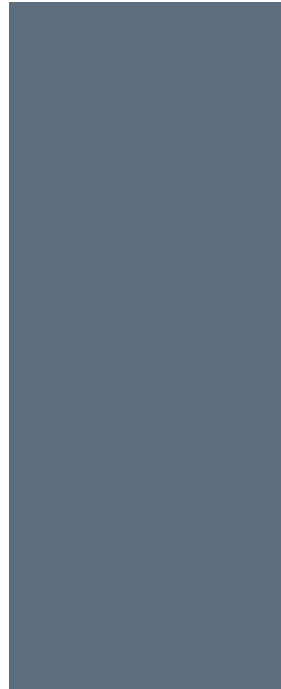


REPORT TO THE MINISTER OF NATIONAL DEFENCE

JUNE 2015



***“Here we honour the friends that
have been lost,
those that were injured
and the ones who were left
to remember them.”***

- CFB Valcartier Cadet Memorial

An Investigation into the 1974 Valcartier Cadets Grenade Incident

Ombudsman

National Defence
and Canadian Forces



Défense nationale
et Forces canadiennes

Canada

***An Investigation into the
1974 Valcartier Cadets
Grenade Incident***

June 2015

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Executive Summary

1

2

On July 30, 1974, at a summer camp for army cadets held at Canadian Forces Base Valcartier, a live grenade exploded during a course on ordnance safety, killing six young cadets and injuring dozens more. Also present and impacted by this tragedy were Regular Force instructors and Reservists who received immediate and long-term assistance through their status as members of the Canadian Forces.

3

In the spring of 2013, our Office received dozens of complaints regarding the matter. The compelling issues and alleged discrepancies in treatment and compensation provided to those involved in the incident prompted our Office to seek ministerial authority to launch an investigation. Our objective was two-fold: Determine whether those present were treated in a fair and compassionate manner based on the standards in place at the time of the incident; and determine the present-day responsibility, if any, of the Department of National Defence and the Canadian Armed Forces to individuals who were affected by the tragic event.

4

Our Office determined that the distress caused by the accident was immediately compounded by the Canadian Forces' own investigation into the matter. The military Board of Inquiry's approach was inappropriate for dealing with young boys, and left many of the cadets feeling responsible, distraught and further traumatized.

5

The unfairness continued well beyond the Board of Inquiry. Our Office found that although the *National Defence Act* gives the Canadian Forces control and supervision over cadet organizations, cadets are *not* considered members of the Canadian Forces or employees of National Defence. As a result, the injured cadets were not eligible to receive assistance on par with what was offered to the Canadian Forces members present that day and responsible for them.

6

With the exception of the immediate medical care received at the time of the incident, the cadets were not assisted or compensated under any National Defence policy or regulation in effect at the time. Evidence demonstrates that the Cadet organization and the Canadian Forces did not inform cadets or their families of available remedies and avenues of recourse.

7

Cadets needing to access medical assistance not covered by provincial plans had to incur the cost themselves or do without. The only other option for seeking benefits was to undertake the difficult process of submitting a claim against the Crown, which few of the cadets' families did.

8

Lack of access to care is what led most constituents to contact our Office to flag what they perceived as an unfairness. Evidence shows that of those present on the day of the explosion, some still suffer from long-term consequences of physical injuries and a significant percentage may be suffering from a mental health issue as a result of the incident.

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9 National Defence and the Canadian Forces may not have intended to place cadets in a legal void via their non-military status, but their obvious lack of consideration for the youth under their care is inexcusable. Today still, these individuals need and deserve an opportunity to access mental health care and to be compensated for their injuries.

10 To that effect, our Office has made two recommendations to the Minister of National Defence, which, if implemented, will help address the unfair gap in support suffered by the victims most impacted by the tragic event over 40 years ago:

11 It is recommended that, under the authority of the Minister of National Defence, the Department of National Defence immediately offer assessments to all those who claim to have been adversely or permanently affected by this incident to determine the physical and psychological care required and, based on these assessments, fund a reasonable care plan.

12 Following the full assessment and definition of the long-term needs of the affected individuals, and in order to ensure that they are treated in a way that reflects Canadian values, it is recommended that the Department of National Defence, under the direction of the Minister, award them an immediate and reasonable financial compensation in line with jurisprudence in similar situations.

13 **Introduction**

14 The Canadian Cadet Program’s objective is to provide valuable leadership, physical fitness and citizenship training to youth across Canada with the aim of helping them become engaged, active members of society and the leaders of tomorrow. Many parents encourage their children to join cadets with the understanding that activities and camps are conducted in a safe manner that will see their children return home safe and sound.

15 On July 30, at an overnight summer camp for army cadets held at Canadian Forces Base Valcartier, a live grenade exploded during a training course on ordnance safety, which resulted in serious injury and death. The sudden release of shrapnel killed six cadets between the ages of 14 and 15, and injured dozens more¹ from “D” Company. The incident was the subject of national media coverage at the time, and it triggered investigations of both an administrative and criminal nature.

16 In the years since this tragic incident, thanks in part to the emergence of various types of social media, a group of individuals directly impacted that day was able to reconnect and, in time, speak of what happened. As the group grew and more information came

¹ According to the Canadian Forces report “Board of Inquiry – Grenade Incident – BFC Valcartier 30 Jul 74” (pp. 010-014), 62 cadets, two Regular Force members and one Reservist were physically injured. Those 65 casualties were all present in the room.

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to light by way of reminiscing, so too did their awareness of each other's experiences and conditions.² Attendance increased at the annual day of remembrance for the victims, and two books^{3,4} were published in 2011.

