

Complaints Concerning
Chemical Agent Testing
During World War II

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Introduction

After years of secrecy and delay, it is time for the Department of National Defence (DND) to remedy the wrongs done during World War II to Canadian soldiers who were subjects of chemical warfare experiments in Suffield and Ottawa, and to do so without the delay, costs and rancour of litigation. The events may now be more than 60 years old, but their impact remains. So too, for a short while, does the opportunity to do something about it.

During the Second World War, Canadian soldiers were asked to volunteer for top- secret exercises in return for fine meals on white table cloths, extra leave, and an extra fifty cents a day. Perhaps as many as 3,000 soldiers agreed, putting themselves at the service of their country. As they were to discover, the real price for these modest perks was immodest, even indecent. Over a period of six weeks or so, many of these soldiers became unwitting participants in chemical warfare experiments; they were made to don experimental equipment, or they were slathered with anti-gas ointment, or made to wear uniforms with holes cut out. Some were made to stand in fields and turn their backs while planes rained chemicals down on them. Some were told to crawl through bomb craters contaminated with mustard gas and then sit in their drenched uniforms for hours, breathing the vapours and letting the liquid score their skin. When these men sought medical attention to quell the burning, or to tame the blisters that broke out, veterans say it was sometimes denied so that researchers could record the effects.

If all of this sounds incredible it is only because of its rank indecency – it is unfathomable that this kind of thing would happen in this country today. It is a shameful saga, a blot on our history. Yet the uncommon sacrifice made by these men has not been met with uncommon resolve to do what can be done to make it right. Instead, it was initially met with an attempt to sweep it away in the interests of “national security.” When the event was acknowledged, efforts to remedy it were met with an all too common inertia, or an all too common inadequacy, and without an admission that all of this was simply wrong. It is time for an immediate, resolute and humane response.

Defence Research Establishment Suffield (DRES) was established in 1941 as a field station of the Canadian Army. Then known as the Experimental Station Suffield, its primary mission was to assist in the preparation of chemical warfare capability, even though Canada was a signatory to the 1925 Geneva Gas Protocol, which prohibited the use of poison gas and the practice of bacteriological warfare. In conjunction with its allies, the United Kingdom and the United States, it was decided to study the effects of chemical weapons on the combat capabilities of soldiers, including mustard gas – a liquid – and other agents, including chlorine and lewisite, a particularly potent form of mustard gas. This was being done in the expectation that Germany or Japan might use such weapons on Britain or its allies. The bulk of the testing in Canada was done at Experimental Station Suffield. Other testing was done at the Chemical Warfare Laboratories in Ottawa (now Defence Research and Development Canada or DRDC-Ottawa, referred to herein as “CWL”). Much of the focus of the experiments was to evaluate the efficacy of protective clothing and ointments, but it was also undertaken to

assess the different effects of the various agents employed. Those effects were assessed on sheep and other animals – and on men, on Canadian soldiers. These soldiers were acting as human test subjects. It is not hyperbole to call them guinea pigs.

It is not clear precisely how many men participated, but there appear to have been between 2000 and 3000 men recruited between 1942 and 1945. These men were not told that they were to be used as human test agents for chemical weapons experimentation. Instead they were invited to participate in a top-secret assignment, in return for modest benefits – comfortable beds, better food, more leave, and a modest pay increase. The assignments lasted for approximately six weeks. While some recruits may not have been exposed to chemical agents during the time of their involvement, many were, some perhaps on more than one occasion.

The protocols and technical reports for the human experiments are available in the DND archives. They confirm that some were made to stand in fields while they were sprayed from the air with chemical agents. Others were made to manoeuvre in contaminated areas. Still others were exposed to chemicals in gas chambers, and some had their forearms drizzled with liquid chemicals. Many of these men suffered immediate gas burns and painful blisters, vomited, or choked for air. Some were hospitalized for weeks. (A number of photographs are in the DND archives.) This testing program did not stop with the hostilities. Some testing continued at Suffield and elsewhere even after the war.

