

From Deposit to Donation: The National Archives' Acquisitions Strategy for Papers of Cabinet Ministers

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Four newspaper headlines, in the aftermath of the 1979 and 1980 federal general elections, provide rather interesting contrasts in attitudes to cabinet ministers' papers and archival collecting. On the one hand, two of the headlines read, "BONANZA FOR THE ARCHIVES"¹ and "EX-MINISTERS HAVE A FRIEND AT THE ARCHIVES,"² whereas two others read, "DOCUMENTS FOUND IN DUMP JUST DUPLICATES, CULLEN SAYS"³ and "LIBERALS CREATE PAPER MONSTER."⁴ To some the flood of parliamentarians' papers received by the National Archives of Canada (NA) at federal election times is indeed a bonanza; to others it is akin to the paper monster. My own view is that the truth lies somewhere in the middle, leaning slightly towards the bonanza, although there were times, usually very late at night during that first hectic week of collecting after an election, when the paper monster analogy seemed closer to the truth.

The purpose of this paper is to review the National Archives of Canada's involvement — more specifically the Manuscript Division's involvement — in the acquisition of ministerial records and papers over the past thirty years with particular attention to the deposit or security storage programme as an acquisitions tool. It will trace the deposit programme from its inception in 1957, touch on its strengths and weaknesses, and offer comments on future directions. The paper also briefly reviews changes in federal records management regulations, policies, and several pieces of legislation which have had an effect on collecting ministerial private papers.⁵

For those not familiar with the internal organization of the NA a word of explanation is in order. The Manuscript Division has among its responsibilities the acquisition of federal parliamentarians' papers — personal, political, and constituency papers of cabinet ministers, members of parliament, and senators. These papers may, and very often do, contain the official or quasi-public papers relating to ministers' departmental activities. The Government Archives Division of the National Archives of Canada has responsibility for collecting the historical records of the Government of Canada — the official government records from the various departments and agencies. These departmental records should include all of the ministers' official records relating to their departments but as we shall see there are often gaps. My comments therefore relate mainly to the Manuscript Division where I worked,⁶ although the Government Archives Division enters on a number of occasions.⁷

The Manuscript Division accepts ministerial papers in one of two ways: *by gift* whereby the donor relinquishes ownership of the physical property; *by deposit* whereby the division provides a security storage service to the depositor. In the deposit arrangement, ownership remains with the depositor, the material is not processed, there is usually no researcher access to the papers, and the depositor may expect a limited retrieval service from the division's staff.

The National Archives of Canada has been collecting private political papers for many years. The papers of Sir John A. Macdonald, Canada's first prime minister, were purchased from Lady Macdonald in 1915 and by the mid-1950s the Archives had acquired significant collections of every other post-Confederation Canadian prime minister to 1948, with the exception of R.B. Bennett. A number of cabinet ministers' papers had also been collected by this time.⁸

The Archives underwent many changes during Dr. W. Kaye Lamb's twenty year tenure as Dominion Archivist, 1948-1968. One significant advance was its more active role in the care and control of government records and a major step in this direction was the opening of the first federal records centre in Ottawa in 1956. The dramatic defeat of the government of Louis St. Laurent on 10 June 1957 moved Dr. Lamb to offer the Public Archives' new federal records centre storage facility to St. Laurent and his cabinet colleagues. Concerned about the possible destruction and loss of ministerial papers, Dr. Lamb contacted the Honourable Jack Pickersgill, Minister of Citizenship and Immigration and minister responsible for the Public Archives, just two days after the fall of the government with the following proposal:

The Public Archives will be glad to be of service to any Minister who may be in need of a secure place in which to deposit his personal office files, pending sorting and final disposition.

The new Records Centre at Tunney's Pasture contains locked rooms in which these files can be placed for safekeeping, and the Centre can also furnish sorting space in which papers may be examined at a later date.

The Archives will be glad to furnish storage cartons, specially designed to accommodate [*sic*] loose papers and correspondence, if this will be of assistance. Records can, of course, be accepted in filing cabinets, boxes, or other containers.

I feel that it is of the utmost importance that decisions regarding the disposition of personal papers should not be made hastily. In the past, many useful and valuable files have been destroyed simply because action had to be taken quickly. The facilities for storage and sorting that I am able to offer through the Public Archives make this quite unnecessary.

I shall be glad if you will mention this matter to your colleagues in the Cabinet.⁹

Mr. St. Laurent and a number of his ministers did in fact accept Dr. Lamb's offer and thus began the deposit or security storage programme. It was also offered to party leaders and shortly afterwards both George Drew, who had retired as federal Progressive Conservative party leader in 1956, and M.J. Coldwell, leader of the Cooperative Commonwealth Federation party, who had been defeated in the 1958 election, deposited

their papers at the Archives. In the PAC's 1958 annual report, Dr. Lamb wrote: "The Archives has received on deposit, for safekeeping a number of highly important collections of recent political papers.... It is hoped that ultimately title to these collections may pass to the Archives, and that they will be added to the great wealth of post-Confederation papers now in the keeping of the Manuscript Division."¹⁰

From 1957 to 1968 Canada experienced a swell of federal elections — six in eleven years. During the 1960s the Archives expanded and so too did the number of political papers on deposit. The new Archives headquarters building opened in 1967 and when combined with the records centre created the illusion of unlimited space for years to come. A federal government internal management document in 1967 advertised the PAC's deposit service and advised ministers to utilize it for their dormant private papers.¹¹ Throughout the decade many ministers did in fact deposit their papers. One new dimension was that ministers began depositing material while still in office, some when their cabinet responsibilities changed, others as office space filled up. For some ministers it was the beginning of regular deposits with the Archives. A number of earlier deposits were formally donated to the Archives, but by and large most deposit collections remained in security storage year after year. The material was safe, secure, and unavailable for research, except to those who had written authorization from the depositor. By 1968 no less than twenty-five ministers, prime ministers, and party leaders had deposited sixty-two different accessions with the Manuscript Division.