17 Some injured cadets became frustrated when they learned that compensation and benefits had been provided to Canadian Forces members, some of whom were not present at the moment of the accident.

18 The Office of the Ombudsman first received a complaint regarding the matter in April 2013. An additional 51 complaints were received over a three-month span. The main themes of the complaints related to access to medical care for long-term injuries, lack of assistance to the most vulnerable who were still suffering, recognition from the Government of Canada for its responsibility towards the victims, the need for a formal apology, and financial compensation.

19 The mandate of the Ombudsman does not extend to investigating events that occurred before the Office was created – June 15, 1998 – unless the Minister of National Defence deems such an investigation to be in the public interest.

20 The compelling issues and perceived discrepancies in treatment and compensation prompted the Office to consider the incident and issues emanating from it and make appropriate recommendations to the Minister of National Defence.

21 **Scope**

22 The passage of time increases the complexity of any investigation, and this particular pre-mandate investigation presented several challenges. Not only was there a significant period of time between the event and the investigation, there were also challenges with locating witnesses who were present, obtaining copies of applicable regulations and policies in effect in 1974, and finally, accessing corporate memory and documentation.

23 It was necessary for the investigative team to review the governance, authorities and responsibilities in place in 1974 in order to properly understand the context and draw accurate conclusions. This included understanding the laws, regulations and policies governing the Department of National Defence, the Canadian Forces and the Army Cadet League at the time of the incident, in order to assess each party's responsibility and lawful obligations following the incident as well as the short-, medium- and long-term impact on the victims.

² A lot of the information collected by the group was obtained by way of Access to Information requests.

³ Fontaine, Hugo. *La grenade verte : Valcartier 1974 : Les Oubliés de la compagnie D*. Montréal: Éditions La Presse, 2011.

⁴ Fostaty, Gerry. *As You Were: The Tragedy at Valcartier*. Fredericton, N.B.: Goose Lane Editions, 2011.

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24

Context

25 Parents, at the time, regularly turned to organizations such as the Cadet League to provide healthy and safe activities for children during the summer months.

26 The annual Canadian Army Cadet summer overnight training camp was held at Canadian Forces Base Valcartier, Québec. “D” Company included one member of the Regular Force and 18 members of the Reserve Force employed for the duration of the summer training camp. The remainder of the Company was made up of 137 boys⁵ between the ages of 13 and 18. These cadets were being trained and supervised by the Canadian Forces.

27 The cadet camp itself consisted of several small buildings among which were living quarters referred to as “barracks.” Most of the training sessions at the camp were conducted outside – either near the buildings or in the training areas. July 30, 1974, was a rainy day; therefore, the 137 boys of “D” Company were ordered to convert their living quarters into an open space large enough to accommodate an indoor lecture.

28 A Canadian Forces Regular Force officer and ammunition specialist was on site to give a lecture on safety using inert explosive devices. The purpose of this lecture was to familiarise the cadets with the shapes and forms of military ordnance in case they came across any type of explosives while in the training area.

29 Inert explosive devices used for training are, by convention, blue in colour to ensure they are not confused with live explosive devices, which are olive green. Investigations carried out soon after the explosion revealed that, prior to the lecture, a live grenade had been inadvertently mixed in with the inert ones.

30 At one point during the lecture, one of the cadets asked the instructor if he could remove the pin from a distinctively green-coloured grenade. The officer in charge assured the cadet that it was safe to do so. Seconds later, the grenade exploded, killing six cadets and injuring 65 others.

31 Victims were rushed to the base hospital; the more serious casualties were stabilized and then transported to nearby civilian hospitals. In addition to the six deaths, one cadet was left permanently and totally disabled. Several other cadets were left with permanent disabilities such as the loss of an eye, pieces of shrapnel in their body, loss of hearing, and/or psychological trauma. It later became known that some of the people who provided aid also reported suffering from psychological injuries, which were found, in some instances, to be attributable to the events that happened that day.

⁵ In 1974, cadet organizations were comprised of males only.

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32 Media from all over the country covered the incident. The *Montreal Gazette*⁶ reported that military officials stated that all expenses for deceased or injured cadets, including long-term medical and funeral expenses, would be covered by the government.

33 **Post-incident Actions**

34 This serious incident immediately triggered a reaction from the Canadian Forces and also from civilian authorities. As a result, the Canadian Forces convened a Board of Inquiry,⁷ and the *Sûreté du Québec* (the provincial police) and the Military Police launched a joint investigation. A Coroner's Inquest was also held after the incident. All of these investigations were conducted to determine what happened and who, if anyone, was responsible.

35 Convened by the Commander⁸ of the *5^e Groupement de combat de la base Valcartier* (now the *5e Groupe-brigade mécanisé du Canada*/5th Canadian Mechanized Brigade Group), the military Board of Inquiry was held to establish the circumstances surrounding the incident. During the course of the Inquiry, 165 testimonies⁹ (mostly from cadets present in the barracks at the time of the incident) were recorded. The Board of Inquiry panel tried to determine how the grenade found its way to the cadets. In doing so, they interrogated cadet witnesses as to who amongst them may have brought a live grenade or another kind of explosive device into the classroom.

36 Within two days, the police had determined that the grenade came from a box brought into the makeshift classroom by the instructor.¹⁰ Approximately a month later, the Board of Inquiry also concluded that the grenade was not brought in by a cadet or anyone else except the Regular Force instructor or his assistant.¹¹

⁶ Ernhofer, Ken, and Patrick Doyle. "Mixup Caused Blast, Says Cadet Survivor." *The Gazette* [Montreal] 1 Aug. 1974: 1, 3. Google News. Web. 31 Oct. 2013.