Long Term Consequences

For many of the veterans, the suffering did not end with their discharge from the program. While it may have been that scientists involved in the Canadian testing were not personally aware of the long-term effects of chemical exposure, according to Dr. Constance Pechura, the Director of an Institute of Medicine study (the “IM Study”) undertaken in the U.S. in 1991 at the behest of the U.S. Department of Veterans Affairs (the “VA”), some long-term effects of exposure to mustard gas had been known since the 1930’s as a result of the World War I experience. This IM Study was undertaken, following claims from American gas test subjects, to “survey the scientific and medical literature...to assess the strength of the association between exposure to (mustard gas and lewisite) and the development of specific diseases.” Its results removed any doubt there may have been about the matter. A committee, drawn from a wide variety of medical disciplines reviewed more than 2000 documents before publishing its conclusions, entitled *Veterans at Risk: The Health Effects of Mustard Gas and Lewisite* (National Academy Press, 1993). Not surprisingly, the IM Study found clear causal relationships between exposure to mustard gas and serious health problems, including several types of cancer, sexual dysfunction, asthma, chronic bronchitis, emphysema and other respiratory problems, eye problems and psychological disorders, including post traumatic stress disorder (as an effect of the test experience, not the toxicity of the gas). It also found suggested causal relationships between exposure and leukaemia and reproductive dysfunction. It is no surprise, either, that veterans of the Canadian

experiments have experienced such conditions, including chronic obstructive pulmonary disease, infertility and cancer.

Secrecy

For years, Canadians learned nothing about this, in no small measure because many, and probably all, of the test subjects were made to swear an oath of secrecy. These men were either orally warned that they would be prosecuted under the *Official Secrets Act* should they say anything about what went on, or they were made to swear their secrecy in writing. A copy of a secrecy letter has been found in a number of files, indicating that if the soldiers talked about what happened, they could be imprisoned for five years.

Secrecy was not secured only by threats of imprisonment. Documents in connection with these activities remained classified until the mid-80s. Others stayed classified until research by John Bryden, then a journalist and now a Member of Parliament, prompted their declassification. Bryden's research was published in 1989 in a book about Canada's role in WWII chemical warfare testing.¹

Knowledge of the full impact of what happened was inhibited not only by threats and claims of national security. It was also inhibited by baneful record keeping. If systematic lists of test subjects ever existed, none survive. Nor are there lists that tie individual names to the "experimental number" given to each participant. Indeed, with few exceptions, the military records of individual soldiers who were involved fail to contain any clear reference to exposure to mustard gas or other chemicals.

At Suffield, when their test period was complete, test subjects were given leave and then returned to their own units. There was no provision made for medical follow-up. Of course, without records, meaningful follow-up would have been impossible in any event. Veterans have even reported that they refrained from obtaining medical treatment, or from disclosing potential causes of their ailments, because of the *Official Secrets Act* warnings they received.

The Aftermath

In the ensuing years, some veterans attempted to obtain pensions under the *Pension Act*, based on the injuries they had sustained. Some were reportedly turned away. They could not make their case without access to documentation. Some report they were met with the suggestion that they were fabricating their stories, or were even delusional. It was not until the late 1980s that there was even modest official acknowledgement that the experimentation had even occurred.

In 1988, questions about Canada's role in chemical/biological warfare testing were raised in the House of Commons. This led to the establishment of a hotline for former chemical test subjects. A press release from Perrin Beatty, then Minister of National

¹ John Bryden, *Deadly Allies: Canada's Secret War 1937-1947* (Toronto: McClelland & Stewart, 1989)

Defence, asked people who had been tested with “nerve agents” prior to 1968 to come forward. One hundred and twenty-nine people called the hotline. Only eight of the callers were connected to Suffield or CWL. The remedy was to refer callers to Veterans Affairs Canada (VAC) services to determine whether they should bring pension applications. It is not clear how many of these people, or how many Suffield or CWL veterans, applied for pensions but were denied.

Over the course of the next decade or so, there were spurts of publicity. Several radio and television programmes aired, and a documentary film about the Suffield gas tests was made. There have been numerous articles in the newspapers, primarily the local papers, but until recently, there was little real governmental reaction.

