

The Mobilisation of Native Canadians During the Second World War

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Volume 7, Number 1, 1996

URI: <https://id.erudit.org/iderudit/031108ar>

DOI: <https://doi.org/10.7202/031108ar>

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Publisher(s)

The Canadian Historical Association/La Société historique du Canada

ISSN

0847-4478 (print)

1712-6274 (digital)

[Explore this journal](#)

Cite this article

Stevenson, M. D. (1996). The Mobilisation of Native Canadians During the Second World War. *Journal of the Canadian Historical Association / Revue de la Société historique du Canada*, 7(1), 205–226. <https://doi.org/10.7202/031108ar>

Article abstract

Historians have paid scant attention to the compulsory conscription of men under the National Resources Mobilisation Act (NRMA) in Canada during the Second World War. This paper uses the mobilisation of Native Canadians as a case-study to determine the depth and extent of human resource mobilisation policies between 1940 and 1945. Government mobilisation departments and agencies relied on a remarkably decentralised and permissive administrative structure to carry out the NRMA mobilisation mandate. These organizational traits were exacerbated by active Native Canadian opposition to conscription and other factors, such as the geographic isolation and poor health of many Native men. As a result, a patchwork of disparate, inconsistent and ineffectual mobilisation policies affecting Canadian Indians was adopted during the course of the war.

The Mobilisation of Native Canadians During the Second World War

MICHAEL D. STEVENSON

ON 3 AUGUST 1943, THE WINNIPEG FREE PRESS PUBLISHED an editorial entitled “Mobilizing the Red Men” that called for the full military mobilisation of Native Canadians. Although the presence of many Native volunteers in the ranks of active duty personnel was acknowledged and lauded, the editorial insisted that the mobilisation regulations pertaining to the compulsory conscription of men for Home Defence purposes be enforced:

The notion that these aborigines are not subject to the Mobilisation Act probably arises from the belief, held by many Indians, that they are still a nation within a nation, an independent people living under treaty with the Pale Faces. There are, of course, a number of Indian treaties. Under them, any Native title or interest in the country was extinguished and the Indians themselves became wards of the state. Some of them have been enfranchised, but in the process they have ceased to be Indians under the law and have forfeited whatever advantage the treaties gave them. There shouldn't be much question as to the enfranchised Indian's liability for military service. As a citizen he must discharge his civic responsibilities. The official view, however, seems to cover those in wardship also and here again there seems to be no just cause for immunity. The Indian ought to be ready to defend the country in which he lives, and considerable numbers of them have volunteered to do so.¹

Many government officials responsible for the administration of the National Resources Mobilisation Act (NRMA) during the Second World War, however, did not share these sentiments. Moreover, large segments of the Canadian Native population, aware of their status as wards of the government and second-class citizens,² refused to comply with mandatory call-up regulations.

The author wishes to acknowledge the financial support of the Social Sciences and Humanities Research Council of Canada. I would also like to thank Dr. Peter Neary and Dr. James Struthers for their comments on an earlier version of this paper.

1 *Winnipeg Free Press*, 3 August 1943.

2 See E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver, 1986), for a good discussion of Indian policy in Canada between 1913 and 1932. A harsher evaluation of government policy towards Native Canadians can be

An examination of the compulsory mobilisation of Native Canadians during the Second World War provides important new perspectives on the nature of Canada's war effort. First, it challenges existing accounts of the response of Natives and government officials to conscription measures. General scholarly histories of the Canadian Native population tend to ignore the issue of conscription.³ More specialised narratives written by Fred Gaffen, Janet Frances Davison and Janice Summerby and dealing with the wartime experiences of Natives are limited in scope and focus on the heroism and bravery of a small number of overseas volunteers among the more than 3,000 Natives, including NRMA conscripts, who served in the Canadian Armed Forces during the Second World War.⁴ When an extensive collection of archival documents from the Dominion Department of Labour and the Indian Affairs Branch of the Department of Mines and Resources (DMR) is examined, a more negative picture of both the government's handling of Native mobilisation and the response of Natives to NRMA regulations emerges.⁵

Furthermore, the operations of the two government agencies responsible for mobilising Canadian human resources between 1939 and 1945 – the Department of National War Services (DNWS) and National Selective Service (NSS) – have not been scrutinised in a comprehensive manner. Existing scholarly accounts of Canada's mobilisation effort tend to focus on Prime Minister Mackenzie King and the conscription debate within the Cabinet.⁶

found in Hugh Edward Quixano Shewell, "Origins of Contemporary Indian Social Welfare in the Canadian Liberal State: An Historical Case Study in Social Policy, 1873-1965," PhD thesis, University of Toronto, 1995.

3 Olive Dickason's and J.R. Miller's excellent surveys of Native Canadian history each devote a single sentence to Canadian Indian military participation in the Second World War. See Dickason, *Canada's First Nations: A History of Founding Peoples From Earliest Times* (Norman, 1992), 328-29; Miller, *Skyscrapers Hide the Heavens* (Toronto, 1989), 220-21.

4 Fred Gaffen, *Forgotten Soldiers* (Penticton, 1985); Janet Frances Davison, "'We Shall Remember': Canadian Indians and World War II," MA thesis, Trent University, 1992; and Janice Summerby, *Native Soldiers, Foreign Battlefields* (Ottawa, 1993). Official tabulations put the number of Native men serving in the Armed Forces during the Second World War at 3,090. Unofficial estimates of Native participation reach as high as 6,000. See *Report of the Department of Mines and Resources, 1946* (Ottawa, 1946), 195; Dickason, *Canada's First Nations*, 329. The mobilisation of Native Americans is a subject that has been covered in great detail. See, for example, Alison Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman, 1991).

5 Gaffen, Davison and Summerby do not utilise the records of the Department of National War Services and National Selective Service contained in the Department of Labour archival collections. Their use of the Indian Affairs Branch material is also, in my opinion, highly selective and not representative of the general thrust of these documents.

6 See, for example, J.L. Granatstein, *Canada's War: The Politics of the Mackenzie King Government, 1939-1945* (Toronto, 1990); Granatstein and J.M. Hitsman, *Broken Promises: A History of Conscription in Canada* (Toronto, 1977); and C.P. Stacey, *Arms, Men, and Governments: The War Policies of Canada, 1939-1945* (Ottawa, 1970).

Unfortunately, the day-to-day workings of the mobilisation machinery in Canada have been virtually ignored.⁷ Using the example of Native Canadian mobilisation as a case-study provides a fresh and unique perspective on Canada's war effort. Although DNWS and NSS officials possessed a great deal of legislative authority to enact comprehensive, centralised and rigorous mobilisation schemes, the wartime mobilisation of human resources in Canada rested on the pillars of regionalism and compromise. In the case of Native Canadians, these administrative tendencies were exacerbated by problems of geography, health, and a profound historical distrust of government authority and intentions within Indian communities across Canada.

The general NRMA mobilisation framework remained virtually unchanged for the duration of the war. By Orders in Council PC 3086 of 9 July 1940 and PC 3156 of 12 July 1940, a national registration of all persons over 16 years of age was carried out in August 1940. The DNWS administrative structure was divided into two key branches. Within each of the 13 DNWS Administrative Divisions across Canada,⁸ a Divisional Registrar directed the call-up of eligible men in his area. Using the national registration information, the Registrar issued a medical examination order to each potential recruit. If a registrant was medically fit, a Registrar issued an order for military training requiring the recruit to report to a designated Army Reception Depot for mandatory NRMA duty. Within each Administrative Division, a National War Services Administrative Board, consisting of a minimum of three members led by a provincial court judge, met on a regular basis to adjudicate all applications for postponement of military training. Administrative Boards were remarkably powerful. No member of a Board was legally liable for any decision taken, since Boards were placed beyond the authority of any judicial body. Similarly, Registrars operated with a remarkable degree of freedom from the control of Ottawa mobilisation officials.