⁷ The Assistant Deputy Minister (Review Services) describes a Board of Inquiry as follows: "The Minister of National Defence, the Chief of Defence Staff, an Officer Commanding a Command or Formation, or a Commanding Officer may convene a Board of Inquiry (BOI) into any matter affecting the government, discipline, administration or functions of the CAF or on any matter affecting any officer or non-commissioned member. BOI are best suited to investigate complex issues utilizing additional personnel, resources, and investigative powers." *Boards of Inquiry*. National Defence and the Canadian Armed Forces, 3 Feb. 2012. Web. May 2015.

⁸ Canadian Forces. "Board of Inquiry – Grenade Incident – BFC Valcartier 30 Jul 74." p. 000212.

⁹ According to the Canadian Forces report "Board of Inquiry – Grenade Incident – BFC Valcartier 30 Jul 74" (p. 000185), this includes 92 cadets and 27 recalls.

¹⁰ BFC Valcartier. "Sitrep on incident Report." 1 Aug. 1974.

¹¹ Canadian Forces. "Board of Inquiry – Grenade Incident – BFC Valcartier 30 Jul 74." p. 000188.

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37 On March 11, 1975, the Coroner’s report concluded that the cause of death¹² of the six cadets was attributable to the negligence of the Regular Force officer instructing the class. On the recommendation of the Coroner, the military officer was charged with criminal negligence. His trial began on March 28, 1977. On June 21, 1977, he was found not guilty¹³ by the Court of Sessions of the Peace of Quebec. This was public information, whereas the findings of the military Board of Inquiry and the joint police reports were not divulged. The Military Police report was classified confidential; no one outside the government was made aware of its conclusions. The Board of Inquiry was also classified confidential; no one outside the military chain of command was informed of the findings.

38 Some 30 years later, by way of requests made through the *Access to Information Act* and social media, more information and greater knowledge of what happened started to emerge to others who were affected.

39 **Testimonies, Findings and Impact of the Board of Inquiry**

40 Thirty-seven of those interviewed as part of our investigation also testified at the Board of Inquiry. Many cadets expressed anger over what they were subjected to when instructed to testify before the Board of Inquiry. The proceedings left them intimidated and fueled mistrust with respect to the Canadian Forces. Providing testimony to the Board of Inquiry was extremely difficult for some of the cadets, while others do not recall being affected.

41 For the purpose of their appearance at the Board of Inquiry, “D” Company cadets were segregated from one another and from the other companies. Many described being escorted by an armed military police officer to a secure location – specifically, an underground bunker – questioned and, finally, instructed not to divulge or discuss their testimony with others.

42 The need for secrecy surrounding the Board of Inquiry testimony was identified as a significant stressor for many of the cadets as they felt it limited their ability to seek solace and closure by sharing their experience. One cadet likened the experience to surviving a terrible train wreck, then being wrongfully held responsible for the accident.

¹² As per the 1966 *Loi sur les Coroners*, articles 30-31, the Coroner may make a finding of criminal negligence and invoke article 462 of the *Code Criminel du Québec* to proceed with charges. In his findings as part of the inquest into this incident, the Coroner wrote: “The captain ... is held criminally responsible for the death of [the six cadets].” [Translation.] 11 July 1975.

¹³ Godbout, Jacques N. “Morts des cadets de Valcartier en 1974: l’ombudsman enquêtera...40 ans plus tard.” *Journal 45^e Nord*. 16 May 2014. Web. 11 June 2014.

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43 Another wrote:

My interview with the military Board of Inquiry took place one night many days after the explosion. The location and staging of the inquiry set a serious and grave tone, I immediately felt nervous and anxious. That soon changed to disbelief and panic as I was questioned. I was made to feel that we cadets were responsible for the dead and wounded. I answered the Board's questions truthfully and yet I felt that they did not believe me. Towards the end of the interview I imagined that there was some punishment waiting for me even though I didn't do anything wrong. In transit to my home barracks I broke down in tears fearing that I was in trouble¹⁴

44 Others, older at the time, described being driven to the underground bunker, appearing in front of the panel to answer a few questions, and returning to the new living quarters without any particular bad memories. Some cadets had no recollection of their appearance before the Board of Inquiry panel and were surprised to learn that our investigators had a copy of their testimony.

45 Also interviewed for the purpose of this investigation was the senior officer tasked with organising the Board of Inquiry. He told our investigators that the decision to interview witnesses in the bunker was made to ensure enough space to accommodate all personnel involved. He also added that it was more helpful to the isolation of witnesses. Finally, it was thought that the very warm temperatures of summer made the bunker a good location. The officer was surprised to learn that many cadets were under the impression the location had been selected to ensure secrecy or as a way to intimidate them.

46 Decisions about the location of the Inquiry and how to treat witnesses may have been justifiable from a military perspective, but it is most certainly not how they were perceived by some of the young cadets at the time. The manner in which the cadets were gathered and brought to testify might have been appropriate when dealing with adult Canadian Forces members, but it left many young cadets feeling responsible, distraught and further traumatized.

47 The decisions and actions that immediately followed – such as holding the Board of Inquiry proceedings in the bunker – resulted in unintended consequences for the cadets who, following their testimony, feared that the military chain of command believed one of *them* may have been responsible for the presence of a live grenade. Indeed, in the questions asked by the Board members, emphasis was placed on identifying a cadet who had potentially brought an explosive device into the classroom. Not only were they treated as adult witnesses, but they were also expected to behave in a military fashion as though they were Canadian Forces members. The younger the cadets were

¹⁴ Excerpt from an e-mail from one of the former cadets to an Ombudsman investigator.