As early as 1999, even before my Office was fully operational, a complaint was received and other complaints have since followed.

In the mid-1990s, veteran and experiment survivor, Harvey Friesen, began to lobby the Minister of National Defence in an effort to get the government to acknowledge its responsibility and to provide remedy. Finally, in May of 2000, National Defence Minister Eggleton dedicated a plaque at Canadian Forces Base Suffield, recognizing the volunteers who participated in the chemical experiments. It reads, “In recognition of those who suffered that their comrades in arms might be spared the horrors of chemical warfare. They also served.” Two dozen test subjects or widows attended at DND expense.

The ceremony did not quell concerns that had been left unattended for years. At the ceremony, Mr. Friesen, who would subsequently bring a complaint to my Office, discussed compensation with Minister Eggleton, but heard nothing back. Mr. Bill Tanner, another test subject, wrote numerous letters to various ministers of National Defence and Veterans Affairs Canada. He ultimately received a reply from Mr. Eggleton, stating that he was not entitled to additional compensation because he was in receipt of a pension.

In September 2001 things heated up. A call for comprehensive compensation was made, along with a threat to take legal action. Cliff Chadderton, CEO of the War Amps and the Chair of the National Council of Veterans Associations, who was instrumental in lobbying successfully for compensation for the Hong Kong veterans and the merchant mariners, corresponded with the Ministers of National Defence and Veterans Affairs Canada asking for compensation for the Suffield volunteers and their heirs. He suggested that, failing prompt response from the Canadian government, he would take the matter to the Human Rights Committee of the United Nations, as he had done with the case of the Hong Kong veterans.²

In the fall of 2003, Mr. Friesen and Mr. Tanner began a national campaign, sending letters to the editor of every community and daily newspaper in Canada. They have received scores of calls from veterans or their families, and their efforts have now

² Following September 11, however, anxious to avoid public alarm, Mr. Chadderton withdrew his letters.

coalesced into a contingent of more than 200 people. A lawyer has been retained, and there is talk of a class action lawsuit, seeking compensation for veterans, and for the family members of deceased veterans who were not provided with pensions prior to their death.

It is unclear, even to this day, how many of the Suffield and CWL veterans who applied for pensions succeeded. Pension applications that may have been made and refused at the local level are not easily accessible, so only files considered by VAC headquarters are available, leaving an uncertain and incomplete record. While it is thought that approximately one hundred Suffield veterans are receiving VAC pensions today, VAC awards pensions based on disability, not location, so precise numbers are hard to track.

Some Improvement

Of late, things have improved. Our investigation shows that VAC is now very receptive to pension claims from Suffield and CWL veterans. Moreover, in recent years, Mr. Clément Laforce, Deputy Director General at DRDC-Suffield and Major Rob Poisson, a biologist with the Assistant Deputy Minister, Science & Technology (Human Performance), have done a considerable amount of research on the gas tests. They have been DND's front line in helping test subjects substantiate and document their experiences. I am impressed with their caring attitude and the level of service they have provided to those who have contacted them. For example, they try to correlate names and experiments from information provided by former test subjects and send them any documents (test protocols, photos) they can find. They have also been of invaluable assistance in providing my investigator, Suzanne Belson, with information and ideas as she worked on this case.

Still, they are frustrated in their efforts by gaps in the files. In the mid-80s, Mr. Laforce's predecessor found some old file cabinets with records of the gas tests and from these and other sources a list of some 2500 names has been compiled. The list, however, is imperfect because it contains names of people who were at Suffield for reasons other than as gas test subjects, as well as names of subjects from the post-war period. It is also clear that many names that should be on the list are missing.

DND and VAC have also hired a researcher to go through the military files of people named on the list. This work is progressing. Names of people who are identified as being at Suffield during the war are referred to VAC to determine if they are already a VAC client. If not, further research to locate them is being done. I understand that DND and VAC have also recently compiled a list of 770 persons who may have been exposed to mustard gas or other agents while posted at CWL.