The Archives' period of expansion continued until the mid-1970s. In this period the Manuscript Division instituted a more regular acquisitions programme which, along with additional resources and the reorganization of the division in 1973 — creating among other things the Prime Ministers and Public Affairs Sections — aided in the acquisition of political papers. It was a period when acquisitions took precedence over worries about storage space, processing, and related concerns. The deposit programme for ministerial papers was a part of this large acquisitions thrust.

The deposit service developed into a more formal acquisitions programme in the 1970s. Until that time it was essentially reactive with contacts being made only after general elections. Indeed, following the 1972 federal election, archivists walked the corridors of the House of Commons and knocked on the doors of defeated cabinet ministers and members of parliament in search of papers. A similar exercise took place after the 1974 election, although by this time some pre-election contacts had been made.

An important element in the growth of the deposit scheme was the strong support offered by the Archives' senior management. The increasing involvement of the government in all aspects of Canadian life, the need to have regional representation in federal collections, and the continued use of political collections for the "new histories" were deemed valid reasons to collect the papers of cabinet ministers. Dr. W.I. Smith, who had succeeded Dr. Lamb as Dominion Archivist, was particularly supportive and his call to collect "total archives," made during the PAC's centennial year in 1972, embraced the deposit programme.

The initial contact with ministers was usually by way of a letter from the Dominion Archivist. The letter outlined the role of the Archives, the terms and conditions of donation and deposit, and provided the names of archivists to contact. Subsequent contacts were usually handled by staff archivists with the ministerial executive assistants or other staff members. The contacts made between elections proved very important in subsequent

years. Archives staff had more time to explain the deposit system and ministerial staff had time to listen and question. A good number of deposits took place between elections particularly when ministers changed portfolios or retired. Because the depositors maintained ownership and controlled access this scheme was certainly attractive. Equally important in promoting deposit was the fact that the House of Commons had limited storage space for ministers and members of parliament alike. The service offered by the Archives was an attractive one indeed.

An important element in the success of the deposit service was the trust and excellent working relationship which developed between Archives staff and ministerial staff. The executive assistants, special assistants, and secretaries usually controlled the ministers' files; thus it was essential to win their confidence. Archivists, for their part, had to demonstrate tact and skill in approaching ministerial offices, provide proper security in storing the material, and exhibit reliable reference skills in retrieving files on short notice when requests came from ministers. That so many ministers accepted the deposit service was in no small measure due to the fine work of those archival staff members who were involved.¹² The security question was important because ministers often deposited contemporary material which included politically sensitive documents. Deposit collections were stored in separate security areas and access was limited to a small number of Archives staff.

Ministerial staff often remained in their positions when ministers changed. This continuity assisted the Archives over time as these staff members became familiar with the deposit service and they could also recommend its benefits to the new ministers. Executive assistants were political appointees who frequently moved with ministers as they changed portfolios. The assistants' familiarity with deposit occasionally sold the idea in a ministry where the previous minister might not have participated. These contacts developed to such an extent that executive assistants often telephoned the Archives when they had material to deposit and these efforts in the inter-election years paid dividends in subsequent post-election forays. It was our hope that all ministerial staff would develop good archival habits or at least have an appreciation for what was potentially valuable in ministerial collections.

Diplomacy was always a necessary ingredient in our contacts with staff in ministers' offices. This was especially so after elections when ministers were not re-elected. Ministerial staff were often devastated by these defeats. I remember vividly walking into a minister's office, archival boxes in hand, to find the secretary of the defeated minister finishing a telephone conversation. In the dimly lit office I felt very much like the undertaker as the secretary quietly exclaimed to her caller, "Ah yes, and now the end. The Archives are here."

The defeat of the Trudeau government in 1979 provided a windfall as over 1250 linear metres of papers, in both the deposit and gift categories, came from cabinet ministers and from a number of members of parliament. It was quite clear that the contacts developed over the previous years were paying dividends since almost every cabinet minister (there were now close to thirty-five) sent material of varying quality and quantity to the Archives. It was also obvious that ministers and their staff valued the deposit service. Certainly the House of Commons could not offer a comparable service. A growing number of members of parliament began requesting the deposit service. This presented certain difficulties as unused stack space was now at a premium and the Archives was not

anxious to collect all members' papers. But good news travels quickly on Parliament Hill. Attempts were made to be selective in the members of parliament's papers accepted but this was, and still is, a difficulty.

The new Conservative government of Joe Clark survived only nine months and the winter election of 1980 saw the Archives back on Parliament Hill in full force. In the wake of the government's defeat, many of the Conservative ministers deposited material and valuable contacts were made with others. Once again the Archives' effort was helped by those ministerial aides and public servants, responsible for clearing out these papers, who had remained from the previous government and who were very familiar with the services offered by the Archives.

