for status Indians to organize politically, or to retain legal counsel in pursuit of claims against the government. Similar to the bans on traditional spiritual activity, such restrictions were to remain in force until 1951.

There is research to indicate that in both World Wars Aboriginal Canadians volunteered for military service in pro-

portionally greater numbers than the rest of the Canadian population at large. Aboriginal veterans and their supporters were vocal in demanding an improved situation for themselves and their communities in post-war Canadian society. After having fought overseas to defend the human rights and sovereignty of Allied nations abroad, Aboriginal veterans, their families and their communities began to question with renewed vigour their own inferior citizenship and legal status within Canada. When the United Nations *Universal Declaration of Human Rights* was proclaimed in 1948, many of its provisions could not be said to apply to Aboriginal peoples in Canada.

From 1946 through 1948 the "Special Parliamentary Committee on Postwar Reconstruction and Re-establishment" and "Special Joint Committee of the Senate and the House of Commons Appointed to Examine and Consider the Indian Act" heard submis-

"Many returned veterans assumed leadership roles within their own communities. . ."

sions from many status Indian persons and organizations, including Indian veterans.¹³ Such committees and increasing media exposure helped focus public attention on the circumstances of Aboriginal peoples in Canada in the post-war era. Many returned veterans assumed leadership roles within their own communities or within the fledgling Aboriginal political organizations. Some pursued opportunities within the public service.

From the mid-1940's to the present, Aboriginal Canadian political, cultural and social activists and leaders have been at the forefront of challenging the Canadian status quo relative to the treatment of Aboriginal peoples in this country in ways that have directly con-

tributed to developments and refinements within our legal system. Many of the veterans were and still are social activists and leaders. These have advanced our understanding of civil and human rights, and have resulted in a more pluralistic and democratic social fabric and civil society from which all Canadian have benefited, and who have contributed to Canada's profile and reputation abroad. It is significant that within Aboriginal communities today, whether on November 11 or otherwise, when homage is paid to surviving veterans and the fallen, the emphasis is not so much upon the fact of their overseas service and sacrifice, as upon their contributions within their respective communities at home.¹⁴



More on this subject will appear in a future issue.

ABOUT THE AUTHOR...

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ENDNOTES

1. Terminology: In this paper *Aboriginal* is used as per its definition under the Constitution Act 1982 s. 35 as an inclusive term identifying the Indian, Inuit and Metis populations of Canada. *Indian* continues in legal usage insofar as there remains in force the federal legislation of the Indian Act and the continuing mandate of the federal Department of Indian and Northern Affairs. *Indian* also remains in use within significant Aboriginal constituencies themselves, notably across the Prairie Provinces, as with the Saskatchewan Indian Federated College and the Indian Association of Alberta. *First Nations* is used as a more contemporary equivalent (dating from 1980) identifying status Indians (and their ancestral populations), especially those communities of status Indians residing on Indian reserves, who are the principal participants in current comprehensive land claims negotiations and litigation presently before

the courts. *Status Indians* are those Aboriginal persons who are legally recognized as *Indians* within the meaning of the *Indian Act*.

2. Dukelow, D., *Dictionary of Canadian Law*, Scarborough: Carswell, 1995, p. 1097.
3. Leslie, John, "The Bagot Commission: Developing a Corporate Memory for the Indian Department", *Historical Papers: A Selection from the Papers Presented at the Annual Meeting Held at Ottawa, 1982*, Ottawa: 1982, p. 51.
4. Stevenson, Michael D., "The Mobilisation of Native Canadians During the Second World War", *Journal of the Canadian Historical Association 1996*, New Series, Vol. 7, pp. 210-211.
5. St.G. Walker, James W., "Race and Recruitment in World War One: Enlistment of Visible Minorities in the Canadian Expeditionary Force", *Canadian Historical Review*, LXX, 1, 1989, p. 16.
6. Stevenson, "Mobilisation of Native Canadians", pp. 208-211.
7. *Ibid.* p. 224.
8. Weaver, Sally M., "The Iroquois: The Grand River Reserve in the Late Nineteenth and Early Twentieth Centuries, 1875-1945" in Rogers, Edward S. and Donald B. Smith, Eds. *Aboriginal Ontario: Historical Perspectives on the First Nations*, Toronto: Dundurn Press Ltd., 1994, p. 246.
9. Walker, St.G. James, "Race and Recruitment in World War One", p. 14.
10. Sheffield, R. Scott, "Of Pure European Descent and of the White Race: Recruitment Policy and Aboriginal Canadians, 1939-1945", *Canadian Military History*, Vol. 5, No. 1, spring 1996, pp. 10-11.
11. The Senate of Canada, *The Aboriginal Soldier After the Wars: Report of the Standing Senate Committee on Aboriginal Peoples*, the Hon. Raynell Andreychuk, Chair and the Hon. Len Marchand, Deputy Chair, Ottawa: The Senate of Canada, 1995, p. 17.
12. *Ibid.* p. 3.
13. Stevenson, "Mobilisation of Native Canadians", p. 226.
14. Carlson, Keith Thor, Ed., *You Are Asked to Witness: The Sto:lo in Canada's Pacific Coast History*, Chilliwack: Sto:lo Heritage Trust, 1997, p. 137.