My Office's Involvement

Commencing in 1999, my Office began receiving complaints relating to gas tests at Suffield:

1. Mr. Harvey Friesen, referred to above, who volunteered as a subject for chemical warfare tests at Suffield, has suffered debilitating skin problems that continued to plague him for many years afterwards and for which he was hospitalised on several occasions after the war. Mr. Friesen has been the unofficial coordinator of the gas test subjects and, by 2000, had been in touch with about sixty men or their widows. He originally applied for a pension in 1946 when his skin problems disabled him to the point he could not work. He was refused. He was finally successful in getting a pension attributable to mustard gas exposure in late 2003.
2. Mr. Bill Tanner is another former test subject who has been very active in trying to solicit political interest in the case. Mr. Tanner is receiving a pension for disabilities attributable to the gas tests, including cancer.
3. Another complainant, who died in 2002, was a gas test subject. He spoke about his personal experience at Suffield and his long-lasting mental and physical problems.
4. Still another complainant, the son of a gas test subject who died just before the plaque-unveiling ceremony at Suffield, came forward but declined personal involvement. He felt his mother had been affected enough by the damage the gas tests brought to her husband, and he wanted her to put the issue behind her. His concern was that the remaining subjects be taken care of, medically and financially.
5. As of January 26, 2004, we have received five complaints from former members and their families who state they were subjected to mustard gas during WWII at the Chemical Warfare Laboratories (CWL) in Ottawa.

On the face of it, there are potential impediments to my involvement in these complaints. First, they predate my mandate. In May of 2001, however, after receiving the Friesen complaint, I recommended to former Minister of National Defence, Art Eggleton, that I be granted authority to investigate it. My rationale was that:

The long-term effects of the tests may still be having emotional, psychological and physical effects on the participants. If they are entitled to pensions and are in need of treatment, identifying them and making sure that they are given the information and services they need and are entitled to, is the proper thing to do. While there may be no direct impact on DND/CF

members today, the value of ensuring that these former members are treated fairly, could serve to reinforce the perception of DND as a caring and responsible institution and contribute to fostering goodwill amongst current members.

The MND authorized an investigation into this issue.

Second, my mandate provides that I should not normally investigate while an issue is being looked at by existing mechanisms. However, in this case, given the age of the complainants, I instructed my assigned investigator to take a proactive role. She has been working very closely with DND, VAC and the complainants to resolve the issue.

Third, responsibility for pensions and medical care for service-related injuries lies with Veterans Affairs Canada, not with the Department of National Defence. Compensation packages in other situations related to WWII (for example, the Hong Kong veterans and the Merchant Marine sailors) have been authorized by the Government of Canada and administered by VAC. Still, these tests were conducted under the auspices of DND. This Department therefore has a moral role to play. Moreover, the dedication of the plaque at Suffield by a Minister of National Defence demonstrates an acceptance of this role, as well as recognition of departmental responsibility. Indeed, I have been informed that DND now seems to be willing to accept responsibility and consider additional payments itself.

It is evident that matters require the urgent intervention of an intermediary. My Office was created to deal with precisely the kinds of cases which cry out for someone to facilitate a resolution and I am poised to fill that role here. The Suffield and CWL veterans are frustrated by years of enforced silence, and intransigence. While steps are being undertaken by some in an effort to provide redress, an understandable sense of urgency among potential claimants is threatening to escalate matters. As indicated, a class action lawsuit looms. Were that action to occur, it would be a lose-lose situation. It would pit the government against its own soldiers, and signal the further rejection of those men. It would leave current members of DND wondering what kind of ill treatment they might endure, only to be met with years of inaction and secrecy. It would become a war of attrition, as claimants, all of whom are at least in their seventies or older, die with a sense of grievance, instead of a sense of redress. It would entail enormous legal costs and ongoing, adverse publicity. And it could result in meritorious claims of particular individuals being frustrated by the absence of proof, an absence that was largely created by the government itself, either through incompetent record-keeping or a self-serving desire to leave no trace. This matter should not end up in court. It is time for someone to step up to the plate. It has been more than fifty years. That is long enough.