In September 1942, the responsibility for administering the NRMA regulations was transferred to the Department of Labour. National Selective Service, under the leadership of NSS Director Arthur MacNamara, assumed full control of the mobilisation structure on 1 December 1942 by Order in Council PC 10924. The original DNWS mobilisation apparatus remained intact for the remainder of the war, with the DNWS Administrative Boards classified as

7 The one prominent exception to this is William Janzen, *Limits on Liberty: The Experience of Mennonite, Hutterite, and Doukhobor Communities in Canada* (Toronto, 1990), Chapter 9.

8 The 13 Administrative Divisions were established as follows: (1) Division – London; (2) Division B – Toronto; (3) Division C – Kingston; (4) Division D – Port Arthur; (5) Division E – Montreal; (6) Division F – Quebec City; (7) Division G – Halifax; (8) Division H – Saint John; (9) Division I – Charlottetown; (10) Division J – Winnipeg; (11) Division K – Vancouver; (12) Division M – Regina; and (13) Division N – Edmonton.

NSS Mobilisation Boards under NSS nomenclature. DNWS and NSS officials maintained close contact with Indian Affairs Branch officials during the war. In 1936, the administration of Indian policy in Canada had been transferred from the Department of Indian Affairs to the Indian Affairs Branch within the DMR. At the outbreak of the war, 98 Indian Agencies across Canada were managed by an Indian Agent working in tandem with local tribal groups.

Under Section 3 of the 1940 National War Services regulations, compulsory registration leading potentially to military training and service was mandatory for all British subjects except for a small number of specified groups. Indians were not included among those who were given exemption. Nonetheless, their status under the NRMA remained unclear.⁹ In September 1940, Lorne McDonell, the Divisional Registrar in Kingston, sought direction from Major-General L.R. LaFlèche, the DNWS Associate Deputy Minister, as to "the liability of an Indian residing on a reserve being compelled to undergo military training."¹⁰ LaFlèche replied that the policy concerning Natives would be forthcoming after consultation with the Department of Justice and the Indian Affairs Branch.¹¹

The government also heard from various Indian bands protesting any compulsory military service for their members. The most interesting and vitriolic material came from the Lorette Indian reserve near Quebec City, which became the centre of Native resistance to mobilisation regulations for the duration of the war. On 14 October 1940, Alphonse T. Picard and Maurice Vincent of the Comité de Protection at Lorette informed DNWS Minister Jimmy Gardiner that all Natives were exempt from military service under the Royal Proclamation of 7 October 1763.¹² In response to this claim, the Indian Agent of Lorette, M.E. Bastien, was notified forthwith from Ottawa that Indians were subject to military service "in the same manner as all other subjects."¹³ The Comité de Protection, however, was undeterred, though its subsequent protests were given only routine bureaucratic replies.

9 A dispute arose immediately concerning the registration of Natives. T.R.L. MacInness originally informed all Indian Agents on 6 August 1940 that Natives were not required to register, but this decision was reversed when it was discovered that many Indians were being denied employment because they did not carry a registration card. A circular addressed to all Indian Agents was distributed on 4 September 1940 asking all Agents to supervise the registration on reserves. Canada. National Archives (NA), RG 10, Records of the Department of Mines and Resources, Vol. 6770, File War 1939: Correspondence Regarding National Registration of Indians, 1941-1945, Pt. 2, T.R.L. MacInness to Agents, 4 September 1940.

10 NA, RG 27, Records of the Department of Labour, Vol. 1485, File 2-15-3, Pt. 1, L. McDonell to L.R. LaFlèche, 30 September 1940.

11 Ibid., LaFlèche to McDonell, 2 October 1940.

12 Ibid., A. Picard and M. Vincent to J. Gardiner, 14 October 1940.

13 Ibid., Department of Indian Affairs to M.E. Bastien, 25 October 1940. This reminder reinforced a circular from MacInness to all Agents that Natives were subject to DNWS regulations. See NA, RG 10, Vol. 6768, File 452-20, Pt. 4, MacInness to Agents, 28 September 1940.

But this changed dramatically when the dispute came to centre on a particular individual, Jean-Paul Gros-Louis. Gros-Louis was issued his military training order on 4 November 1940, whereupon his parents protested in a scathing letter to the Department of National Defence (DND). Asserting that their son was already assisting both his family and the country's war effort by working as a labourer at an airfield in Lorette, the parents claimed that there would be no advantage for anyone in compelling him to undergo military training.¹⁴ Picard and Vincent of the Comité de Protection also protested, arguing again that it was illegal to call up a man who was not a British subject under the 1763 proclamation. Jean-Paul Gros-Louis, they wrote, "was free of [the] obligation" of military service.¹⁵ DNWS officials, however, refused to budge. Henri-Paul Drouin, Divisional Registrar in Quebec City, advised LaFlèche that Gros-Louis would be ordered to report on 10 January 1941.¹⁶ At this stage, the most colourful and flamboyant of all Native protesters during the war entered the fray. Jules Sioui, Chief Executive of the Comité de Protection, wrote a belligerent note to Drouin on 30 December 1940, announcing that his compatriot, Gros-Louis, would not submit to the demands of the Registrar. Sioui promised to lead the defence "of my country, my race, my nation, and my people."¹⁷ He lived up to his word and was an irritant to mobilisation officials for the duration of the war.

Another hot spot with respect to Native mobilisation in late 1940 was north-western Ontario. In October 1940, W.A. Elliot, Divisional Registrar in Port Arthur, Ontario, asked LaFlèche to clarify the status of Indians who were isolated geographically.¹⁸ Resolutions had been passed by tribal councils denouncing compulsory mobilisation and demanding that Indian Agents "stretch out a long arm and halt all the functions of government."¹⁹ Judicial authorities across Canada were also eager for DNWS officials to clarify the legal status of Indians under NRMA regulations. On 17 January 1941, five treaty Indians from the Brantford, Ontario, Six Nations reserve were arraigned before Judge John B. Hopkins charged with non-compliance of registration requirements under the NRMA. Hopkins postponed the cases against the accused pending clarification of the situation by the proper authorities in Ottawa.²⁰ Earlier in January, a similar situation had arisen in

14 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, J. Gros-Louis to Department of National Defence, 4 November 1940.

15 *Ibid.*, Picard and Vincent to DND, 12 November 1940.

16 *Ibid.*, H. Drouin to LaFlèche, 7 December 1940.

17 *Ibid.*, J. Sioui to Drouin, 30 December 1940.

18 *Ibid.*, W.A. Elliot to LaFlèche, 19 October 1940.

19 NA, RG 10, Vol. 6768, File 452-20, Pt. 4, S. Devlin to MacInness, 2 October 1940. A resolution from the Six Nations band in Brantford "strongly protested the imposition of 30 days military training upon the single young men of this reservation." See *ibid.*, E.P. Randle to MacInness, 21 November 1940.

20 *Montreal Daily Star*, 17 January 1941.

