CONFIDENTIAL

MEMORANDUM

CABINET WAR COMMITTEE

Re: Exemption of Indians from compulsory
military service

The Minister of Mines and Resources wishes to
bring up before Cabinet War Committee the question of
exempting Indians from compulsory military service.

Up to the present time Canadian Indians have
been subject to all the compulsory service regulations.
Various organizations have made representations to the
Minister suggesting that the same steps should be taken
as in the last war when by Order in Council P.C. 111 of
January 17th, 1918 such persons were exempted from
military service. The principle grounds advanced are:

1. that Indians do not possess all the rights
of white citizenship; and

2. that in a number of treaties the promise was
made that they would not be obliged to take
part in any war or be liable to military
service against their will.

This latter ground was the basis for their exemption in
the last war.

A careful survey has been made of the various
treaties which indicate that statements made by the
Commissioners prior to completion of the treaties
indicated that assurances were given as to exemption
from military service. These treaties covered less than
20,000 Indians. No treaties were made for the 25,000
Indians in British Columbia, nor, so far as can be
ascertained, were any promises of this nature made to
Indians in the Maritime Provinces, in Quebec, or for
the Province of Ontario outside the territory covered
by the Northwest Angle Treaty.

The question of exemption during this war was dealt
with by Cabinet War Committee on ~~January 30th~~ June 20, 1941 when it was
agreed, following a report from Justice that Indians fell
within the scope of National War Services Regulations and were
therefore liable to compulsory military service, to take
no action to alter the law in this respect and Indians would
remain subject to the provisions of the National War Services
Regulations in respect to compulsory military training.

A.D.P. Heeney,
Secretary.

Privy Council Office,
December 20th, 1944.