The June 1984 Liberal leadership convention, which saw John Turner replace Pierre Trudeau as party leader and Prime Minister, the sweeping cabinet changes which followed, and the September 1984 general election together provided for the largest acquisitions exercise to date as over 1700 linear metres came in, mainly as deposits but also a number as outright donations. Once again nearly every minister contributed papers and because of the large turnover of veteran members of parliament a large number deposited or donated their papers.

Over the years a number of depositors have donated their papers to the Archives and these have been arranged, described, and have had access provisions worked out. Many other collections, particularly those from the 1970s and 1980s, remain on deposit. As of April 1986 there were 153 political collections amounting to over 6180 metres on deposit in the Manuscript Division.

Despite its obvious successes, there are some questions to be asked about the deposit service. Is the deposit service worth the staff time, storage space, and dollars it absorbs? Does the Archives have little more than excessive duplication of the same types of material? Is much of the information available elsewhere? Should the Archives instead be collecting papers in less documented areas?

Papers and records of cabinet ministers — personal, political, constituency, and departmental — are valuable archival sources which should be scrutinized by the Archives for possible long-term preservation. The research potential of these collections goes well beyond strictly political topics and these sources are increasingly being consulted for social, economic, regional, and labour studies as well as for more traditional areas. Ministerial papers relating to privy council duties often provide valuable insights into the cabinet process — the give and take, the consensus process that is so much a part of our system. The papers of ministers may also provide valuable information on departmental activities. This information should be documented in the department's own files but it will come as no surprise to many that ministers' private papers often, indeed almost always, contain departmental or quasi-governmental material. Therefore these documents must be kept long enough to scrutinize them for personal, political, and constituency — as well as departmental and official — material of lasting archival value.

If the papers of ministers are worth retaining, the question still remains as to who is the proper authority to acquire them. Are parts of these collections more properly public records which should be scheduled as part of departments' own records? Should these records, at least in part, be accessible under the Access to Information legislation? How is it that two parts of the Archives appear to be competing for virtually the same material?

Indeed, is the Archives the proper repository for the private papers of all federal ministers? Should the papers of ministers with strong regional connections or who spent significant portions of their careers elsewhere than in the federal sphere go elsewhere?

Conserving large contemporary collections is a costly business. The major expenses are in storage space in archival facilities and in staff time required to arrange, describe, and make available the material. Indiscriminate collecting, without regard for these costs, is unacceptable. Indeed, it can be argued that providing researchers with too much material, without proper archival selection, can be as harmful as not providing enough material. The wheat can get lost in the chaff.

Large political holdings do provide a certain profile for archives and the resulting publicity can be beneficial. But impressive size and profile should not be allowed to obscure questions of the value of the material. The success of the deposit programme in collecting political papers might be viewed by some as contributing to what Gerald Ham has described as the "structural bias in the national record" with "too much documentation on certain aspects of ... life and culture and almost nothing on others."¹³ Is this a valid criticism in this instance?

Ministerial papers are too often seen as useful for political studies in the traditional sense. It is my experience that these papers serve many research purposes. Consider an example. One area of research interest over the past several decades has been the study of regionalism in Canada. Cabinet ministers are selected for a variety of reasons, not the least of which is the geographical area they represent. Government programmes and indeed some government departments have one or more regions as their focus. Papers of ministers are a primary source for documenting regionalism. The changing complexion of federal-provincial relations must be documented and again ministerial source material is important in this process.

Checking bibliographic sources in many recent studies will attest to the use and importance of ministers' collections. Professor Margaret Conrad's first-rate biography of the Honourable George Nowlan would not have been possible without the cabinet ministers' material at her disposal. Professor Jack Granatstein's recent volume on Canada's tenth decade for the Canadian Centenary Series would have suffered without the extensive use of ministerial files.¹⁴ These works are not only "political" studies. Certainly Ham's point about the "structural bias" in archival collecting is something every archives must consider in assessing its collecting practices against its acquisitions mandate. The diverse uses of contemporary cabinet ministers papers suggest to me that they are widely utilized by researchers, and that political studies do not overwhelm other areas of study, nor would I agree that these collections have been treated as an overriding priority in collections development in archives.

Given the nature of cabinet ministers papers it is my feeling that the National Archives of Canada is the most logical facility for them. The proximity it gives them to the corresponding government records, and to the prime ministers' and cabinet colleagues' papers, makes it logical to house such papers at the NA. The situation where a politician has had both significant federal and provincial careers can be problematic; however, microfilming is an alternative which usually satisfies the wishes of two competing archives.

At least three significant collections have gone elsewhere. The Right Honourable John G. Diefenbaker Papers were donated to the University of Saskatchewan in

Saskatoon and are now housed in the Diefenbaker Centre as part of the museum/archives complex, styled on the American presidential library system. A microfilm copy of the papers remains at the NA. The Honourable Erik Nielsen Papers are in the Yukon Archives because Mr. Nielsen made the decision to donate them to that institution some years ago. The bulk of the Honourable George Nowlan Papers are at Acadia University, donated by Mr. Nowlan's family after his death in 1965.