Quebec when Superior Court Judge Alfred Savard had postponed to February 1941 all cases involving the prosecution of Native delinquents.²¹

On 30 January 1941, in response to these events, the government's policy on Native mobilisation was explained in DNWS Circular Memorandum No. 141, addressed to all Divisional Registrars and Chairs of National War Services Boards responsible for enforcing mobilisation regulations. Before drafting the statement, DNWS officials had solicited the legal opinion of the Department of Justice. What it heard back from W. Stuart Edwards, Deputy Minister of Justice, was that "Indians, being British subjects, are subject to Section 3 of the National War Regulations, 1940 (Recruits)."²² This terse one-sentence ruling was conveyed in the Circular Memorandum and remained the official position of the government for the duration of the war. In the months immediately following this development, Ottawa held firm to the view that no Indian had any exemption privileges under existing regulations. Thus, when R.A. Irwin, Divisional Registrar in Toronto, informed LaFlèche that he was anxious to avoid entering into any controversy with Indians residing on the Brantford Six Nations reserve, he received an uncompromising reply. This was written by Captain G.R. Benoît, DNWS Supervisor of Recruiting for Military Training, and it forecast the cooperation of Indians in the mobilisation effort:

I appreciate that you wish to avoid any friction with this group. No one has ever questioned the loyalty of Indians who served bravely in the last war and who are again represented in the fighting overseas. National Registration was a measure enacted by the Government to facilitate the prosecution of our fight for liberty and freedom. In this respect, Indians who have always enjoyed the greatest measure of liberty under Canadian institutions will undoubtedly recognize the importance of giving their whole hearted support to the war measures made necessary by the war.²³

But the protests would not go away. In April 1941, Manley J. Edwards, Member of Parliament for Calgary West, wrote to Prime Minister King, Ernest Lapointe, and J.L. Ralston about a meeting he had had with representatives of the Stoney Indian reserve.²⁴ According to Edwards, Indian leaders in the area believed that Treaty 7, signed in September 1877, relegated them to the status

21 NA, RG 27, Volume 1485, File 2-15-3, Pt. 1, A. Savard to T.C. Davis, 7 January 1941.

22 *Ibid.*, LaFlèche to All Divisional Registrars and Chairmen, 30 January 1941. This declaration points out one of several flaws in accounts written by Summerby and Gaffen. Summerby states that this decision was not officially adopted as government policy until a court decision in 1943 regarding Harry Smallfence of the Caughnawaga reserve. In reality, government officials had been operating under the assumption that Natives were liable for compulsory service two years before the Smallfence decision. See Summerby, *Native Soldiers. Foreign Battlefields*, 20.

23 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, G.R. Benoît to R.A. Irwin, 28 March 1941.

24 *Ibid.*, M. Edwards to W.L.M. King, E. Lapointe and J.L. Ralston, 26 April 1941.

of government wards and that as such they were not subject to compulsory military service. LaFlèche curtly informed Edwards that Circular Memorandum No. 141 containing the Department of Justice ruling had closed the matter.²⁵ In a document prepared for Cabinet, W. Stuart Edwards likewise reiterated that there was “no provision in these regulations which excepts the Indians from this duty which is imposed on every male British subject ordinarily resident in Canada.”²⁶ At a meeting of the Cabinet War Committee on 20 May, it was decided that no action would be taken to alter the ruling making Indian registration and training mandatory.²⁷

Another confirmation of government policy followed in response to continued protest from Indian groups. In July 1941, Robert George of Ravenswood, Ontario, claimed that the compulsory call-up of Natives violated the Robinson Treaties of 1850. Indians, he wrote, had “been classed as the lowest of all classes of human beings in this country” as wards of the government, and they should never be forced to submit to compulsory military training.²⁸ The reply sent to George simply repeated what was in the Circular Memorandum of 30 January 1941, but the government also heard from the Plaxton & Company law firm of Toronto that the leaders of the Shawanaga reserve insisted that the Supreme Court rule on the legal position of Natives under the NRMA.²⁹ This demand, however, was refused by the Department of Justice on the grounds that there was “no reason for adopting the suggestion that a test case be arranged for the purpose of settling some pre-supposed doubt.”³⁰ On 6 August 1941, this decision was communicated to all Chairs of Mobilisation Boards and Divisional Registrars in Circular Memorandum No. 289.

With this, the first stage in the history of Native mobilisation in the Second World War came to a close. DNWS officials had made their position clear in Circular Memorandum No. 141 of 30 January 1941; this position had been affirmed by Cabinet in May 1941; and the legal challenge from the Shawanaga reserve had been dismissed. The government had built a strong case, but over the next two years it would become abundantly clear that linguistic, cultural and geographic complications often took precedence over legal nicety.

One of the most serious problems confronting Divisional Registrars in their attempt to mobilise Natives was the daunting problem of geographic isolation. Prior to the summer of 1941, many Registrars had adopted a wait-and-see attitude regarding Indians, and several had indicated that they were not anxious to pursue the issue of Indian military training. The case of Edward Cardinal of

25 *Ibid.*, LaFlèche to Edwards, 6 May 1941.

26 *Ibid.*, Edwards to A.D.P. Heeney, 16 May 1941.

27 *Ibid.*, Heeney to J.T. Thorson, 25 June 1941.

28 *Ibid.*, R. George to Davis, 7 July 1941.

29 *Ibid.*, Plaxton & Company to Irwin, 7 July 1941.

30 *Ibid.*, W.S. Edwards to Benoît, 30 July 1941.

Whitecourt, Alberta, typified the many problems Registrars faced. When a notice ordering Cardinal's medical examination prior to military training was returned by the post office, J.P. McIsaac, the Edmonton Registrar, asked the Whitecourt postmaster why the notice had not been picked up. The postmaster replied that Cardinal frequented an area 12 miles north of Whitecourt around McLeod Lake and that he stopped by to pick up his mail only twice during the year. McIsaac subsequently told LaFlèche that it was "practically impossible" to locate many Natives, and that their poor medical condition and low level of literacy would make them poor recruits. According to McIsaac, "the larger majority of these Indians and Halfbreeds" were "quite irresponsible," and – this approach was condemned in Ottawa – were not worth pursuing.³¹

McIsaac's opinion about the poor medical condition of many Natives was not unfounded. Medical services available to Canada's Indian population were limited in both quality and quantity. In 1935, to service the needs of more than 112,000 Natives, the Department of Indian Affairs employed 11 doctors and 11 field nurses on a full-time basis to augment the part-time services of approximately 250 physicians.³² This situation did not improve during the war years. The Special Parliamentary Committee on Postwar Reconstruction and Re-establishment was set up in 1944 to study issues affecting the re-establishment of Canada's veterans. Special attention was paid to the question of Native veterans and the condition of Indian communities across the country. Dr. Percy Moore, Superintendent of Medical Services for the Indian Affairs Branch, testified before the Special Committee on 24 May 1944. He noted that Natives in northern communities and in British Columbia were woefully underserved, with up to 30 bands receiving a visit from a doctor for half a day only once a year. Moore also chronicled the ravages of disease within Native communities. In British Columbia, for example, the Indian tuberculosis mortality rate was ten to seventeen times the provincial average.³³ Not surprisingly, a large percentage of Native men failed their medical examinations during the war. In June 1942, a mobile medical unit from the DND was sent to Moose Lake, Manitoba, to examine 40 Native applicants for enlistment. Not one of them passed the medical test.³⁴

31 See *ibid.*, J.P. McIsaac to Whitecourt Postmaster, 24 June 1941; Whitecourt Postmaster to McIsaac, 27 June 1941; McIsaac to LaFlèche, 8 July 1941; and Benoît to McIsaac, 17 July 1941.

32 James Waldram, D. Ann Herring and T. Kue Young, *Aboriginal Health in Canada: Historical, Cultural, and Epidemiological Perspectives* (Toronto, 1995), 160.

33 For an excellent account of the testimony affecting Canada's Native population presented before the Special Committee, see Shewell, "Origins of Contemporary Indian Social Welfare," 372-93.