Adequacy and Urgency of Measures Taken

The complainants want a number of things. They want:

1. proactive efforts to ensure that those test subjects who are still alive receive the pensions and, where necessary, the appropriate care they deserve;
2. additional compensation, beyond VAC pensions, which are perceived to be inadequate; and
3. an apology.

I will be recommending, to the extent that I can given my function as the DND/CF Ombudsman, that each of these measures be agreed to. I will explain why.

The Inadequacy of Current Measures

The 1988 press release from Perrin Beatty asking people who had been tested with “nerve agents...pre-1968” to come forward was well-intentioned, but woefully inadequate. First, instead of taking proactive steps to scavenge government records to try to identify those who were injured in this way, this initiative put the onus on the veterans to show themselves. Its effectiveness depended on veterans seeing the press release, and was therefore, on its face, predestined to fail as a comprehensive solution. Second, the press release was not focussed on the WWII group, reducing the chances that Suffield and CWL veterans would come forward, even if they were to see it; many still laboured under the threat that it would be an offence to speak about what had happened to them, and we know that some veterans never applied for pensions because of this. Third, the press release spoke of “nerve agents.” The chemicals used in WWII were not nerve agents. Fourth, of those who did come forward, it is unclear how many even received pensions. The inadequacy of governmental records undermined at least some of the applications, as it has from the outset.

The initiative in May 2000 of National Defence Minister Eggleton dedicating a plaque at Suffield, recognizing the “volunteers” who participated in the chemical gas experiments, while well intentioned, was also inadequate. It was known to be, and meant to be, symbolic, nothing more. Not surprisingly, some of the veterans consider it to have been a token. Some even found it to be clumsy. The test subjects in attendance were given a photocopy of the plaque as a memento. One of them referred to the document as “a piece of paper, the cheapest one could find (which) they didn’t even have the decency to put our names on.” A former Suffield chemist felt slighted because those who worked at Suffield were not recognized. Another test subject felt that the phrase “They also served” confirmed the impression that the test subjects made some inferior contribution to the war effort. Moreover, there was no recognition of the CWL subjects. Finally, and perhaps most importantly, this gesture contained no recognition of wrong. It was an

acknowledgment of contribution, with no apology attached. Disappointment with the Minister's initiative might have been expected. It was a case of too little, too late.

As indicated, there have been commendable efforts within VAC to take seriously the pension applications that are now being made. Still, it is my opinion that the practice of turning to VAC pensions to remedy the wrongs that were done is insufficient. I say this for four important reasons:

1. There can be no confidence that those eligible applied when they were eligible. The threat of prosecution inhibited some from coming forward, for fear that even a pension application predicated on injuries suffered from experimentation would be an infringement of the *Official Secrets Act*, leading to years in prison. Moreover, for years the government was not sufficiently aware of links between exposure and disease. In short, there have been delays in coming forward that are not the fault of claimants. Meanwhile, while VAC pensions can be retroactive, it is for a maximum of three years from the date of award. I understand that in some extraordinary circumstances, this can be stretched an additional amount not exceeding 2 years pension. It has been close to 60 years since these events, and putting a man on a pension now in the waning years of his life, while he was deprived of that pension for decades, is a paltry response;
2. Government efforts to inspire and facilitate pension applications when the problem first came to light were inadequate. It is only now that the government is being proactive in finding and identifying possible claimants, instead of sitting back passively expecting the men to take the initiative as had been done in the past;
3. The failure to keep central records and the lack, until comparatively recently, of computerized files of denied pensions applications makes it impossible to know how many test subject veterans applied in the past and were refused;
4. Moreover, pensions have been denied to some because of the veil of secrecy shrouding these events. The dearth of dependable information continues to frustrate efforts to use the pension solution. Claims have literally been frustrated by the government's self-inflicted inability to validate those claims, an inability caused by the absence of any timely, official acknowledgement; the absence of lists of test subjects; and the failure, intentional or not, to document the medical files of the soldiers.

So, efforts to date, including those currently underway to provide a pension to those entitled, have been inadequate.

