

**Honouring the Veterans Charter: Recognition of Service**

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## **History**

From the 1600's to 1871, Canada relied on either French or British regular troops stationed in Canada to protect the colonial interest. Canada did not have an official permanent active force. However, during that time, all resident men between the ages of 16 to 60 were required to bear arms. Captains of Militia, chosen from the local social elite, were established to organize the local males in sedentary militia units. The units were required to gather once or twice a year for military drill. These men were not considered to be on active service unless they were officially called to duty.

These sedentary units were formed to protect the local interest. They were a ready pool of man power that could be called to active service (from sedentary service) for engagements. In comparison to the regular troops, volunteers from the sedentary militia were instead solicited to accompany the regular troops on active service.

The early distinction between non active service and active service can be seen by the fact that these men had to be called to duty. This distinction provides an historical basis for differentiation based on active and non-active service. The reason for this distinction seems to stem from the fact that these men were not required to serve unless they were called to active service. This distinction does not seem to be based on the denial of any benefits or the restriction of rights. Soldier benefits were a very elementary notion at this time and thus this was not the focus of the different classifications. However, this distinction was still based on the type of service rendered and resulted in soldiers being classified differently.

The Militia Act of 1855 reorganized the militia into a larger Non-Permanent Active Militia (NPAM). Although established for local military matters (mostly social), they were required to gather for military drill more routinely than the sedentary militia. Members and units of the NPAM were called from their civilian jobs and mobilized from their military routine duty to active service for engagements such as the Fenian Raids and the Northwest Rebellion. Again, although considered a vital part of the Canadian forces, there was a differentiation between active and non active service. Canada wished to have a permanent active force, and also a reserve force that could be called to active service if a situation arose in which they were required. This differentiation was not based on the denial of benefits, but based on the fact that the

Canadian government felt that they did not need a large permanent standing army.

However, in 1871, a small Permanent force was authorized from the NPAM under Canadian Command as a training cadre. During the South African Boer War 1898 - 1902, members and units of the NPAM volunteered and were reorganized into units for active "Special Service". Members of the militia who served on active service were rewarded for this service with benefits for the disabled and entitlement to land grants for all who applied while members who did not serve on active service were not entitled. The government was rewarding those who had served on active service by providing them with benefits that were not available to non active service men. The establishment of differential treatment based on active and non active service is clear. Members who did not serve on active service were not treated equally in comparison to those who did. This different treatment was based on whether or not a soldier served on active duty. Active duty was becoming a benchmark upon which the level of assistance a soldier received was based. The difference in classification was no longer a technicality but no resulted in an unequal distribution of benefits.

## **World War 1 and World War 2**

For World War I and World War II citizens and members of the military were mobilized to active service in the Canadian Expeditionary Force (WWI) and the Canadian Active Service Force (WWII). During WW1, the Canadian Active Service Force was officially mobilized on 1 September 1939. The Canadian government had decided not to place the emphasis on military involvement in World War Two on ground forces, and instead of committing to a 60,000 man Army corps, authorized a single division for overseas service, with a second division to be raised and kept in Canada, only to be used if necessary. This second division was not considered being on active service unless they were mobilized by an order in council. They theoretically would not be classified as on active service although they were part of the regular force. This distinction allowed the government to allot different benefits to soldiers based on whether or not they served in active service.

The fall of France left Britain without any major allies. Canada was the largest, and it became necessary to become a full partner. Parliament passed the National Resources Mobilization Act on 21 June, providing for universal conscription for the defence of Canada. NRMA conscripts would not be sent overseas, but could volunteer to "go active" (switch to the Canadian Active Service Force) if the desired. Even though these conscripts were universally drafted, they were not considered active until they volunteered to go active. The rigid classification of service hints at a desire to differentiate the various types and levels of services rendered by Canadian forces. This division was a purposive attempt to categorize soldiers based on their level of service. Soldier benefits were also based on these defined levels of service.