34 NA, RG 10, Vol. 6769, File 452-20-4, M. Garton to District Officer Commanding, 17 February 1943.

In the latter months of 1941, problems surrounding the mobilisation of Natives continued unabated. The question of the geographic isolation of many Indians remained prominent. Thus, it was acknowledged in Ottawa that the Bella Coola Indians in British Columbia did not have the financial means to travel to medical examination sites which were located at considerable distances from their reserves.³⁵ By the same token, Charles Pennock, the Vancouver Divisional Registrar, wrote that the Natives of British Columbia had "a habit of treating our notices and letters with apparent indifference" on the few occasions when they could be tracked down while fishing in the summer or trapping in the fall and winter.³⁶ Both in British Columbia and elsewhere, moreover, the geographic problem was compounded by a poor knowledge of mobilisation regulations among the Indians themselves, despite the best efforts of various Indian Agents to make them known. As late as December 1941, Dr. J.R. Hurtubise, the Member of Parliament from Nipissing, informed LaFlèche that several individuals from the Nipissing reserve had contacted his office concerning their liability for military service.³⁷

The combination of geographic isolation and varying approaches on the part of Registrars eventually created a patchwork in the military districts across the country. By February 1942, the Mobilisation Board in Edmonton had stopped pursuing Native delinquents, a decision that Ottawa ultimately had no choice but to accept.³⁸ In British Columbia, a circular from D.M. MacKay, the provincial Indian Commissioner, allowed Indian Agents in remote areas to act in lieu of the Mobilisation Board. With the consent of the Vancouver Registrar, an Agent could decide if a Native was fit for active duty before directing him to submit to a formal medical examination elsewhere. Requests for deferment would likewise be handled through the Indian Agent to avoid appearances before the distant Administrative Board.³⁹ In Winnipeg, military authorities refused to enrol or enlist most Indians due to language and medical difficulties. On the other hand, they refused to issue the rejection certificates that the Indians needed to be hired by local employers.⁴⁰ For his part, Major

35 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, MacInness to Benoît, 20 November 1941.

36 *Ibid.*, C. Pennock to Benoît, 25 November 1941.

37 *Ibid.*, J.R. Hurtubise to LaFlèche, 18 December 1941. Tribal councils continued to resist compulsory mobilisation measures. Reuben Bull, Chief of the Whitefish Lake band in Vilna, Alberta, demanded that Natives, as government wards, be exempted from NRMA duty. A petition signed by hundreds of members of the Caughnawaga band, addressed to Prime Minister King, cited various treaties to reinforce Caughnawaga claims and stated that, "if the abuse is not stopped, we may in a little while be deprived of all the little privileges you pale face left us." See NA, RG 10, Vol. 6768, File 452-20, Pt. 4, R. Bull to King, 29 September 1941; Caughnawaga Band to King, 29 October 1941.

38 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, McIsaac to Benoît, 10 February 1942.

39 NA, RG 10, Vol. 6768, File 452-20, Pt. 4, D.M. MacKay to MacInness, 24 April 1942.

40 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, MacInness to Benoît, 1 June 1942.

E.E. Crandall, District Recruiting Officer in Kenora, pointed out that Natives should be barred from the armed services because experience had shown that Indians could not “stand confinement or training.”⁴¹ In the end, Indian Affairs Branch officials agreed that there were “practical considerations”⁴² that could no longer be ignored. This in turn led to correspondence between representatives of the DNWS and the DND and a change of direction in relation to the compulsory mobilisation of Natives. The new policy was explained in Circular Memorandum No. 490 of 31 March 1942:

In future, before calling out Indians, Divisional Registrars will ascertain in advance from the Indian Agent of the Department of Mines and Resources whether or not the men subject to call speak English or French. Divisional Registrars will give advance information to Officer Commanding training centres concerned as requested by the other Department. Men who speak neither English nor French will not be called out until further instructions.⁴³

The issue of Indian mobilisation continued to concern Indian Affairs Branch officials. In June, T.R.L. MacInness, Secretary of the Indian Affairs Branch, conducted an opinion survey of four key officials: W.S. Arneil, Ontario Inspector of Indian Agencies; J. Thibault, Quebec Inspector of Indian Agencies; A.G. Hamilton, Manitoba, Kenora, and Fort Frances Inspector of Indian Agencies; and C.P. Schmidt, Alberta Inspector of Indian Agencies. All four recommended that outlying districts be relieved of burdensome mobilisation restrictions and that a modified policy be adopted in relation to geographically isolated cases. While Thibault wrote that military training was the best thing that could ever happen “to give the young Indians some knowledge of discipline,” Schmidt offered this analysis of the Native situation:

41 Ibid., E.E. Crandall to Recruiting Representatives, 20 February 1942. This refusal of Winnipeg authorities to enrol many Native recruits remained a source of contention. Although Indians from Manitoba clearly did serve in the Armed Forces, the enlistment ratios were lower in Manitoba than in any other province, pointing to the fact that the stated opinion of many DND officials did manifest itself in low numbers of Manitoba Natives entering the Armed Forces. A very rough calculation of the ratio of Indian recruits to provincial Native (both male and female) in 1942 reveals the following percentages in descending order: (1) P.E.I.: 6.5 per cent; (2) New Brunswick: 5.5 per cent; (3) Nova Scotia: 3.4 per cent; (4) Saskatchewan: 2.2 per cent; (5) Ontario: 1.8 per cent; (6) Quebec: .8 per cent; (7) B.C.: 0.7 per cent; (8) Alberta: 0.5 per cent; and (9) Manitoba: 0.3 per cent. Manitoba and Alberta remained on the bottom rungs of the participation ladder for the duration of the war. For Native totals in the Armed Forces, see *Report of the Department of Mines and Resources, 1942* (Ottawa, 1942), 134. For the provincial breakdown of the Indian population, see NA, RG 27, Vol. 605, File 6-19-1, J.W. Johnson to T.H. Robinson, 11 May 1943.

42 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, Benoît to MacInness, 8 March 1942.

43 Ibid., LaFlèche to All Divisional Registrars and Chairmen, 31 March 1942.

There are a number of Northern reserves, located at such distances from any business centre, that it will be very costly and will create a hardship for the Indians there to respond to their call. If they do respond and are found to be physically unfit for service – as will, I expect, happen in many cases – they will be stranded at the examining centre without funds to return home. Also, if called up during the Spring muskrat and beaver trapping season, or during the Winter open season for trapping fine furs, they will lose part, if not all, of their season's earnings I think it would be well to pay no attention to these if they fail to respond. If and when it becomes necessary to call up this class of Indian men for service, they could be located at time of Annuity (Treaty) Payment and given medical examinations there and then.⁴⁴

In keeping with this advice, G.R. Benoît subsequently urged Edmonton mobilisation officials to use the “widest measure of discretion” when calling Indians. He also requested that, in the reporting of delinquents, Indians appear on a separate list.⁴⁵

Despite these changes, Indian protests continued to be heard during the summer of 1942. In August, Micmac leaders in Nova Scotia passed a resolution demanding exemption from compulsory military service because of the number of voluntary enlistments in both World Wars, the ambiguous status of Indians as government wards and the exemption granted to Natives during the First World War. This resolution was forwarded to Minister of National Defence J.L. Ralston by Matthew MacLean, Member of Parliament for Cape Breton North-Victoria. MacLean's own understanding was that Indians were “not liable to serve unless they volunteered.” This exemplified the confusion that existed on the issue even among Members of Parliament. MacLean was immediately corrected by J.T. Thorson, the Minister of National War Services, but the general difficulty remained. On 15 September, Colonel Edward Mingo, the Divisional Registrar in Halifax, told G.R. Benoît that the Micmacs needed to be informed of the mandatory nature of mobilisation through the proper Indian Agent. Two weeks later, Mingo demanded that the situation regarding Micmac mobilisation be clarified in the light of a declaration by the Grand Chief, Gabriel Sylliboy, that Indians had no responsibility to follow mobilisation orders.