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at the time of their appearance before the panel, the more intimidated they seem to have been.

48 The Board of Inquiry eventually concluded that the incident was the result of minor negligence; a small portion of the blame rested with the officer in charge, the young private who assisted him, and civilian employees who worked at the ammunition depot at Canadian Forces Base Valcartier. Finally, the Board also concluded that none of the cadets was to blame.

49 In reviewing the Board of Inquiry transcript, the approach taken by the panel in regard to the interrogation of the cadets was extremely formal. The Assistant Judge Advocate General at Valcartier who reviewed the Board of Inquiry report in 1974 indicated that “(...) it is unfortunate that the committee has asked so many leading questions to almost all of the witnesses. This makes it difficult to assess the testimony of Cadets especially” [translation].¹⁵ He further disagreed with the use of the term “minor negligence” in the conclusions of the Board of Inquiry. His assessment was that the actions of the Canadian Forces ammunition expert could result in charges under the *National Defence Act*.

50 The results of the Board of Inquiry were also reviewed by the Army Headquarters Staff. A document written by the then-Canadian Forces Army Command Surgeon made three key recommendations to provide assistance and proper follow-up care to the cadets:

- 51 • Let the insurance¹⁶ settle the problem initially;
- 52 • Petition the government in favour of the injured when compensation appears inadequate; and
- 53 • Request the assistance of Veterans Affairs Canada to determine whether the compensation is adequate and determine the extent of disabilities and suggested benefits.

¹⁵ Office of the Judge Advocate General. “Commission d’enquête – Explosion d’une grenade – BFC Valcartier.” 18 November 1974. p. 000092.

¹⁶ The current Army Cadet League Executive Director confirmed that the League’s insurance policy has always been designed as a complementary coverage for liability over cadets and volunteers. The League representative further added that the policy was never designed to cover cadets while they are attending activities on a military base as those installations are considered Crown property and are the government’s responsibility. Currently, the *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50, s.3 states that the Crown is liable for damages for which “if it were a person, it would be liable in respect of the damage caused by the fault of a servant of the Crown.”

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54 It is impossible to conclude with certainty whether the Canadian Forces, the Army Cadet League and Veterans Affairs Canada engaged in a comprehensive approach to provide support and assistance to the families of the victims as there was no supporting documentation available. Further, given the passage of time and loss of corporate memory, it was not possible to confirm whether any of these recommendations were followed up on.

55 **The Aftermath**

56 Following the incident, the Department of National Defence paid¹⁷ the funeral expenses for the six cadets who died in the explosion. No mechanisms were put in place for cadets to access any additional medical care they may have required and which may not have been available through their provincial coverage.

57 There is no evidence indicating that the Department made any financial commitment to the injured cadets who required long-term medical care. With the exception of the immediate medical care received at the time of the incident, cadets were not assisted nor compensated under any Department of National Defence policies or regulations in effect at the time.

58 Although the *National Defence Act* gives the Canadian Forces control and supervision over cadet organizations, and each cadet received a \$100 “training bonus” for their attendance at the camp, cadets are *not* members of the Canadian Forces. The cadets had no status except that of civilians on Crown land. As a result, they were not automatically eligible for medical care provided by the Canadian Forces, and they were not eligible for compensation for their injuries through Veterans Affairs Canada. They were not even considered civilian employees of the Department of National Defence, which also would have opened the door to a prescribed suite of care and compensation for them.

59 In other words, cadets did not hold any status in the Canadian Forces, thus making them ineligible to receive any compensation and benefits that would be afforded to members of the Canadian Forces in instances of serious injury or death. Conversely, cadet instructors were, and continue to be, considered part of the Reserve Force component of the Canadian Forces and, as such, were and are still eligible to receive benefits and compensation for injuries/death attributable to service under the *Pension Act*,¹⁸ which includes medical treatments not covered by provincial plans. These benefits and compensation were not available to cadets or their families.

¹⁷ Canadian Forces. “Board of Inquiry – Grenade Incident – BFC Valcartier 30 Jul 74.” pp. 5-8.

¹⁸ In 2006, the suite of benefits available to veterans was changed considerably by the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* (known as the *New Veterans Charter*). The *Pension Act* remains in force as the primary source of veterans benefits for pensionable conditions for which an application was made prior to April 1, 2006.

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60 The fundamental difference in status between the cadets and the Canadian Forces members is of great importance in this matter. The 137 cadets in the room at the time of the explosion were the most vulnerable and affected group present at the time of this incident due to their lack of military status. For this reason, they were ineligible for benefits. Cadets needing to access medical assistance not covered by provincial plans had to incur the cost themselves or do without. The only other option for seeking benefits was to undertake the adversarial process of submitting a claim against the Crown, which few of the cadets' families did.

61 To this day, claims against the Crown (or its insurer) remain the only mechanism by which cadets can seek benefits in similar situations.

62 **Compensation and Benefits: Who Got What?**

63 Decades later, there is still much confusion with respect to liability and insurance coverage in the minds of the cadets impacted by the accident.

64 Many of the cadets who we interviewed expressed anger and frustration with the treatment (or lack thereof) that they received due to their non-military status. Some likened it to finding themselves in a type of limbo or legal void.

65 The knowledge that some individuals, namely first responders, received treatment, benefits and additional compensation as a result of their participation in the first aid and recovery of casualties while the majority of the cadets received next to nothing has been difficult for many of those affected to accept and understand. There is a general consensus amongst the victims of this incident that there was unfairness in this matter.