Access to cabinet ministers papers creates particular problems within the National Archives of Canada, but I believe these problems are compounded when the material is housed in repositories other than the NA. The Access Unit, Government Archives Division, NA has developed procedures and an expertise for determining access to government records. Because ministers' papers inevitably include government records in original or copy form the Access Unit's expertise should be utilized. Access to federal records in a minister's private papers should not be treated any differently than access to identical material in the department's own records, although in practice there are logistical problems of locating and identifying them as "government records." This is much more difficult to do when the material is not at the NA. Decisions on selection of cabinet ministers papers, which must in part be based on what is in departmental records, are easier if the two types of material are in the same repository. Because this archival material is under federal jurisdiction, it is basically a federal responsibility to conserve it. The question of long-term commitment of repositories outside the NA to conserve ministerial collections must be addressed particularly in light of the funding difficulties which have been part of the Diefenbaker Centre. Institutions taking these collections must recognize the continuing responsibility.

The deposit system was established and has flourished because it responds to a sizeable gap in documenting the national collective memory. This gap developed because the federal government's records management programme, as it was implemented from the 1950s onwards, was not successful in collecting the valuable documents created in ministerial offices. One should not be surprised by this turn of events as Canadian Ministers of the Crown were simply following time-honoured tradition. Their British predecessors, as Hugh Taylor has recently written, "conducted their affairs in a highly personal way and many of their papers returned to their private estates"¹⁵ after their public responsibilities had ended. This practice continued throughout the years, few questioning the right of ministers to ownership. Terry Eastwood's article in *Archivaria* 4 focused on the disposition of ministerial papers and records in Canada. He summed up the dilemma with respect to ownership and access as follows:

One aspect is immediately clear: the proper disposition of ministerial papers is a question not ultimately susceptible to precise constitutional resolution any more than is the wide matter of access to all forms of government information. The constitutional principles at issue are largely unwritten and therefore subject to frequent refinement and interpretation in a field where there is, as one constitutional authority has stated, 'a potential conflict between theories not quite rejected and practices not quite received' or, as might be applied to the question of ministerial papers, between practices not quite rejected and theories not quite received.¹⁶

Deposit became more important as federal departments and ministerial responsibilities grew in the 1960s and 1970s. One development was the establishment of separate

ministerial filing systems apart from the departmental central records office. As a result, there were more records and private papers created, more valuable material to be conserved and, by the same token, more marginal material which had to be dealt with. There was no uniform treatment of ministerial correspondence within the federal government and, as was to be expected, this led to certain problems in defining what was a minister's personal or political document and what was the property of the department. By and large our contacts regarding the deposit system were with ministerial staff rather than central registry staff, although there were times when the latter transferred what was considered material controlled by ministers to the Archives for deposit. Other material was deemed to be public records and followed the proper records management route to the Archives. This underscored the problem created by a lack of policy, regulations, and legislation and proved to be difficult for all concerned with the proper management of ministerial private papers and records.

Without a constitutional or legislative base and because the federal records management system did not adequately accommodate the acquisition of ministerial records the deposit system became an alternative arrangement which safeguarded some public records as well as ministers' private and personal papers. That there was a serious flaw in the records management programme with respect to ministerial records was clearly confirmed in a comprehensive report by Bryan Corbett and Eldon Frost for the PAC's Public Records Division in 1979.¹⁷ This study showed that the division had "some ministers' office records for certain years for only four of the eleven departments" surveyed and even in these four the records were not extensive. One of their recommendations was to expand the categories of records under records management control to include, among others, the records of ministerial offices.¹⁸

The Corbett/Frost study certainly convinced those of us in the Manuscript Division that the deposit service had to be continued. Senior management was very supportive and colleagues responsible for government records had to admit that the deposit programme, while not perfect, was retaining valuable records, in addition to personal papers, which the records management programme could not capture at that time.

Some might argue that the deposit system is an unjustified perk for ministers and members of parliament who receive free and secure storage for their papers without any immediate, concrete commitment on their part. Others might question whether the Archives has made a strong enough effort to encourage donation at the time of deposit.

Terry Eastwood has raised a number of concerns about the deposit or security storage arrangement. His central point relating to ownership of and access to ministerial records was that deposit "obscures the essential issues and comes dangerously near to compromising the principles of a public archives' mandate," as the PAC was doing little to challenge the right of ministers to ownership of these records while offering free security storage.¹⁹ Eastwood's message was an important one: solutions had to be found to regulate the acquisition of these essential records. He also recognized that archivists have a vital role to play in the process, although little could be accomplished by them until the government was prepared to act.²⁰ We are now closer to a rational solution. It has taken time, yet it seems to me the deposit system has helped rather than hindered a final solution.

The deposit system has allowed the Archives to acquire physical possession of many papers of ministers at critical times — defeat at the polls, change of portfolio, and retirement. Deposit benefited both the Archives and the depositor. For the depositor one

considerable problem was removed if the files, photographs, tapes, and other archival material were immediately turned over to the Archives. It was far better for the Archives to convince the ministers of a need for an immediate deposit than to arrange for the return of the papers from constituencies across the country. Striking while the iron is hot has benefited the Archives. The Archives did not exert pressure for immediate donation. However, ministers were told that ultimately donation to the PAC was expected. It was hoped that with the depositor maintaining ownership and control over access, sensitive material would be left in the collection. The Archives went to considerable lengths to ensure security for deposited material and this became one of the important (and necessary) selling features of the service. In so doing the PAC hoped that depositors would view the programme as a practical alternative to the shredder.²¹