44 *Ibid.*, MacInness to Benoît, 30 June 1942. This material had been part of a series of correspondence dealing with the issue of ignoring all Natives who lived in outlying areas. Indian Affairs Branch officials insisted that the proposal was not to exempt Indians in any way, but to ensure that in the most remote areas Natives who did not respond to calls “would not be followed by prosecution or other drastic action.” Although lists were submitted to MacInness for approval, the adoption of this policy within NSS circles did not occur for close to two years. See NA, RG 10, Vol. 6768, File 452-20, Pt. 4, MacInness to Superintendents and Inspectors, 17 April 1942.

45 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 1, Benoît to R. English, 25 August 1942.

Through the offices of Matthew MacLean, Sylliboy next forwarded a "direct personal appeal" to Prime Minister King:

In my humble opinion I do not believe that the existing NWS Regulations were ever intended to include Indians. I am proud and always endeavoured to be a loyal Canadian Indian under the British flag, but I am certainly not recognized as a Canadian citizen, or "Ordinarily Resident" in Canada. I am not an immigrant, and according to the Indian Act, I am not even recognized as a "person." Consequently, in my humble judgment the words "Ordinarily Resident" are not applicable to an Indian.

In response, LaFlèche gave Sylliboy the by now standard reply on the subject, but the situation on the Micmac reserves continued to deteriorate as Indians in increasing numbers refused to comply with mobilisation orders, despite the appeals of various Indian Agents.⁴⁶

Other correspondence from the same period is indicative of widespread discontent among Native populations across Canada. The case of Jules Sioui of the Lorette reserve dominated the attention of NSS officials early in 1943. On 28 January 1943, Sioui informed A. de Gaspé Taché, the NSS Mobilisation Director, that it gave him great satisfaction to counsel Natives to return all military orders unopened. He was proud, he wrote, to defend "the interests, the rights, and the privileges of my nation."⁴⁷ Taché, exhibiting none of the patience that his predecessors at the DNWS had shown towards the actions of Sioui, immediately contacted the Royal Canadian Mounted Police (RCMP) to begin an investigation of the matter. The result was a report that cast doubt on Sioui's credibility and influence. While it was true that Sioui counselled men to ignore their draft notices, he was also "a known troublemaker" and had a reputation for being "an undesirable person." He had, in fact, served three months in jail for committing indecent acts with young boys and defaming the character of the Indian Agent in Lorette.⁴⁸ Taché's response to this report was to instruct the Quebec Registrar to order Sioui to report for registration by 30 April 1943 and to prosecute him immediately if he failed to comply. Legal endorsement of the government's position on Indian mobilisation followed in the summer of 1943. Harry Smallfence of the Caughnawaga reserve in Quebec had been convicted in late 1942 for failing to appear for a compulsory medical examination. When his case reached the Court of King's Bench on 21 June 1943, Justice Wilfrid Lazure dismissed his appeal. Noting that there were "not

46 See *ibid.*, Pt. 2, M. MacLean to Ralston, 27 August 1942; Mingo to Benoît, 15 September and 30 September 1942; G. Sylliboy to King, 15 October 1942; and MacInness to H.C. Rice, 20 October 1942.

47 *Ibid.*, Sioui to Taché, 28 January 1943.

48 *Ibid.*, R. Armitage to Taché, 1 April 1943.

two or several kinds of British subjects," Lazure ruled that Indians were covered by all mobilisation rules unless specifically exempted from them. This judgement, of course, validated the stand taken by the Department of Justice in early 1941.⁴⁹

Yet, there was no denying that the edifice of government policy towards Native mobilisation was crumbling. In a February 1943 report which typified the outlook of many military officers, Major Maris Garton, District Recruiting Officer in the Winnipeg Military District, advanced this sweeping and blunt advice:

The attitude of this office has been that while Indians are entitled to offer their services voluntarily for Active Service, extreme care should be exercised as to their acceptance. Experience has shown that very few Indians can stand confinement to camp or barracks for long periods of time and nervous demands incidental to modern warfare. Many Indians who have enlisted have had to ultimately be discharged, very frequently before their training had been completed From our experience I would submit that it would not be sound policy to call up treaty Indians for compulsory military training.⁵⁰

Justice J.E. Adamson, Chairman of the Winnipeg Mobilisation Board, protested the actions of military officials in Winnipeg to Arthur MacNamara. It would not be possible, Adamson wrote, "for this Board or Divisional Registrars to disregard a certain class without changing the regulations."⁵¹ Acting on the advice of NSS Assistant Director of Mobilisation Charles Henry, MacNamara replied that, while the idea of changing regulations did not appeal to him, he did support the idea that the Board should grant blanket agricultural postponements for Natives.⁵² Adamson welcomed this suggestion, but recommended that it be taken one step further: "[T]he best practice would be to simply assume that all these men are engaged in agriculture and should stand postponement until we get around to establishing that they are not essential in agriculture."⁵³ This declaration turned the usual postponement procedure on its head, and Adamson admitted that the plan would produce indefinite postponements for Natives in his district. Nonetheless, this was the "practical thing to do."

This same attitude was now also taken in the Port Arthur Military District. Divisional Registrar E.W. Edwards had met with the Port Arthur Mobilisation

49 See *Regina Leader Post* 15 October 1942; *Calgary Albertan* 22 June 1943; and NA, RG 10, Vol. 6769, File 452-20-10, Pt. 1, Written Decision of Lazure, *King vs. Harris Smallfence*, 21 June 1943.

50 NA, RG 10, Vol. 6769, File 452-20-4, Garton to Winnipeg District Officer Commanding, 17 February 1943.

51 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 2, J.E. Adamson to A. MacNamara, 25 February 1943.

52 *Ibid.*, C. Henry to MacNamara, 1 March 1943; MacNamara to Adamson, 1 March 1943.

53 *Ibid.*, Adamson to MacNamara, 4 March 1943.

Board on 25 March 1943 and decided that Indians would be “left in their present environment.” Edwards continued to support the policy of DND officials, such as Major Garton in Winnipeg, by which Native applicants for enlistment were routinely rejected. In his opinion, Natives were “morose and sulky,” and Edwards emphasised that “the number of recruits obtained from the type of Indian in this area is not worth the trouble and expense to us.”⁵⁴ The decisions taken in Winnipeg and Port Arthur were in direct contravention of the wishes of DND officials in Ottawa. Brigadier-General O.M.M. Kay, the Deputy Adjutant-General, informed NSS administrators that excluding Natives from the NRMA recruitment process was a dangerous idea:

There is little which this department can say in regard to the matter in question except that if we are to live up to our approved Army programme, it is necessary that we be allotted all physically fit men of military age who are not required as key men in war or essential industry. The difficulty of enforcement in cases such as you refer to is fully appreciated but this Department does not feel that it would be justified in suggesting that there should be any slackening in the efforts to obtain every available man for service in the Armed Forces.⁵⁵

While NSS officials waffled on the issue, Indian groups continued their own campaign against compulsory mobilisation. A reserve that showed a consistent pattern of resistance was the Walpole Island Indian reserve near Wallaceburg, Ontario. But when A.B. Harris, Divisional Registrar in Toronto, pressed Taché as to whether the RCMP should “adopt the same policy of rigid enforcement of the regulations with respect to these people as we do in regard to others,” he did not get very far. Thus, instead of ordering the prosecution of Native delinquents at Walpole Island, Taché asked only that their names be forwarded to NSS officials in Ottawa for further consideration. The problems at Walpole Island, however, did inspire another NSS review of Native mobilisation. In connection with this, S.H. McLaren, Assistant Director of the NSS Mobilisation Section, wrote to C.W. Jackson, Secretary and Chief Executive Assistant of the DMR, pointing out that the majority of Indians failed to meet Army physical requirements and should somehow be granted postponements due to their perceived essentiality in agriculture. Jackson, noting that the question of Indian mobilisation had been “a vexing one for a long time,” agreed with McLaren and issued a circular memorandum that called on all Indian Agents to redouble their efforts to inform Indians of the possibility of applying for postponement through proper channels.⁵⁶

⁵⁴ *Ibid.*, Edwards to Taché, 31 March 1943.