66 The lack of processes or mechanisms for recourse prompted some parents to initiate individual legal actions against the Department of National Defence, which eventually resulted in out-of-court settlements. Hence, the only possible compensation was tied to the willingness and ability of each cadet's family to pursue an action against the Crown; those who did not received nothing.

67 For example, in April 1975, the father of one cadet initiated action against the Department requesting \$14,850 for his son's injuries. The child had suffered pierced eardrums and psychological shock. He was taken to the base military hospital after the incident and returned to the summer camp the same day without further medical treatment.

68 When the cadet returned home two weeks later, he had memory loss, headaches, depression and an inability to play sports. While he was the picture of health – both physical and mental – at the time of his departure for summer camp, our investigators learned that the boy who returned home later that summer was never the same.

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69 Another more severely injured cadet was assessed as totally disabled and confined to a wheelchair for the rest of his life. In their claim against the Crown, the father was initially seeking \$865,000, but eventually settled for \$225,000 in an out-of-court settlement.

70 According to court documents, the Crown accepted liability for the incident.¹⁹

71 The following is a summary of the known out-of-court settlements paid to cadets' families in the years following the incident. This information was reported in the books published about the incident in 2011, and we were able to confirm it based on documents released by Justice Canada under the *Access to Information Act*. Of note, of 137 cadets present in the room, only a minority of them received settlements.

72

Compensation in 1975-76	Value in 2015 ²⁰	Type of Injury
\$225,000	\$1,127,678.57	Totally disabled
\$36,560	\$ 183,235.24	Trauma upper body and head
\$18,950	\$94,975.60	Eye Injury
\$14,000	\$70,166.67	Deceased
\$13,000	\$ 65,154.76	Deceased
\$12,934	\$ 64,823.98	Deceased
\$12,102	\$ 60,654.07	Deceased
\$11,100	\$ 55,632.14	Trauma upper body
\$10,000	\$ 50,119.05	Deceased
\$9,450	\$ 47,362.50	Trauma upper body
\$5,500	\$ 27,565.48	Hearing
\$4,875	\$ 24,433.04	Trauma upper body
\$3,840	\$ 19,245.71	Trauma upper body
\$2,650	\$ 13,281.55	Psychological
\$11,601	\$ 58,143.11	Median Amount

73 Five of the six families of the cadets who were killed that day initiated legal action against the Crown and accepted a financial settlement. Other parents of cadets who were injured also accepted settlements following claims.

74 While few families submitted claims against the Crown, it could have been possible for them to receive compensation under the *Québec Crime Victim Compensation Act* of 1972 – a provincial program that offers the possibility of compensation and rehabilitation services to victims of a crime, such as criminal negligence causing bodily harm or death.

¹⁹ *Sénécal v. the Queen* (1977) Montreal T-2546-75 (Federal Court).

²⁰ "Inflation Calculator." Bank of Canada. Web. 20 May 2015.

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75 This legislation is pertinent because the Canadian Forces officer who was providing the training on that day was charged with criminal negligence causing bodily harm or death. Compensation under this provincial legislation must be submitted within one year of the incident. Regrettably, none of the individuals affected or injured by this incident applied under the program.

76 Ombudsman investigators tried to identify similar accidents in the Canadian Forces. Although lessons were learned from the 1974 Valcartier incident, there were two other incidents involving Regular Force members and explosives in 1988. Our investigators did not find any other instances of similar accidents involving cadets.

77 In trying to gauge or quantify the extent of the potential unfairness that cadets and their families were subject to, our investigative team examined other comparable situations. Note that these settlements were not necessarily the result of accidents, negligence or criminal acts.

78

Actual Settlement	Case
\$229,000	Sea Cadets Settlement – 1960s
\$86,500	Veterans Affairs Canada Valcartier D Coy Leadership
\$67,000	Thalidomide Survivors – 1950-1960s
\$24,000	Mustard Gas – 1968-1976
\$20,000	Chinese Head Tax Redress Program 1885-1923
\$20,000	Agent Orange – 1966-1967
\$14,000	Internment of the Japanese-Canadians – 1942

79 **Mental Health**

80 Mental health issues such as occupational stress injuries were not common knowledge among Canadians in 1974. The psychiatric condition called Post-Traumatic Stress Disorder (PTSD) was only recognized in 1980²¹ by the American Psychiatric Association.

81 Decades later, the general population is more aware of this mental health disorder. The study and understanding of mental health and the care provided to patients has evolved tremendously. The Canadian Forces has made important improvements to the range of support and services available to members and their families in this area.

²¹ Friedman, Matthew J., MD, PhD. “PTSD History and Overview.” PTSD: National Center for PTSD. U.S. Department of Veterans Affairs, 25 March 2014. Web. 2014.

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82 As former members of “D” Company reconnected and shared their stories, they came to learn that some individuals had been assessed and treated for mental health issues, including PTSD, by way of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*.²² The knowledge that some individuals were able to obtain assessments and treatment prompted others to come forward and seek help.

83 Mental health injuries have increasingly become an issue for most of the cadets and members we interviewed. Fifty-eight percent affirm suffering from some form of psychological injury related to what they described as a traumatic event. Of those involved in both the explosion and post-explosion events, 33 percent have had access to mental health care through either Veterans Affairs Canada (as a result of their status as members of the Canadian Forces or the Royal Canadian Mounted Police) or, in the case of former cadets, through some form of group insurance coverage or their own money. The lack of access to care is what led most constituents to contact our Office to protest what they perceived as an unfairness.

84 **Findings**

85 When considering the overall impact of this incident on the people we interviewed and who were involved in the incident that day, 81 percent were physically present in the room when the explosion occurred. Fifty-three percent of these individuals suffered physical injuries. Of those, 40 percent stated that they are in possession of documented evidence attesting to their injuries.