Clearly the deposit system concentrates on acquisition. Formal donation is often years away, due in part to the lack of resources to arrange the material. Access would normally be restricted for a period in any event, thus the need for immediate processing is usually not critical. There have been remarkably few problems with the deposit service and while this paper concentrates on deposit, it must be emphasized that staff time devoted to it was considerably less than one person per year for the acquisition, control, and retrieval functions. Election years were of course busier for a month or so.²²

I am convinced the deposit programme has saved a considerable amount of valuable material. It has provided a useful service to those who decide the NA's budget and it has ensured the survival of some ministerial records currently outside the records management system. The NA has also gained a higher and very positive profile on Parliament Hill through the programme. It should be emphasized that the controversies surrounding access to portions of the Lloyd Francis papers in 1985 and the Erik Nielsen Papers in 1986 held by the Archives in no way involved material received on deposit in the Manuscript Division.²³

What are some of the drawbacks to deposit? First of all it is voluntary. If ministers wish to keep or destroy material they may. Without legislative authority, records clerks and records managers, let alone archivists, have had until recently little to rely on except persuasion. Ministers usually get what they want in their records offices. I am not so naive as to believe that valuable material — public and private — has not been destroyed. While we were pleased with our successes we also thought about those collections which got away; not all ministers deposited their papers and others gave us only a selection.

Deposit collections vary in quality and quantity; they are not all archival jewels. The Archives ends up storing more than it should. Hansard, other printed matter, and archival material of dubious value sometimes got transferred even though these should have been culled before deposit. It also happens that ministers' papers duplicate in part the departmental record. But in the rush of the eight days after an election — the time given to ministers to clean out their offices — there is little opportunity to be selective. If this material were properly scheduled a considerable amount could be left behind. As things stand, much archival time is spent on what should be pre-archival selection.

Deposit collections are not listed in the inventories available in the reference room of the Manuscript Division. Researchers know of the existence of deposit material only through contact with the appropriate archivists in the division or through published accession lists. Undoubtedly this has caused problems for researchers. The papers of ministers are not the Archives property and since few depositors give access to their

material there is little likelihood of researchers actually using the material. This argument is less valid now as many deposit collections are over ten years old and thus there is more probability of access. A complication for researchers using deposit collections is that archivists have not yet processed them. When archivists do process them, volume numbers will undoubtedly change and indeed after selection, material once cited by researchers may be rejected for permanent retention.

The problems of appraisal and selection require much attention. There has been a tremendous growth in the acquisition of political papers over the past twenty years. Should all ministers be approached? I believe so but this is not to suggest that everything must be kept. Stringent selection criteria must be developed. Comprehensive ministerial collections should also allow the Archives to be more selective in retaining members' papers. The Archives cannot, and should not, collect the papers of every member of parliament. There is clearly much duplication in their papers and archivists must seriously consider what has to be kept over the long-term. Easy access to copying machines and the significant increase in the amount of extraneous material received by all politicians have complicated the archivist's work. Clearly not everything is of equal value and archivists must be prepared to tackle the thorny question of appraisal. Acquisitions strategies such as the deposit programme were developed to address deficiencies in the NA's holdings. Now it must refine its collecting through better selection criteria. Nor can acquisitions be divorced from conservation concerns or administrative problems of storage and retrieval. Collecting archival material brings with it a responsibility to conserve it and, given the scarcity of resources for conservation, the NA must be concerned about the long-term life of the political papers it acquires. Storage and retrieval entail considerable expense and must be considered as part of the overall costs of collecting these records and papers.

Gerald Ham counsels archivists on the "need to identify and evaluate alternative courses of action" in order to manage archives effectively in this age of abundance.²⁴ Have there been any changes with respect to the acquisition of, access to, and accountability for ministerial personal papers and public records or has the Archives proceeded as if there has not been a scarcity of resources and a continuing need to evaluate projects?

Over the last few years there has been considerable progress in the management of ministerial records and papers. The NA's Records Management Branch published a booklet on ministers' office filing systems in the mid-1970s and, although it needs revision, it has helped ministers' office staff, departmental records managers, and archivists alike make the distinction between personal, political, and constituency material on the one hand and departmental material on the other.²⁵

A second and more important initiative has been the inclusion of a new chapter on records management in Treasury Board's Administrative Policy Manual in March 1983.²⁶ The salient point in the policy is Section 10.1 of Chapter 460 which addresses the issue which is fundamental to the management of all ministerial information. This section distinguishes between the "personal" and "institutional" records found in a minister's office. Personal papers are defined as those dealing with political and constituency issues and the minister may dispose of those at will. The policy statement makes specific mention of the Archives' deposit service for ministers who wish to use it. The institutional records are defined as those "pertaining to the operations or administration of the government institution concerned." The following point was specifically underlined for

emphasis: “*Each government institution should transfer the institutional records of the office(s) of its minister(s) to the Public Archives in accordance with schedules approved by the Dominion Archivist.*”²⁷

Records managers were therefore instructed to separate personal from the institutional records: the former could go to the Archives after negotiation between the minister and the Archives; the institutional records would be scheduled like other departmental records, thereby becoming part of the Federal Archives Division. This physical separation had not been made in many ministerial offices to that time. As good as this was, and it was real progress, there were several weaknesses in Section 10.1 of Chapter 460. It was only a guideline and in the last quoted passage, the operative word used is *should* and not *must*, thus limiting its authority. However, my NA colleagues involved in drafting this section deserve credit for its inclusion in Chapter 460. For those archivists involved in the deposit service, this policy statement was important because it provided something concrete to give to ministerial staff as direction. It was no less helpful for the staff of the Federal Archives Division and the Records Management Branch who provided records management advice to government departments.