Delay is No Excuse

Even though the government appears not to be hiding behind delay or the effluxion of time to cast the claims of test victims aside, it is worth stating overtly, for the record, that neither delay nor the effluxion of time can stand as impediments to providing adequate

responses now. Even in the sometimes ethically stilted world of legal technicality, it is now recognized that strict limitation periods do not begin to run until the claimant understands not only the act that was done, but also the harm it caused. As indicated, as late as 1988, then Minister of Defence Beatty was apparently not aware of any proof about causation between veteran complaints and the injuries suffered by those unlucky enough to have been chosen for human experiment. Only recently has a list been established in Canada of which ailments can be linked to that experimentation. Moreover, even in the world of legal technicality, it is now recognized that if the wrongdoer has taken steps to prevent the complainant from coming forward, such as an abuser threatening a victim to remain silent, a limitation period will not run. Here the combination of lost information, reliance on the spurious claim of national security, and the invocation of threatened prosecution under the *Official Secrets Act* must still any temptation there may be to say, "it is too late." When we leave the world of law and enter the world of human decency, delay becomes even less of an issue.

Consent is No Excuse

Nor is there any justification for denying remedy based on consent. First, these men did not volunteer in any real sense of the term. Consent requires full or at least meaningful information. It would not be unfair to say that they were seduced into putting themselves in harm's way by promises of benefits, when they were not told of the most material of facts – that they were recruited as guinea pigs. Second, it would be unduly cynical to suggest that it was the chance for a cushy stay in Canada for a few weeks, away from the fighting, that brought these men forward. There is every reason to conclude that it was the allure of a top-secret mission in the service of their country that helped motivate them. Third, once on site, their readiness to go in a gas chamber and doff their gas masks, or crawl through chemicals, or stand with their exposed backs to military vapour, while acts of uncommon courage, can only be understood as the acts of obedience that are expected of those who serve. As, Mr. Tanner explained in an interview with the *Montreal Gazette*, once at the experimental station, soldiers were not allowed to leave. "There was only one option – turn and run. But we were at war. That thought never entered my mind or anyone else's." His colleague, Paul Eckert explained, "I was just at the bottom of the totem pole. I couldn't do anything. You're just a dumb bunny that goes along with the rest of the sheep, and that's it."³ In short, there was no balance of information, or of power, that could begin to make "consent" an answer.

³ Kara Kinna, "The Pain was Horrific –Suffield Survivor: 'Human guinea pigs' demand compensation for suffering," *Montreal Gazette*, January 18, 2004.

The Demands Evaluated

The Medical Care Demand

Of course, Canada has a medical safety net, treating those who are ill regardless of the causes. There is still a need, however, for DND to demonstrate its commitment to dealing with the long-term injuries caused by military service. In Canada, VAC used the IM study as a “guideline” for several years but has only recently adopted the American Department of Veterans Affairs standards to clearly define which medical conditions they accept as gas-exposure related. But unlike the case in the US, no attempts were made to identify Canadian gas test subjects subsequent to the publication of the IM study. Efforts to find the veterans are now in progress, and it is important that they be continued. It is recommended that DND and VAC publish which medical conditions they accept to be gas-exposure related, that they undertake meaningful steps to identify those gas test subjects who have been affected by those conditions, and that all necessary steps be taken to ensure that appropriate information and medical care is being received.

The Pension Demand

As is evident from the foregoing comments, it would wrong, in my opinion, to turn to pensions as a comprehensive solution at this time. It is too little too late, through the fault of the government and not the claimants. This is not to say that pensions should not be given to those entitled. Of course they should, and they should be given without imposing an inordinate burden on claimants to prove what cannot be proved, now that DND has squandered the requisite information. I would urge the Minister of National Defence to urge his colleague in Veterans Affairs Canada to take a generous factual approach in evaluating pension claims from those who were exposed to chemicals during experiments conducted by the Canadian military.

Why an Apology is Needed

Although most at National Defence have been sympathetic, my investigator was met with the argument by some that the war justified desperate measures. Canada feared that this country or its allies were at risk of chemical war and the circumstances justified the research that was done. It was said that there was therefore no wrong, and no need for an apology.