86 Our investigation revealed that 40 percent of cadets were taken to the Base hospital immediately after the explosion. When asked if there were still issues with physical injuries sustained that day, 40 percent stated that they still suffer the after-effects as a result of the explosion. Overall, 32 percent of those in the room allege having sustained both mental health and physical injuries.

87 While families of the children who were injured were left to themselves in terms of further recourse, some Canadian Forces members applied for and received compensation for their injuries under the *Pension Act* and later through the *New Veterans Charter*.

²² According to the Library of Parliament website, the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, better known as the “New Veterans Charter,” received Royal Assent on May 13, 2005, and came into force April 1, 2006. The Charter establishes a new benefit plan for injured, disabled and deceased veterans and provides for professional and physical rehabilitation for veterans and their families. It supersedes the previous plan, which was governed by the *Pension Act*, the first version of which was enacted in 1919.

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88 A major theme that surfaced during our interactions with those involved in the incident was the Canadian Forces' lack of consideration for the cadets under their care. An often expressed issue during the investigation was that the Cadet organization and the Canadian Forces never proposed anything to either the cadets themselves or their parents, nor did anyone inform them of available remedies and avenues of recourse.

89 Ombudsman investigators interviewed two Canadian Forces veterans who were in attendance and who are in receipt of monthly benefits under the *Pension Act* as a result of the incident. Other eligible Canadian Forces members, upon realising that they may have been affected by the events of 1974, turned to Veterans Affairs Canada later on in their lives. Those who sought help after March 31, 2006, made their applications under the *New Veteran's Charter*.

90 Our Office is aware of six former Canadian Forces members who claimed compensation and benefits from Veterans Affairs Canada for an operational stress injury. These former members received a median amount of \$86,496 in compensation through the *New Veterans' Charter*. The chart below specifies the individual amounts and when they were received.

91

Amount	Year Received	Component
\$202,000	2007	Cadet Instructor Cadre
\$109,000	2012	Regular Force
\$87,992.53	2012	Cadet Instructor Cadre
\$85,000	2011	Regular Force
\$85,000	2012	Cadet Instructor Cadre
\$14,265.97	2011	Cadet Instructor Cadre

92 It is interesting to note that 20 of those we interviewed were present in the room and independently sought the assistance of mental health care specialists. *All 20 of them* were diagnosed with a psychological injury. It is reasonable to conclude that a significant percentage of the others present may also be suffering from a mental health issue as a result of the incident.

93 Individuals who are eligible for compensation from Veterans Affairs Canada are also eligible for other veterans' programs, including additional benefits for medical care and treatment not covered by provincial health insurance.

94 When considering the dollar amounts received through the *New Veteran's Charter* compared to the out-of-court settlements received by the cadets' parents who sued the government, the significant difference in sums awarded was difficult for many to rationalize, particularly the cadets who were injured and are still affected by the accident.

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95 Not only are they aware of the disproportionate dollar values, they realise that the benefits offered through Veterans Affairs Canada cover such things as specialist medical care, psychologists, hearing aids and medications not otherwise covered by provincial health care plans.

96 Through interviews with 49 cadets, Ombudsman investigators learned that 33 of them believe they remain affected by the 1974 incident and that they suffer from some form of psychological trauma. Seven of these former cadets stated that they used their own money or personal insurance coverage to access psychological care.

97 Amongst the individuals who were present at the cadet camp in 1974, many are unable to obtain a diagnosis that would lead to treatment because they cannot afford it. Through exchanges with others involved in this incident, they have come to know that those eligible for compensation and benefits under either the *Pension Act* or the *New Veteran's Charter* were successful in their claims.

98 Below is a summary of available benefits based on component.

Component	Medical Care	Financial Compensation
Regular Force	Yes	Yes
Reserve Force	Yes	Yes
Cadets who later served in the Canadian Forces or the Royal Canadian Mounted Police	Yes, for an aggravation of an existing condition due to service	Yes, for an aggravation of an existing condition due to service
Cadets/Families who initiated a claim against the Crown	Provincial Medical Care Only	Yes
Cadets/Families who NEVER initiated a claim against the Crown	Provincial Medical Care Only	No

99 Our investigation also revealed that some of the cadets went on to serve with either the Canadian Forces or the Royal Canadian Mounted Police. Although they were ineligible for Veterans Affairs Canada benefits at the time of the incident due to their cadet status, some of them were later able to gain access to compensation and benefits because of their subsequent service. This was possible as it was believed that their military or police service aggravated an existing condition arising from the 1974 explosion.

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100 Such knowledge suggests that, had the cadets been eligible to apply due to their employment status with either the Canadian Forces or the Royal Canadian Mounted Police, the former cadets likely would have received, at minimum, a mental health assessment and, most probably, some form of medical follow up and compensation. The majority of those interviewed stated that they consider having access to medical care their main and immediate priority.

101

Conclusions

102 Parents entrust their children to the Canadian Cadet Program and the Canadian Armed Forces – and by extension to the Government of Canada – believing that not only will their children get to take part in and benefit from numerous activities, but they will do so in a safe manner. What parents may not know is that if something were to happen to these children today, the Government of Canada would not be obligated to offer victims any benefits or compensation. The only way to obtain compensation would be through a claim against the Crown (or its insurer).

103 The cadets who were fortunate enough to survive the 1974 grenade explosion are ineligible to receive assistance on par with what is offered to the instructors who were not only responsible for them but who inadvertently caused this incident. Because they were not members of a Canadian Forces component under the *National Defence Act* or civilian employees of National Defence, they were not – and *are* not – eligible to receive compensation and benefits through the *Pension Act* or the *New Veteran's Charter*. As a result, the group most affected by the incident turned out to also be the most vulnerable.