Another positive step was the closer cooperation between the Government Archives and Manuscript Divisions. It had been obvious that solutions were needed to the problems raised by ministerial records and private papers. Access to Information and Privacy legislation, operative in 1983, only increased the need for better management of ministerial records.²⁸ Together staff of both divisions reviewed a number of ministers’ papers to determine whether they were private or institutional and thus whether they would go to Manuscript Division or Government Archives Division. There was consultation between the divisions prior to sending letters to all ministers advising them of the contents of Chapter 460. The two divisions cooperated with the Records Management Branch in an information circular to all departmental records managers reminding them of their responsibility to “bring under control, schedule and transfer to the Public Archives the institutional records of ministers’ offices.”²⁹ After the 1984 election the divisions collaborated on a letter to the new Conservative ministers, again on the subject of splitting personal papers and institutional records. This should prove to be very important because changes in filing systems are undoubtedly easier when a government and ministers change rather than partway through a government’s mandate. Time will tell.

In the spring of 1984 a short article on PAC services available to parliamentarians was prepared for publication in the *Canadian Parliamentary Review*.³⁰ Its purpose was to familiarize parliamentarians and their staff with the Archives, to demonstrate the value of their papers and to outline the archivist’s role in identifying material of lasting research value. The article was timely as it appeared several months before the federal election. In late 1984 and in 1985 there were several other initiatives along these lines.³¹

The most recent development has been the new National Archives of Canada Act, proclaimed on 11 June 1987. Among many significant changes from the old Public Archives Act of 1912, the new legislation introduces a third category of material — ministerial records — in addition to private papers and government records in the ministers’ offices. The ministerial record is defined as “a record of a member of the Queen’s Privy Council for Canada who holds the office of a Minister and that pertains to that office, other than a record that is of a personal or political nature or that is under the control of a government institution.”³²

The National Archivist is given authority for ministerial records. The Act states that no ministerial record, like a government record, "shall be destroyed or disposed of without the consent of the Archivist."³³ Ministerial records of "historic or archival importance shall be transferred to the care and control of the Archivist" through agreements between the Archivist and Minister.³⁴ The wording is clear: there is no discretion on disposition because the Archivist's authority is spelt out. Ministerial records are not subject to the Access to Information and Privacy Acts which regulate access to government records. Access will be negotiated between the Archivist and the Minister.

In essence the new Act aims to safeguard not only the government records in a minister's office but also a small yet important part of the minister's vast collection of archival records, the ministerial record. At the same time the minister has a measure of control over access. The Act affirms the definition of a government record and recognizes the distinction between it and the personal and political papers in ministerial files. But definitions, however clear, and legislation, however contemporary, do not guarantee success. Records staff, the departmental records office personnel, and the ministerial records staff will have to distinguish between three types of material: government record, ministerial record, and personal and political papers. It will not be an easy task. Archives staff will have to assist in setting up more efficient records schedules to make the legislation work. Archivists in both the Government Archives and Manuscript Divisions must work closely to ensure that records and papers find their proper resting place within the Archives. Access to ministerial records will also prove problematic and will require careful handling and consultation. However, in the end the archival record should be more complete.

All these measures should assist in making a clearer distinction between classes of private, departmental, and ministerial records in a minister's office. It is unrealistic to expect that these changes will occur overnight. However, significant improvement should occur over the next few years. Archivists must monitor the situation carefully to ensure that the ambiguities in records keeping of the past do not continue. Deposit should continue to be a useful acquisitions tool for personal papers and archivists responsible for it must work closely with their counterparts responsible for government records. The development of automated systems in the House of Commons and ministerial offices deserves the close attention of archivists. There is a need for more records management advice for ministers, members of parliament, and the House of Commons. There will be economies for both the Commons and the Archives in this area. Thought should be given to establishing records management and even archival positions on Parliament Hill to assist in these matters. Certainly every effort should be made to continue the good liaison which has been established between the House of Commons and the Archives over the past number of years. Clearly more attention must be given to selection, before and after transfer to the Archives.

One can only speculate as to what might have happened had Dr. Lamb not initiated the deposit service for ministerial papers in 1957. Without a comprehensive records management programme, without the help of regulations, policies, and legislation, and without the means to select material before its transfer to the Archives, the deposit programme has provided a real service to the NA. The archival record is richer for it. It is certainly no panacea, for valuable material has undoubtedly gotten away, more material than necessary has been kept on deposit, and there will likely be some tricky access questions in the future. On the whole, however, deposit has ensured that material of

considerable value — private and operational — has been saved. It was in part a stopgap measure used until the records management process caught up. For private papers of ministers its usefulness will continue. The deposit service has clearly demonstrated that archivists can indeed care for yesterday's sensitive, valuable papers and records. I cannot help but believe that ministers may have been persuaded to give the Archives more authority for ministerial records in the new Archives Act in part because of the Archives' success in handling this material over the past thirty years.