The suggestion that there was no wrong done is frightening. Even leaving aside the larger debate about whether experimentation through exposure of humans to chemical weapons is ever appropriate, these men found themselves in this situation without full information. They were there only because they were soldiers. Agreeing to serve does not entail licence to be experimented with. It does not entail agreement to be denied medical attention after exposure, or to be left without follow-up care, or to have a pension denied because information needed to validate the claim has been classified, or

because you have been sworn to silence on pain of prosecution. I reject unequivocally any such suggestion, and call on the Minister to do the same. This is a case where an apology, and not just recognition of an unwitting contribution to the war effort, is required.

Why Compensation is Required

In the normal course of events, pensions for service-related injuries are awarded by VAC and no other compensation is payable. The cases of the Hong Kong Veterans, the merchant mariners and the First Nations veterans, while not analogous in substance, show that Canada has been willing to compensate other groups affected by extraordinary WWII-related situations. This is, in my opinion, an extraordinary situation calling for compensation. I am not, of course, in a position to recommend an amount, or even who, in particular, should receive it. It is important, however, that DND set aside a fund and empower an assessor to distribute that fund.

There are a few at DND to whom my investigator has spoken who say that there is no basis for compensation for the test subjects. They argue that the Suffield soldiers were better off than those who were sent to theatres of war, that their suffering was short-lived and that they received extra pay and benefits. It is said that they were never in danger of death, starvation or capture by the enemy. This perspective is without merit, even leaving aside that it is insulting to those test subjects who did go and fight. It is wrong because it fails to take into account a number of important facts:

1. It fails to take account of the long-term physical and psychological damage that the testing entailed. Even accepting that these long-term effects were unintended, they have taken a significant toll on the lives of some participants and their families, and have caused acute suffering over the years;
2. It ignores the absence of informed consent. When the test subjects joined the army, they understood the risks inherent in the war. They were willing to take those risks, accepting that they might be killed, wounded or subjected to horrible treatment *at the hands of the enemy*. It would be unreasonable to assume that they accepted that they would suffer deliberate injuries inflicted by their own country. They could not have known that a service they thought they were rendering for the benefit of Canada would end up damaging their health, and causing a chronic illness or potentially killing them;
3. It ignores the fact that for more than forty years these men had to suffer alone, without any official acknowledgement that the tests even occurred. It ignores that they were under pain of prosecution were they to even speak about it, and that some felt so burdened by their oath of silence that they could not deal adequately with their medical concerns; and
4. It fails to account for the fact the pension approach is inadequate in the case of these veterans, for the reasons described.

Recommendations

I therefore recommend the following:

1. That the Department of National Defence undertake to identify and publicize which medical conditions they accept to be chemical agent testing related.
2. That the Department of National Defence takes meaningful steps to identify the chemical agent test subjects who have been affected by those conditions, to inform them about the effects of the chemical agents used, and to ensure that appropriate medical care is being received.
3. That the Department of National Defence make proactive efforts to provide Veterans Affairs Canada with all available information on the identity of test subjects, the tests they participated in, medical records and any other information that may be required to permit and expedite the processing of claims for pensions and other benefits.
4. That the Minister of National Defence issue an apology, on behalf of the Department and the Canadian Forces, to those who were exposed to chemical agents during chemical experimentation.
5. That continued and concerted efforts be made to identify those who were the subject of chemical experimentation, and that reasonable financial compensation be awarded to them.

What happened to these men would be unfathomable today. The Department of National Defence should say so, and show through its actions that it believes it to be so. Accepting these recommendations will be a mark of respect for the dignity not only of these men, but of all men and women serving in the Canadian Forces. It will be a reaffirmation of their intrinsic value, not as military weaponry or property, but as human beings entitled to respect and dignity. And it will be an act of prudence. I am advised that the intercession of my Office has delayed a painful, costly lawsuit that no one can win. If the recommendations made here are accepted, then both the Department of National Defence and the Suffield and CWL experimentation victims can win. It is not too late, but delay could make it so. Given the age of the veterans and the many years this case has lingered un-addressed, I urge the swiftest and most expeditious attention to it now.



André Marin
Ombudsman
Department of National Defence and Canadian Forces