104 Although the Crown accepted liability for the incident (in response to a claim against the Crown), the legal void in which the status of cadets rested was – and still is – an unfair gap in legislation. It is hard to believe that no one would be held responsible, financially or otherwise, for the injury or death of a cadet.

105 Many of those interviewed stated that their parents did not launch claims against the Crown on their behalf due to a lack of knowledge or the financial means to “take on the big Government machine.” Therefore, for many years, they felt they had no recourse but to continue to suffer in silence while the memories of the incident continued to haunt them.

106 Based on the findings of this investigation, the young injured cadets did not receive any long-term care, compensation or benefits due to the laws, statutes, and limitations contained therein that were in effect at the time of the incident. Evidence collected also points to the Canadian Forces and the Department of National Defence acknowledging its responsibility but *choosing* to compensate only those who made claims against the Crown or who were entitled to compensation due to their employment status.

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107 It is evident that to provide assistance, compensation and benefits to a group of Canadian Forces members who were either directly or indirectly affected by the 1974 incident, yet not provide similar support to the young boys who were under their care and present in the barracks during the explosion, goes against the principle of fairness.

108 **Recommendations**

109 Given that at least 53 percent of the former cadets who directly witnessed or were injured in the incident still seem to be suffering from physical and/or psychological injuries, it is recommended that, under the authority of the Minister of National Defence, the Department of National Defence immediately offer assessments to all those who claim to have been adversely or permanently affected by this incident to determine the physical and psychological care required and, based on these assessments, fund a reasonable care plan. These individuals deserve and need an opportunity to access mental health care.

110 Following the full assessment and definition of the long-term needs of the affected individuals, and in order to ensure that they are treated in a way that reflects Canadian values, it is recommended that the Department of National Defence, under the direction of the Minister, award them an immediate and reasonable financial compensation in line with jurisprudence in similar situations.

111 **Ombudsman's Closing Message**

112 *Fairness does not mean that everyone gets the same. Fairness means that everyone gets what they need.*

113 It has been over 40 years since the grenade explosion at the Valcartier cadet camp, but many survivors continue to suffer today. Whether the injuries sustained were physical or psychological, the evidence collected as part of this investigation demonstrates that many of the cadets were left with long-lasting and life-altering injuries for which they received inadequate treatment and/or compensation.

114 While 1974 legislation may have set the stage for the decisions taken at the time and limited the possible courses of action, it does not clear National Defence and the Canadian Forces of their responsibility to the children who were under their care. More *should* have been done.

115 The individuals who came forward to our Office have had to contend with their injuries, and also with the knowledge that not everyone affected by the incident was treated equitably. Yet they are not asking or expecting to be treated the same way as the Regular Force members or Reservists; they just want access to what they need – namely, medical care.

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116 Fortunately, accidents like the Valcartier grenade explosion are the exception rather than the norm. Nonetheless, the Department of National Defence, the Canadian Armed Forces and the Canadian Cadet Organizations must work together to prevent further tragedies of this nature. If this event were to happen again today, legislation would not allow cadets to seek recourse with Veterans Affairs Canada, or through any of the medical benefits programs available to members of the Canadian Armed Forces.

117 As a means of assisting the Department of National Defence and the Canadian Armed Forces with its five-year renewal initiative of the Cadet Program, my Office will be conducting its own independent review of the Canadian Cadet Program. Our objective will be to identify any issues of unfairness and make recommendations as to how the program can be improved.

118 **Annexes**

119 **Annex A: Purpose of the Investigation**

120 The purpose of this investigation was to conduct an independent and impartial analysis of the treatment of the cadets following the 1974 Valcartier grenade incident with a view to confirming whether they and their families were treated in a fair and compassionate manner based on the standards in place at that time. The investigation focused on the administrative aspects related to and emanating from the post-incident treatment of the cadets and their families. Any element of the investigation involving criminality was excluded, in accordance with the mandate of the Office of the Ombudsman. Finally, the investigation enabled a determination as to the present-day responsibility – whether moral, financial or other – of the Department of National Defence and the Canadian Armed Forces, with regard to individuals who were potentially affected, physically and/or psychologically, as a result of the incident.

121 **Annex B: Methodology**

122 Evidence collection for this investigation was conducted using a multi-pronged approach and included over 70 interviews, 45 of which were conducted with individuals who directly approached the Office of the Ombudsman.

123 Further evidence in support of this investigation was obtained from a meticulous review of contemporary information (post-incident/1974) contained in various investigative reports compiled immediately following the incident and that were still available today:

- 124 • Canadian Forces Board of Inquiry Report;
- 125 • Reports or expert opinions and advice given to the Board of Inquiry;
- 126 • Quebec Coroner's investigation;

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- 127 • Military Police investigation;
- 128 • Correspondence between the Department of National Defence, the former cadets and their families; and
- 129 • Court documents from claims against the Crown.

130 In order to define the administrative construct governing the cadets and the Canadian Forces at the time of the incident, a variety of policies and legislation were reviewed dating back to 1974.

131 A review of the more recent versions of these same policies and legislation (where it was still in existence) was also conducted in order to determine evolution from a policy perspective and establish how or in what way it would impact the status of those affected by this accident. Further, a comparative analysis of the treatment and compensation received by the cadets versus members of the Canadian Forces who were involved in or injured as a result of the accident was also deemed necessary in order to fully appreciate the significant differences at hand.