⁵⁵ *Ibid.*, O.M.M. Kay to Taché, 7 February 1943.

⁵⁶ See *ibid.*, A.B. Harris to Taché, 31 May 1943; Taché to Harris, 3 June 1943; S.H. McLaren to C.W. Jackson, 21 July 1943; and Jackson to McLaren, 31 July 1943.

In August 1943, A.B. Harris repeated his demand for guidance from Ottawa concerning the problems at Walpole Island, and NSS officials gave formal approval for the prosecution of Jules Sioui to begin in Quebec. But there was no longer any consistency in Ottawa's application of the mobilisation rules to Native Canadians. Across the country, a patchwork of policies existed. In areas of British Columbia and Alberta, Indians living in remote areas were effectively insulated from the reach of compulsory registration, medical examination and military training provisions. In Winnipeg, Regina and Port Arthur, a policy of conscious neglect by Mobilisation Boards and Divisional Registrars and the refusal of military authorities to enlist Indians had led to the decision to grant Natives postponements in the vague hope that they would be steered to essential industry and agriculture.⁵⁷ In Ontario, pleas for some direction from Ottawa had gone unanswered, while in Quebec active prosecution of Native delinquents had been common since the beginning of the war. In the Maritimes, continued Native opposition had not been countered with any effective response by the authorities. In sum, Ottawa's original policy had manifestly failed and the time was ripe for some new initiative.

This came in the form of Circular Memorandum No. 905, addressed to all Chairs of Mobilisation Boards and Divisional Registrars, on 31 August 1943. It called for a two-pronged approach: vigorous prosecution of Native delinquents; and a renewed effort to inform all Natives of their right to appeal for postponement of military service:

It has been held by the Courts and the law officers of the Crown that Indians are liable to service under the mobilisation regulations in the same manner as other people and consequently, if they fail to respond to the call-up, they render themselves liable to prosecutions and punishments. Postponements may be granted to individual Indians in the same manner as to other people. It should be borne in mind that many of these Indians . . . would be able to secure postponement on the grounds of essentiality in agriculture. In such cases you should advise the Indians and consult with the NSS authorities where you consider it necessary to do so . . . The subject is one which should be approached with tact, discretion, and patience. It is felt that in many cases better results might be obtained by careful explanation to them of their duties and appeal to their pride, self-respect, and loyalty. If reasonable persuasion fails, however, then of course the law must take its course, and this fact should be clearly explained to the Indians where necessary.⁵⁸

57 Many Natives did help with timber and agriculture harvests on the Prairies. More than 4,000 Indians, for example, were recruited for the harvest period in the autumn of 1944. See NA, RG 27, Vol. 605, File 6-19-1, J.E. Morris to W.B. Greenwood, 2 December 1944.

58 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 3, Henry to All Chairmen and Divisional Registrars, 31 August 1943. Much of the material for this circular came from a DMR circular sent to all Indian Agents one month earlier. See NA, RG 10, Vol. 6769, File 452-20-8, MacInness to Indian Agents, 31 July 1943.

The instructions to pursue prosecutions galvanised many Divisional Registrars east of Port Arthur into action for a brief period of time. Acting on the “definite instructions” appearing in Circular Memorandum No. 905, A.B. Harris immediately issued orders to prosecute delinquency cases on the Walpole Island reserve.⁵⁹ From Halifax, Colonel Mingo reported that he was actively pursuing various delinquent Natives.⁶⁰ In Quebec, the situation was more aggravated, and Montreal lawyer Royal Werry complained to DMR officials about the increased enforcement of mobilisation regulations on the Caughnawaga reserve.⁶¹ In October 1943, there had been a riot on this reserve that “would have made Wild Bill Hickock’s trigger finger itch.”⁶² In the course of this, eight RCMP officers had scuffled with reserve residents and three reserve Indians had been shot. In the aftermath of this disturbance, the Indian Agent for Caughnawaga had reported that the reserve was a “haven” for more than 200 draft evaders, but band leaders passed a resolution demanding that the RCMP detachment be removed from the reserve.⁶³ In his letter, Werry complained that as many as 20 cases would be heard in court beginning 12 January 1944. S.H. McLaren curtly dismissed Werry’s complaint, and in the event all the Indians subject to prosecution were convicted, fined \$25.00 each and ordered to comply with mobilisation procedures.⁶⁴

Despite all this, the stringent policies outlined in Circular Memorandum No. 905 were quickly subverted by many NSS officials. The fourth and final phase of government activity pertaining to the mobilisation of Native Canadians witnessed the dilution of any meaningful mobilisation strategy and the eventual abandonment of effective enforcement measures. The first hint that active prosecution would be halted came in February 1944. Port Arthur Registrar E.W. Edwards complained that his experience showed that expending valuable resources locating and prosecuting Native delinquents was futile.⁶⁵ S.H. McLaren agreed with Edwards’ analysis of the situation and suggested that Section 6 of the mobilisation regulations, which stated in part that the “Registrar shall *select* the number of men” required to fill manpower quotas, could be used to filter Indian males from the mobilisation procedures.⁶⁶ Meanwhile, events in Winnipeg continued on their previous course. In February 1944 Lieutenant W.J. Cummings, writing on behalf of the District Officer Commanding in Winnipeg, complained that a delinquent from the Port Arthur

59 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 3, Harris to Taché, 13 September 1943.

60 Ibid., Mingo to Henry, 27 September 1943.

61 Ibid., R. Werry to C. Camsell, 7 January 1944.

62 *Montreal Standard*, 27 October 1943.

63 NA, RG 10, Vol. 6769, File 452-20-10, Pt. 1, F. Brisebois to H. McGill, 2 December 1943.

64 NA, RG 27, Volume 1485, file 2-15-3, part 3, McLaren to Werry, 14 January 1944.

65 Ibid., Edwards to McLaren, 21 February 1944.

66 Ibid., McLaren to Edwards, 2 February 1944.

Military District, ordered by Edwards to report in Winnipeg, was "a full-blooded Indian and, therefore, cannot be enrolled into the Army under present regulations."⁶⁷ Despite reminders from DND Adjutant-General H.F.G. Letson that no such formal regulation existed,⁶⁸ the Winnipeg military authorities continued to refuse most Indian enlistments for the remainder of the war.⁶⁹

RCMP authorities in the Toronto Military District were also instructed to drop prosecution of Indian delinquent cases by late 1943, less than three months after Circular Memorandum No. 905 had been issued. On 18 November 1943, D.W. Morrison of the NSS Investigation Branch in Toronto wrote to the Commander of the Toronto RCMP Division that the prosecution of Natives would be delayed for several months.⁷⁰ Accordingly, all RCMP detachments in the Toronto Military District were advised on 22 November 1943 to close all Indian files.⁷¹ Eventually, the issue went all the way to the Commissioner of the RCMP in Ottawa. On 15 February 1944, the Chapleau Indian Agent, F. Matters, wrote to the Indian Affairs Branch, expressing his bewilderment about the refusal of the RCMP to prosecute delinquents.⁷² When Matters continued to press the issue, the Indian Affairs Branch determined that the Toronto police officials were acting on the directions of the Toronto Divisional Registrar, directions that Ottawa had not authorised.⁷³

This typified the NSS approach, which ignored gross breaches of the regulations and encouraged Registrars to use their own discretion about calling up Indians. In effect, Registrars across the country had complete freedom to interpret NSS policy concerning Natives as they pleased. On 29 February 1944, Circular Memorandum No. 989 asked Registrars to exercise "great care" in selecting

67 *Ibid.*, W.J. Cummings to Edwards, 28 February 1944.