Other repositories contemplating a deposit service should only do so after considerable thought. A number of questions must be considered. To whom is the service to be offered? What type and level of service will be provided? What commitments must be made in terms of staff time, storage space, and retrieval time and eventually selection, arrangement, and description? Can the material be acquired through conventional donor agreements? Can mandatory donation be built into any deposit agreement? Once an institution is satisfied it has the answers to these questions a decision can be made. Simply stated, the deposit arrangement is no substitute for a clear and concise acquisitions policy, backed by proper regulation or legislation which all archives should possess. It does, however, have a place in archives if properly considered and properly managed.

Notes

- * An earlier version of this paper was presented at the annual conference of the Association of Canadian Archivists, in Winnipeg, Manitoba, 4 June 1986.
- 1 *Globe and Mail*, 3 March 1980.
- 2 *Ibid.*, 7 June 1979.
- 3 *Ibid.*, 29 May 1979.
- 4 *Ottawa Citizen*, 28 October 1980.
- 5 There has been little written on ministerial papers and records in Canada. Any review of the ownership and access questions should begin with Terry Eastwood, "The Disposition of Ministerial Papers," *Archivaria* 4 (Summer 1977), pp. 3-19.
- 6 My first involvement with ministerial papers was as a staff archivist in the PAC's Manuscript Division, 1968-1973. I was Chief, Prime Ministers Archives in the division, 1973-1978 and had responsibility for prime ministerial papers. I served as Chief, Public Affairs Archives, Manuscript Division from 1978 until I left the PAC in 1985 to assume my present position. The Public Affairs Archives had responsibility for, inter alia, the papers of ministers, senators, and members of parliament. General elections were particularly busy and hectic times for staff involved in acquiring political papers. There were federal general elections in 1968, 1972, 1974, 1979, 1980, and 1984.
- 7 The Government Archives Division was formerly the Federal Archives Division and before that the Public Records Division. In June 1987 under the provisions of the new National Archives of Canada Act, the name of the institution changed from Public Archives of Canada to National Archives of Canada. Usage in this article of National Archives and Public Archives and related terms, (for example, National Archivist and Dominion Archivist) is consistent with the specific time period being discussed.

It should be pointed out that the term *papers* is used to denote personal, political, and constituency material; the term *records* is used to denote government and ministerial records relating to the departmental and privy council responsibilities of a cabinet minister. Any archivist who has worked on political collections will know that these two types of material often overlap in such collections. The focus of this paper is on cabinet ministers' papers. The acquisition of the papers of members of parliament and senators is a subject for a separate paper and will be mentioned only briefly here.

- 8 See National Archives of Canada, Manuscript Division, Inventories for Manuscript Group 26 (Prime Ministers Papers) and MG 27 (Political Papers, 1867-1948). After Macdonald other prime ministers' papers came to the Archives as follows: Mackenzie Bowell in 1921; Alexander Mackenzie in 1924; Wilfrid Laurier in 1925; Charles Tupper in 1926; John Thompson in 1949; W.L.M. King in 1950; J.C.C. Abbott in 1950; Arthur Meighen in 1951; Robert Borden in 1951 and 1952. The R.B. Bennett Papers are housed at the University of New Brunswick although the NA did arrange, index, and microfilm the collection.