132 The following documents were examined in carrying out this investigation:

- 133 • *National Defence Act* in effect in 1974 and present-day;
- 134 • Canadian Forces Administrative Orders;
- 135 • The Queen’s Regulations and Orders for the Canadian Forces;
- 136 • Defence Administrative Orders and Directives;
- 137 • Any and all other laws, regulations and policies related to this type of incident; and
- 138 • Media coverage relating to the incident, including newspaper articles from 1974.

139 **Annex C: Governance of the Army Cadet League of Canada**

140 The Canadian Army Cadet organization has origins dating back to 1879.²³ There are two entities governing the Army Cadet organization in Canada: The Canadian Forces, under the authority of the *National Defence Act*, and the Army Cadet League.²⁴ The Navy League of Canada and the Air Cadet League of Canada parallel the functions of the Army Cadet League of Canada for the other two elements.

²³ “General History of Royal Canadian Army Cadets.” Army Cadet History. Web. 8 January 2015.

²⁴ “Federal Corporation Information - 308919.” Corporations Canada. Industry Canada, Web. 8 January 2015.

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141 The Army Cadet League of Canada was formed in 1971 to work with the Department of National Defence in support of army cadets and has a branch office in each of the 10 provinces and the Northern region. It is defined as:

142 *(...) a civilian non-profit organization, committed to support the Army Cadets by working in partnership with local communities and the Canadian Forces in the development of policies and methods for achieving the aims and objectives of the Canadian Cadet Movement in general, and the Royal Canadian Army Cadets in particular.*

As a registered charitable organization, the League is supported by donations and a grant from DND. With an operating budget of \$250,000.00, the League employs four full-time staff at the national office. In 2000, League volunteers donated 378,000 hours of service (approximately 3,000 volunteers who work an average of three hours per week for 42 weeks) to the organization.²⁵

143 Today, there are approximately 1,100 cadet corps and squadrons in Canada. Our research indicates that 22 cadet training centres are in operation during the summer. Cadet corps and squadrons conduct activities in locations such as schools, community centres, armouries and churches. The majority of the cadet summer training centres are located on Canadian Forces bases where Cadet Organizations Administration and Training Service (COATS) staff supervise and train cadets for periods up to seven weeks during the summer.

144 **Annex D: The National Defence Act and the Cadet Organizations**

145 In 1974, the *National Defence Act*²⁶ referred to the Cadet organizations in section 43:

146 *43(1) The Minister may authorize the formation of cadet organizations under the control and supervision of the Canadian Forces to consist of boys not less than twelve years of age who have not attained the age of nineteen years.*

147 Currently, the National Defence Act contains a similar provision in s. 46 (1) which has been changed to include the participation of teenage girls:

148 *46. (1) The Minister may authorize the formation of cadet organizations under the control and supervision of the Canadian Forces to consist of persons of not less than twelve years of age who have not attained the age of nineteen years.*

²⁵ "The Army Cadet League of Canada." *Army Cadet History*. Web. 30 January 2015.

²⁶ c. N-4 RSC 1970

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149 The Cadet organizations were created under the authority of the Minister of National Defence however they are not considered as a Canadian Forces component as found in section 46 (2) (3) of the *National Defence Act*.

150 *Training, administration, provision and command*

(2) The Cadet organizations referred to in subsection (1) shall be trained for such periods, administered in such manner and provided with materiel and accommodation under such conditions, and shall be subject to the authority and command of such officers, as the Minister may direct.

(3) The Cadet organizations referred to in subsection (1) are not comprised in the Canadian Forces.

151 **Annex E: “D” Company and Stakeholder Interviews**

152 Over a period of seven months, the Office interviewed 74 individuals and stakeholders either directly or indirectly affected by the events of July 30, 1974. Interviews were conducted by telephone or, when possible, in person.

153 The majority of the cadets who were interviewed as part of this investigation were, in 1974, boys aged 13 to 18, who are now in their fifties. Some have become successful business leaders, academics, tradesmen, or members of the Canadian Armed Forces or Royal Canadian Mounted Police. Others are struggling through life. Two interviewees were retired members of the Canadian Forces Regular Force component who were serving in Valcartier that summer. They were available to describe what their functions were at the time of the incident.

154 In July 2014, investigators visited the Royal Canadian Army Cadet Camp in Valcartier where the incident occurred. During that visit, the investigative team met with a significant number of persons affected by the incident who were in attendance at the annual commemoration ceremony. Of the 74 we interviewed, 47 were present in the room when the explosion occurred, and 11 more were on duty in Valcartier that summer and involved in post-incident intervention.

155 The Office also conducted interviews with current stakeholders from the Canadian Armed Forces, the Army Cadet League of Canada and external agencies:

- 156 • The Director Cadets and Junior Canadian Rangers and staff charged with the administration of the cadet organizations by the Minister of National Defence;
- 157 • The Army Cadet League of Canada, whose purpose is to assist the Director Cadets and Junior Canadian Rangers;
- 158 • A senior officer who was tasked with supporting the Board of Inquiry into this incident;

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- 159 • A chaplain who provided support to victims, staff and families at the time of the incident;
- 160 • The Commandant of the 2014 Valcartier cadet camp;
- 161 • A retired senior Regular Force non-commissioned member from the *12^e Régiment Blindé du Canada*;
- 162 • The authors of the books that were published;
- 163 • A senior staff officer from the Canadian Forces Health Services;
- 164 • Employees of Veterans Affairs Canada;
- 165 • Personnel from the Employee Assistance/Canadian Forces Member Assistance Programs;
- 166 • Provincial authorities responsible for the administration of the *Crime Victim Compensation Act*; and
- 167 • Personnel from the Royal Canadian Legion.