68 *Ibid.*, H.F.G. Letson to Winnipeg District Officer Commanding, 6 March 1944.

69 The Winnipeg military authorities also refused to enrol Negroes, although they, like Indians, were not on a list of racial minorities deemed unacceptable for military service. Although Arthur MacNamara informed Winnipeg Registrar C.D. McPherson, who approved of racial exclusions, that this position was "very indefensible," broad discretionary powers were given to local military commanders in this area, powers that Winnipeg officials chose to exercise. See NA, RG 27, Vol. 1486, File 2-162-9, C.D. McPherson to Henry, 6 December 1943; MacNamara to McPherson, 12 January 1944; and HQS 23F.D.3, Enlistments and Employment of Aliens and Naturalized Canadian Citizens, 30 November 1943.

70 NA, RG 27, Vol 1485, File 2-15-3, Pt. 4, D.W. Morrison to Officer Commanding, Toronto RCMP, 18 November 1943.

71 NA, RG 10, Vol. 6769, File 452-20-8, RCMP 'O' Division Circular, 22 November 1943.

72 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 4, F. Matters to Indian Affairs Branch, 15 February 1944.

73 Harold McGill, Deputy Superintendent of the Indian Affairs Branch, was shocked at this development. He pointed out that the DMR circular of 31 July 1943 and NSS Circular Memorandum No. 905 urged all Indian Agents "to take all necessary measures to see that the Indians complied with the regulations," and demanded to know why the policy had been abandoned. See NA, RG 10, Vol. 6769, File 452-20-8, H. McGill to R. Ranger, 30 May 1944.

Natives from remote or isolated areas, without saying exactly where these areas were.⁷⁴ The new Toronto Registrar, N.D. Davidson, made it quite clear that he considered that the discretionary powers granted to Mobilisation Boards and Registrars rendered the whole issue of active prosecution of Natives irrelevant:

For the very small percentage of Indians that are acceptable to the DND, it would seem absurd to go to the additional expense of having these men brought down from those far distant places, or even from reserves that might be considered fairly close. From my own personal knowledge these men are not acceptable to the DND for medical reasons when we bring them down here . . . might add that I personally know the Indians exceptionally well, and I do not think the attitude taken by this district is in any way contrary to the regulations.⁷⁵

By the summer of 1944, this was the position being taken almost everywhere in the country. NSS officials usually insisted that detailed and proper records be kept concerning the most minute facets of mobilisation procedure. The disparity among various divisions with respect to Natives, however, forced the Chief Statistician of the Department of Labour, E. Bjarnason, to seek clarification of figures submitted in various weekly and monthly reports. In June 1944, F.C. Wilson, the Regina Divisional Registrar, told Bjarnason that "nothing is to be done" regarding Natives and that all Indians would simply be placed in the category "Not Called,"⁷⁶ a decision supported by S.H. McLaren. From Winnipeg, NSS Inspector S.J. McRae continued to inform Ottawa that the Army did not desire Native enlistments.⁷⁷ In British Columbia, many medically fit Native men were simply being granted indefinite postponements of military service. In the Kwawkwalth Indian Agency, for example, one man was overseas, four were on active duty in Canada, two were in the Army under NRMA provisions, and 106 had been granted deferments.⁷⁸

While these events transpired, it seemed that only Jules Sioui could goad many NSS officials to support the strict application of mobilisation regulations. Sioui posed a clear threat to the established patterns of the administration of Indian affairs in Canada.⁷⁹ Despite the best efforts of Indian Affairs Branch offi-

74 Ibid., McLaren to All Chairmen and Registrars, 29 February 1944.

75 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 4, N.D. Davidson to Ranger, 14 June 1944.

76 Ibid., F.C. Wilson to E. Bjarnason, 24 June 1944.

77 Ibid., S.J. McRae to Ranger, 15 August 1944.

78 NA, RG 10, Vol. 6769, File 452-20-3, Report from the Kwawkwalth Indian Agency, March 1944.

79 The Department of Indian Affairs and the Indian Affairs Branch had a long-standing record of opposition to any attempt by Natives to organise themselves. To stifle opposition to government policy, for example, an amendment to the Indian Act in 1927 forbade Indian bands from employing lawyers or organisations to make claims against the Dominion government. See Titley, *A Narrow Vision*, 59.

cials, Sioui had convened a small meeting of Indian representatives in Ottawa in October 1943 to discuss the problems facing the Native Canadian community. Although the practical value of this conference was limited, a larger gathering was scheduled for June 1944, a meeting that was vigorously opposed by Indian Affairs Branch officials. Indian Agents were advised to remind Natives that they should fulfil their patriotic duty by supporting the war effort and refraining from "travelling across the country at the beck and call of any agitator." Despite these exhortations, the June gathering was well attended and the Minister of Mines and Resources, T.A. Crerar, listened as delegates from across Canada protested compulsory conscription measures.⁸⁰ Sioui's pioneering efforts to establish a national platform for Indians to voice their concerns⁸¹ generated further Native opposition to NRMA regulations and also received widespread media coverage.

In the aftermath of the June 1944 gathering, Sioui was fined \$25.00 and ordered to report in September 1944 for contravening NSS directives.⁸² Undeterred, Sioui wrote to Indian bands across the nation urging non-compliance with NRMA regulations, a personal call that appears to have been heeded by many Native men.⁸³ In the first two months of 1945, Sioui remained active in the Lorette Huron community by orchestrating widespread resistance to orders for medical examination and military training. In January 1945, Sioui returned eight orders for medical examination and one order for military training to the District Officer Commanding in Quebec City. Raymond Ranger, who succeeded S.H. McLaren as NSS Associate Director of Mobilisation in January 1945, ordered the RCMP in the area to take "immediate and drastic action" by arresting, along with Sioui, the nine men involved in the dispute.⁸⁴ One of the original opponents of compulsory mobilisation on the Lorette Huron reserve was also detained. More than four years after he was brought to the attention of DNWS officials, Jean-Paul Gros-Louis was arrested in February 1945. Gros-Louis, along with two of his relatives, posted a \$300 bond and the case was remanded to a later date.⁸⁵

Despite this preoccupation with Sioui, NSS officials continued to support the existing laxity in most regions of the country during the autumn of 1944. At a general conference of Registrars held in October 1944, Winnipeg Registrar C.D. McPherson informed S.H. McLaren that, in conjunction with the Army authorities, the Mobilisation Board in his Division had simply granted

80 *Ottawa Journal*, 8 June 1944.

81 For a discussion of the broader political significance of Sioui's efforts, see Shewell, "Origins of Contemporary Indian Social Welfare," 394-412.

82 *Le Canada*, 29 September 1944.

83 NA, RG 10, Vol. 6769, File 452-20-8, G. Swartman to MacInness, August 1943.

84 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 4, Ranger to J. Brunet, 19 January 1945.

85 *Ibid.*, J.R. Roy to Brunet, 6 February 1945.