- 9 NA, Manuscript Division, Dr. W. Kaye Lamb Papers, MG 31, D8, Dr. Lamb to Hon. J.W. Pickersgill, 12 June 1957. This is not to suggest that papers had never come to the NA under this type of arrangement. But in terms of political papers, this document is the formal beginning of what became the deposit system. The W.L. Mackenzie King Papers did not become the actual property of the Archives until 1975. For a full explanation of this interesting collection readers should consult Jean Dryden's excellent article, "The Mackenzie King Papers: An Archival Odyssey," *Archivaria* 6 (Summer 1978), pp. 40-69.
- 10 PAC, *Report of the Public Archives for the Years 1955-1958* (Ottawa, 1959), p. 21. Subsequent annual reports provide information on the extent of collections deposited and donated.
- 11 Canada, Treasury Board, Management Improvement Branch, "Information Bulletin," 1967(4), 13 December 1967.
- 12 I am grateful to the staff of the Manuscript Division who were responsible for acquiring deposit collections. Their diplomacy and proficiency in acquiring this material, often in delicate circumstances particularly at election times, were certainly appreciated by ministers and ministerial staff.
- 13 F. Gerald Ham, "Archival Choice: Managing the Historical Record in an Age of Abundance," in Nancy Peace, ed., *Managing the Archival Record in an Age of Abundance* (Lexington, 1984), p. 134.
- 14 Margaret Conrad, *George Nowlan: Maritime Conservative in National Politics* (Toronto, 1986); J.L. Granatstein, *Canada 1957-1967: The Years of Uncertainty and Innovation* (Toronto, 1986).
- 15 Hugh A. Taylor, "Information Ecology and the Archives of the 1980s," *Archivaria* 18 (Summer 1984), p. 28.
- 16 Eastwood, "Disposition of Ministerial Papers," p. 7. The in-passage quote is from Geoffrey Marshall and Graeme C. Moodie, *Some Problems of the Constitution* (London, 1971), p. 110.
- 17 Bryan Corbett and Eldon Frost, "The Acquisition of Federal Government Records: A Report on Records Management and Archival Practices," *Archivaria* 17 (Winter 1983-84), p. 205.
- 18 *Ibid.*, p. 222.
- 19 Eastwood, "Disposition of Ministerial Papers," p. 14.
- 20 *Ibid.*, p. 10.
- 21 While we were in the midst of the 1979 post-election sweep of Parliament Hill and ministerial offices, the *Ottawa Citizen* reported that files from the office of the Hon. Bud Cullen, one of the defeated cabinet ministers, were discovered in a nearby dump. Mr. Cullen claimed that his staff had inadvertently thrown out the files. He also stated the material was personal and duplicate copies (*Ottawa Citizen*, 19 May 1979). The publicity probably did assist our collecting for, otherwise, ministers might have been more likely to throw out material indiscriminately.
- 22 Access to material on deposit is controlled by the depositor. On one occasion I had a run-in with a departmental records manager who wanted access to a former minister's papers. I insisted that the records manager get the consent of the depositor. The records manager strongly stated that he was seeking access to something that was clearly a departmental matter. I rebutted by stating that as the minister believed these to be his private papers his permission was required. Not wanting to go through this procedure, the records manager shouted that the PAC would never get another minister's file on deposit nor another file via the records schedule process from his department. I am happy to say that both of these predictions proved false.
- 23 A word of explanation is in order respecting the publicity surrounding the release of information from the Lloyd Francis and the Erik Nielsen tapes. In the summer of 1985 reporters released information from taped interviews of Mr. Francis, prepared for the Archives some years earlier. This set off a dispute over access provisions between Mr. Francis, the interviewer who was under contract to the Archives, and the Archives. The misunderstanding arose because of the sensitive nature of Mr. Francis' comments about activities on Parliament Hill while he was Speaker of the House of Commons. These tapes were in no way part of the papers Mr. Francis had deposited in the Manuscript Division under the deposit programme. In 1986 a similar mishap occurred with taped interviews of Erik Nielsen, longtime Conservative Member of Parliament and Deputy Prime Minister. Again it should be emphasized that this did not involve material deposited by Mr. Nielsen under the Manuscript Division's deposit programme. It was not a factor in Mr. Nielsen's decision to donate his papers to the Yukon Archives for he had done so some years earlier. Nonetheless both incidents underscored the need for accurate information on terms of deposit, donation, and access. While the Manuscript Division was not responsible for either case, after the Francis affair a number of depositors called the Manuscript Division to confirm access provisions to their deposits. Those outside the Archives could not be expected to make the differentiation between divisional responsibilities. The adverse publicity did not result in any withdrawal of deposit material.
- 24 Ham, "Archival Choices," p. 145.
- 25 Public Archives of Canada, Records Management Series, *Records Management Guide for Ministers' Offices* (Ottawa, 1977).

- 26 Canada, Treasury Board, Administrative Policy Manual, Chapter 460, Records Management Circular No. 1983-09, to Deputy Heads of Departments and Heads of Agencies, 22 March 1983.
- 27 The full text of Chapter 460, Section 10.1 is as follows:

10.1 Ministers' offices

The Records of ministers' offices are two kinds: personal and institutional.

Personal records are those reflecting political and constituency issues and are considered as a minister's "private papers". When a minister leaves the portfolio or the Cabinet, the Public Archives seeks the minister's agreement to deposit these "private papers" with the Public Archives as part of the historical heritage of the country. Institutional records of a minister's office are records pertaining to the operations or administration of the government institution concerned.

Each government institution should transfer the institutional records of the office(s) of its minister(s) to the Public Archives in accordance with schedules approved by the Dominion Archivist.

This guideline requires that:

- a set of the minister's institutional records be included in the subject file classification system of the minister's office;
- in this system the institutional records be segregated from the minister's personal records;
- the institutional records be transferred to the Public Archives as indicated in the schedules; and a copy of the minister's institutional records be incorporated under the appropriate subjects in the subject file classification system of the government institution concerned to maintain the completeness of that system.

Suggested procedures and practices respecting the management of institutional and personal records of ministers' offices are contained in the Public Archives handbook *Records Management Guide for Ministers' Offices*.

- 28 Prior to ATIP legislation, access to public records was generally granted on the basis of a thirty-year rule. With the passage of the new legislation, public records were considered open unless they fell into one of the exempted categories. An Access Unit has been established in the Government Archives Division to make access decisions on government records within its custody. Access to ministers' private papers in the Manuscript Division prior to ATIP also generally followed the thirty-year rule. However access after ATIP is more problematic because the legislation does not apply to "material placed in the Public Archives ... by or on behalf of persons or organizations other than government institutions." (Access to Information Act, Section 68c; Privacy Act, Section 69b). Thus the Manuscript Division staff works out access provisions in consultation with the donor, using the spirit of the legislation.

Both the ATIP legislation and the new National Archives of Canada Act clearly spell out the definition of a government record and this helps tremendously in making the distinction between a government record and private papers.

- 29 Public Archives of Canada, Records Management Information Circular, RMB 84-5, 29 June 1984.
- 30 Carman V. Carroll, "Parliamentarians and the Public Archives," *Canadian Parliamentary Review*, 7(2) (Summer 1984). The article provides basic information on the types of documentation useful to the Archives.
- 31 These included an article in the NA's *Records Management Bulletin* 26 (October-November 1984). This was aimed at federal records managers who would be in the process of setting up filing systems for the newly elected Conservative ministers. Efforts were also made to contact ministers' offices to determine the compliance with Chapter 460, Section 10.1.
- 32 Canada, National Archives of Canada Act, 1987, Section 2.
- 33 *Ibid.*, Section 5(1).
- 34 *Ibid.*, Section 6(1).