The pre-war Canadian Army consisted of the Permanent Force and the Non-Permanent Active Militia (N.P.A.M.). Each became part of the Canadian Active Service Force (C.A.S.F.) when mobilized. The N.P.A.M. and Permanent Force on September 3, 1939 were organized into eleven military districts organized geographically and numbered 1-7 and 10-13. Within the districts existed brigades, also organized geographically. The infantry brigades were numbered 1-19 while the cavalry brigades were numbered 1-4 and 7. The pre-war brigades had no bearing on those mobilized for service under the C.A.S.F. and went out of use shortly after the start of war.

As mentioned above, the Canadian Active Service Force was mobilized on 1 September 1939 under General Order 135. It consisted of the 1st and 2nd Canadian Infantry Divisions along with supporting units for an army corps. It was formed from elements of the Permanent Force and mobilized militia units.

In addition to field formations, additional units were raised in 1940 to provide internal security in Canada. For example, 13th Canadian Infantry Brigade was raised for security in the Niagara Peninsula. The battalions of this brigade were responsible for the Chippewa Power District and the Welland Canal. This brigade was sent to Nanaimo, British Columbia in April 1941 to replace 10th Canadian Infantry Brigade. Two battalions were sent to Newfoundland in November 1940. Five cavalry regiments were mobilized as motorcycle regiments and were used for both internal security and support for 3rd Canadian Infantry Division's brigades in the maritimes.

The Canadian Armoured Corps was formed on 13 August 1940 and its main formation was 1st Canadian Armoured Brigade, which was established at Camp Borden, Ontario. Units for this brigade, for the most part, consisted of tank and cavalry regiments previously mobilized. In addition, tank regiments of the militia not yet mobilized became part of the Canadian Armoured Corps. This brigade became the basis for the 1st Canadian Army Tank Brigade and later the 1st Canadian Armoured Brigade.

It was decided by the Minister of National Defence in June 1940 that the Non-Permanent Active Militia would continue to have a role during the war. Recruiting for the NPAM continued through August 15, 1940. By July 1940, all NPAM infantry units not mobilized were authorized to recruit to full-strength and those that were mobilized were to form a second battalion. For example, the Cameron Highlanders of Ottawa established a 2nd Battalion on 28 June 1940 at the Drill Hall, Cartier Square, Ottawa. This battalion served in a role similar to the original NPAM unit during the war. Generally, the reserve battalions were formed at the original NPAM headquarters and served there during the war. A major change took place on 7 November 1940, when the "Military Forces of Canada" were designated "The Canadian Army". At this time all units on active duty became "Active" where all other formations were designated "Reserve." Hence the terms Canadian Active Service Force and Non-Permanent Active Militia became obsolete.

### **Canadian Firefighters in Britain and the allotment of benefits**

The Corps of Canadian Fire Fighters was formed subsequent to a visit to Britain in the summer of 1941 by the Rt. Hon. William L. Mackenzie King, Prime Minister of Canada, who assured the British Government that Canada would be only too willing to assist in the Battle of the Blitzes with a corps of Canadian firemen. It was at first the intention to have the corps come over as a branch of the Canadian Army, and be recruited under the Department of National Defense. Later, however, it was deemed advisable that inasmuch as the Fire Service in Great Britain was operating as a civilian organization the Canadian contingent, too, should be a civilian body. On January 30, 1942, the Canadian Cabinet Council ratified, by Order-in-Council, the appointment of Flight-lieutenant G.E. Huff, MM, Royal Canadian Air Force, who was at that date fire prevention officer No. 2 Training Command, Winnipeg, as commanding officer

It was decided that the corps should be truly representative of all parts of Canada and with this thought in mind, the commanding officer asked his brother fire chiefs from coast to coast for aid in enrolling the personnel. Coincident with the announcement of the first "blitz" raids on England, countless numbers of professional firemen, and civilians alike, had volunteered their services to the British Fire Service, through the medium of the Canadian Government. However, it was not until the formation of the Corps of Canadian Fire Fighters was finally approved by Order-in-Council on March 3, 1942, that they were officially recognized.

Members of the corps received a complete medical examination prior to reporting at Ottawa and, upon arrival, a final medical examination was given, including inoculation and vaccination, similar to the Canadian Active Service Forces. After being enrolled in small groups, the members began preliminary training in Ottawa during the time they were waiting to be supplied with uniforms and equipment prior to embarkation for overseas.