Natives unlimited postponements or else placed them in the "Not Called" category.⁸⁶ Port Arthur Registrar E.W. Edwards insisted that active prosecution should not be countenanced in order "to eliminate the tremendous cost and routine in which we rarely gain a single recruit."⁸⁷ After Arthur MacNamara toured the West in November 1944, he told McLaren that it did not matter to him how the Mobilisation Boards dealt with the Indians as long as they found a way to "grant postponement for them all."⁸⁸

The final weeks of 1944 brought new developments arising out of the decision of the King government to send NRMA conscripts overseas. On 22 December 1944, the War Cabinet again considered the issue of Native conscription, with the following result:

It was agreed that (a) Indians continue to be called up under the NRMA and regulations in accordance with the decision [of the Justice Department] of 20 January 1941; and (b) that in cases which, in the opinion of the Department of Mines and Resources (Indian Affairs Branch), exemption under treaty could be claimed with justification, Indians not be posted for service overseas.⁸⁹

In January 1945, the Indian Affairs Branch distributed a circular relieving those Natives covered by treaties 3, 6, 8 and 11 of any requirement for overseas service.⁹⁰ On 6 February 1945, by Circular Memorandum No. 1098, NSS officials in Ottawa attempted to codify mobilisation procedures in relation to Natives across the country, but in reality this document simply sanctioned the existing broad patchwork. Circular Memorandum No. 1098 directed Registrars: (1) not to call Indians who spoke neither English nor French; (2) not to issue orders to any Native living, in the opinion of the Registrar, in distant areas; and (3) to record any Native recruit deemed unacceptable to the Army, regardless of his physical condition, as "Not Acceptable for Medical Reasons."⁹¹ The circle

86 *Ibid.*, McPherson to McLaren, 21 October 1944.

87 *Ibid.*, Edwards to McLaren, 7 November 1944.

88 *Ibid.*, MacNamara to McLaren, 8 December 1944.

89 NA, RG 10, Vol. 6768, File 452-20, Pt. 6, Heeney to Crerar, 26 December 1944.

90 *Ibid.*, Jackson to R.A. Hoey, 2 January 1945. The following agencies were affected by the ruling: (1) Treaty 3 – Fort Frances, Kenora, Port Arthur, Sioux Lookout; (2) Treaty 6 – Rocky Mountain House, Saddle Lake, Battleford, Carlton, Duck Lake, Onion Lake, Edmonton, Hobbema; (3) Treaty 8 – Athabaska, Fort St. John, Lesser Slave Lake; and (4) Treaty 11 – Fort Norman, Fort Simpson, Fort Resolution. Three hundred and twenty-four Natives from these areas had enlisted prior to the Cabinet decision. It does not seem that the actual contents of these treaties formed the basis of the exemption. Instead, "statements made by the Commissioners prior to the making of the treaties" allowed for Indians covered by these four numbered treaties to be spared from overseas service, although it did not affect Home Defence call-up provisions. See *ibid.*, Jackson to Heeney, 11 December 1944.

91 NA, RG 27, Vol. 1485, File 2-15-3, Pt. 4, McLaren to All Chairmen and Registrars, 1 February 1945.

had finally been completed. Almost four years to the day after the Department of Justice had sternly endorsed the necessity and legality of Native mobilisation, NSS had rubber-stamped the policies of indifference and apathy that had characterised the actions of many Registrars and Mobilisation Boards for the previous four years.

The remaining months of the war witnessed the complete halting of any concerted attempt to mobilise the Native population. At the same time, Native leaders kept up their resistance campaign. Most dramatically, this took the form of death threats against RCMP constables by the Caughnawaga leaders.⁹² On 12 February 1945, McLaren told the Toronto Registrar to stay any prosecutions of Indians until further notice. He did so despite another curt reminder from the Justice Department that "the regulations should be enforced in the case of Indians in the same manner as in the case of other persons liable to military training."⁹³ Thereafter, Humphrey Mitchell and the Minister of Mines and Resources, T.A. Crerar, worked out a plan that called for the Indian Agent in each locality to work closely with Natives to persuade them to follow mobilisation regulations. But this was a hollow gesture, since Mobilisation Boards and Army officials were refusing actively to recruit Indians for military service. On 2 May 1945, despite the fact that the mobilisation regulations remained in force, Arthur MacNamara ordered NSS officials to drop active prosecution of Native delinquents and remove themselves from further involvement with Native Canadians. With the cooperation of the Justice Department, cases that were already in progress were disposed of through the granting of suspended sentences to individuals found guilty by the courts.⁹⁴

The conscription policies affecting Native Canadians under the NRMA provide a compelling illustration of the generally ineffectual nature of mobilisation efforts in Canada between 1940 and 1945. The remarkable power given to Divisional Registrars and Mobilisation Boards stands out as the primary administrative characteristic of the NRMA mobilisation programme. Ranking DNWS and NSS officials in Ottawa allowed Cabinet-endorsed mobilisation directives to be altered, diluted and ignored by regional mobilisation administrators. Indeed, officials such as NSS Director Arthur MacNamara sanctioned and encouraged the implementation of a patchwork of disparate policies affecting Natives across Canada. To be sure, Indian mobilisation presented DNWS

92 Problems had continued on the Caughnawaga reserve throughout 1944. On 14 March 1945, Chief Dominic Two Axe informed the Governor General that he would "kill every Mountie that comes on the reservation" in pursuit of draft delinquents, a threat that NSS officials declined to prosecute after considerable discussion. See NA, RG 10, Vol. 6769, File 452-20-10, Pt. 1, Two Axe to Governor General, 14 March 1945; V.A.M. Kemp to McGill, 26 May 1945.

93 NA, RG 27, Volume 1485, file 2-15-3, part 4, McLaren to J. Lyons, 12 February 1945.

94 *Ibid.*, H. Mitchell to Crerar, 24 March 1945.

and NSS officials with many unique and special problems. However, the state's administrative response was characteristic of human resource mobilisation policy generally during the Second World War.⁹⁵ In sharp contrast to existing assumptions about the comprehensive and compulsive nature of Canada's wartime mobilisation programme, military and civilian mobilisation initiatives were dominated and guided by the principles of compromise, conciliation, voluntarism and decentralisation.

Native Canadian recruitment strategies under the NRMA, however, proved to be an important cause in the fundamental reorientation of government policy towards Natives in the postwar era. The presence of many Natives within the ranks of NRMA conscripts, combined with the distinguished overseas service of Indian volunteers in the Armed Forces, placed the contribution of Indians to Canada's war effort on a par with that of any other ethnic or racial group. Jules Sioui used the conscription issue to bring widespread public attention to the inferior citizenship status of Natives under the Indian Act, despite the fact that Natives were classed as British subjects during a period of national emergency. Furthermore, Sioui's strident opposition to compulsory mobilisation was the primary catalyst in the formation of national organisations dedicated to addressing the chronic problems that faced Natives. The Special Parliamentary Committee on Postwar Reconstruction and Re-establishment publicised the social and economic problems facing Canada's Indian population. All of these factors led to the formation of the Special Joint Committee of the Senate and the House of Commons in 1946, and the Committee's investigation into the administration of Indian affairs in Canada resulted in the passage of a new Indian Act in 1951, the first major revision of policies affecting Natives since 1876. While the majority of DNWS and NSS mobilisation initiatives had no perceptible impact on the postwar direction of Canadian social and economic policy, the efforts to conscript Native Canadians, though flawed and feeble in many instances, left an important and enduring legacy.

95 See Michael D. Stevenson, "National Selective Service and the Mobilisation of Human Resources in Canada During the Second World War," PhD thesis, University of Western Ontario, 1996.