The advance party arrived in Great Britain by air on May 24, 1942-Victoria Day, a Dominion holiday, and the first contingent arrived exactly one month later. Completing its training this first contingent assumed active duty on August 1, 1942.

The final contingent arrived on December 19, 1942, and, six weeks later, was in its operational stations. Thus the corps were formed, organized, and operating in Britain in less than 12 months.

For the purposes of pay and allowances, medical care, hospitalization, dental treatment, pension for disability and death, members of the corps have the same rights as if they were members of the Canadian Active Service Force; while for operational duties they are an integral part of the NFS. They man their own stations in four key cities on the south-west coast of England. They are under their own officers, and the corps has its own administrative headquarters in the London region.

Seventy per cent of the officers and men of the corps are professional firefighters vitally interested in gaining experience which will benefit them upon their return home. Every endeavor has been and is being made to have them attend advanced courses of instruction in the NFS schools and college. They undergo

physical training courses at Royal Marine barracks and personnel are attending army and industrial schools on war gases and so forth.

The corps is unique in that, for the first time in history, a group of professional firemen has left its own country and volunteered to operate, in its own profession, in a theatre of war.

## Medals of Recognition

The Canadian Volunteer Service Medal is granted to persons of any rank in the Naval, Military or Air Forces of Canada who voluntarily served on Active Service and have honourably completed eighteen months (540 days) total voluntary service from September 3, 1939 to March 1, 1947.

On June 6, 2003, eligibility to the Canadian Volunteer Service Medal was extended to members and reserve constables of the Royal Canadian Mounted Police who voluntarily served during the Second World War. This marks a move away from rigid categorization. Members of the RCMP who served voluntarily were rewarded with the same honour that members who served on active service received. This recognizes the fact that these individuals contributed equally in their level of service. The move towards inclusion reveals that although an individual may not have been officially on active service, the duties performed were equal in comparison to a person on active service.

## **The Korean War**

For the War in Korea and the Cold War in Europe in 1950, two Brigades of the Canadian forces were raised for active service, one in each place.

The Canadian Forces have been on active service in many situations. However in recent times, only WWI, WWII and Korea active service has been rewarded with a full suite of benefits in exchange for service

while benefits for all other active service situations have been dependent on disability.

However, it must be noted that the veterans who returned from the Korean War were not automatically afforded the same status as those who fought in World War I or II upon their return to Canada. They had to go through a process of advocacy before amendments were made to extend certain benefits to them. This seems to suggest a move towards requiring Canadian Forces members to provide proof of qualification for benefits. This trend seems to continue post Korea as the definition between various levels of participation and the benefits accorded to Canadian Forces members becomes even more rigid and exclusive. The government seemed much more willing pre WW2 to recognize varying levels of service. Post WW2, the government almost seems to be opposing Canadian Forces members and forcing them to provide justification for any benefits that they are seeking. This adversarial approach reflects a government unwilling to recognize the service rendered by its Forces. By focusing on location of service, and the nature of this service, the effect is to limit the number of Forces members who can receive benefits.

### **The National Defence Act**

National Defence Act

#### PART II THE CANADIAN FORCES

##### Constitution

14. The Canadian Forces are the armed forces of Her Majesty raised by Canada and consist of one Service called the Canadian Armed Forces.

Canadian Forces

R.S., c. N-4, s. 14.

The notion of one Service should equate to all members being treated equally. Benefits should not be based on artificially created constructs which limit a soldier's right to received equal treatment under the law. The National Defence Act recognizes that all Canadian forces are part of one larger unit and thus they should be treated equitably.

National Defence Act

PART II THE CANADIAN FORCES

Constitution

- Regular force 15. (1) There shall be a component of the Canadian Forces, called the regular force, that consists of officers and non-commissioned members who are enrolled for continuing, full-time military service.
- Composition of regular force (2) The maximum numbers of officers and non-commissioned members in the regular force shall be as authorized by the Governor in Council, and the regular force shall include such units and other elements as are embodied therein.
- Reserve force (3) There shall be a component of the Canadian Forces, called the reserve force, that consists of officers and non-commissioned members who are enrolled for other than continuing, full-time military service when not on active service.
- Composition of reserve force (4) The maximum numbers of officers and non-commissioned members in the reserve force shall be as authorized by the Governor in Council, and the reserve force shall include such units and other elements as are embodied therein.
- R.S., 1985, c. N-5, s. 15; R.S., 1985, c. 31 (1st Supp.), s. 60.

National Defence Act

PART II THE CANADIAN FORCES

Constitution

16. (1) In an emergency, or if considered desirable in consequence of any action undertaken by Canada under the United Nations Charter or the North Atlantic Treaty, the North American Aerospace Defence Command Agreement or any other similar instrument to which Canada is a party, the Governor in Council may establish and authorize the maintenance of a component of the Canadian Forces, called the special force, consisting of

Special force

(a) officers and non-commissioned members of the regular force who are placed in the special force under conditions prescribed in regulations;

(b) officers and non-commissioned members of the reserve force who, being on active service or having applied and been accepted for continuing, full-time military service, are placed in the special force under conditions prescribed in regulations; and

(c) officers and non-commissioned members not of the regular force or the reserve force who are enrolled in the special force for continuing, full-time military service.

Composition of special force

(2) The maximum numbers of officers and non-commissioned members in the special force shall be as authorized by the Governor in Council, and the special force shall include such units and other elements as are embodied therein.

R.S., 1985, c. N-5, s. 16; R.S., 1985, c. 31 (1st Supp.), s. 60; 2004, c. 15, s. 75.

National Defence Act

PART II THE CANADIAN FORCES

Active Service

31. (1) The Governor in Council may place the Canadian Forces or any component, unit or other element thereof or any officer or non-commissioned member thereof on active service anywhere in or beyond Canada at any time when it appears advisable to do so

(a) by reason of an emergency, for the defence of Canada;

Placing forces on active service

(b) in consequence of any action undertaken by Canada under the United Nations Charter; or

(c) in consequence of any action undertaken by Canada under the North Atlantic Treaty, the North American Aerospace Defence Command Agreement or any other similar instrument to which Canada is a party.

(2) An officer or non-commissioned member who

(a) is a member of, serving with, or attached or seconded to, a component, unit or other element of the Canadian Forces that has been placed on active service,

When officers and non-commissioned members deemed on active service

(b) has been placed on active service, or

(c) pursuant to law has been attached or seconded to a portion of a force that has been placed on active service,

shall be deemed to be on active service for all purposes.

R.S., 1985, c. N-5, s. 31; R.S., 1985, c. 31 (1st Supp.), s. 60; 2004, c. 15, s. 76.

This rigid definition of active service does not adhere to the spirit of the National Defence Act. By placing such restrictions on who is deemed to have served on active service, the Government has succeed in

alienating those soldiers who have served their country but who did not gain the official status of active service. This definition rewards soldiers based on classification, and not based on service.

### **Theatre of War v. Theatre of Operations**

It seems as if the change from "theatre of war" to "theatre of actual operations" to "service in a theatre of operations" represents a progression from a war-based definition to an involvement-based definition.

The move represents a switch from a narrow definition to a broader, slightly more all-encompassing definition. It could be seen as a move on behalf of the government to include those who have been historically excluded. The government's changing definition of theatre of war could be seen to represent a move towards inclusion and a move away from a strict interpretation of the statutes. This change in definition could be interpreted also as a move away from classifying soldiers based on a strict definition of their activity

### **Current trends**

The practice of including groups of veterans leads to the exclusion of others which in today's terms is discriminatory. Post WWII veterans have been excluded since 1945 for this very reason. By emphasizing the location of duty and the category of service rendered (active versus non active), the Canadian Government has succeeded in preventing the needs of numerous veterans of the Canadian Forces.

Importance has been focused on the place that a person served rather than based on the actual services that were rendered. Canadian veterans are being exploited based on technicalities and rigidly worded documents that narrow define the benefits that each veteran is allotted.

The Canadian Government has begun to move away from rigid definitions of service which in turn determine the level of benefits allotted to veterans. However, this trend must continue if the ultimate goal of equality for all Canadian veterans is to be achieved.