

# Two Perspectives on the Same Source: An Examination of Federal Deportation Case Files \*

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**RÉSUMÉ** Cet article examine l'évaluation et l'utilisation des dossiers individuels de déportation, du point de vue de l'archiviste aussi bien que de l'historien. L'auteure expose les grandes lignes de ses deux expériences, comme archiviste à la Bibliothèque et Archives Canada et plus tard comme étudiante de doctorat en histoire, afin de montrer comment sa perception de la source a changé énormément en passant d'un rôle à l'autre. En plus de décrire le travail de ré-évaluation de ces dossiers qu'elle a fait aux BAC, de même que la recherche entreprise au cours de son doctorat, l'auteure suggère quelques solutions pour résoudre les problèmes posés par les priorités et les besoins différents des archivistes et des chercheurs, sans pour autant menacer l'indépendance requise par les archivistes pour mener à bien leur travail d'évaluation et de ré-évaluation.

**ABSTRACT** This article investigates the appraisal and use of deportation case files from the perspective of an archivist as well as an historian. The author outlines her experiences in both capacities – as an archivist with the Library and Archives Canada and later on as a Ph.D. student in history – in order to demonstrate how her perception of this source changed dramatically after she switched from one role to the other. In addition to outlining the re-appraisal work she undertook with these records at the LAC

\* This article is derived from a paper presented at the ACA conference, which was held in Toronto in June 2003. I would like to thank Dianne Dodd, who was responsible for undertaking the re-appraisal project and whose work directly contributed to this piece. I would also like to express my gratitude to LAC archivists Kerry Badgley and Laura Madokoro, who put aside a great deal of their time to assist me with my work, applying a selection criteria that I devised to extract from the series those case files documenting certain categories of women. Access officers Kim Foreman, Rob Plante, and Sonya Oko, in turn, reviewed the case files that were selected by the archivists. I would also like to extend my appreciation to two of my former supervisors, Terry Cook and Gabrielle Blais, who were always supportive of my work and interest in pursuing this topic as part of my Ph.D. A grant from the Social Sciences and Humanities Research Council of Canada made it possible for me to take time away from work to complete the research portion of my project. The comments offered by the anonymous reviewers for *Archivaria* were also greatly appreciated, and certainly contributed to the quality of this piece. Finally, I am also eternally indebted to my husband and son, Jack and Cory, since their support and patience has made it possible for me to work full-time and pursue my Ph.D. and publications during my spare time.

as well as the research involved in her dissertation, the article suggests some possible solutions as to how the different priorities and needs associated with these two groups might be resolved in the future, without threatening the independence required by archivists when undertaking appraisal and re-appraisal initiatives.

During the past twenty-five years, historians and archivists have written scores of articles relating to case files. Historians have emphasized the value of case files and illustrated how they can be used to reveal the hidden lives of “ordinary citizens.” Archivists, in turn, have focussed on how to tame this voluminous source through acquisition strategies, as well as appraisal techniques such as sampling and selection.<sup>1</sup> In addition, both groups acknowledge and emphasize the sensitive nature of this source. This article examines this relationship, through my experience as an archivist at the Library and Archives Canada (LAC), and later on as a Ph.D. student in history at the University of Ottawa. Relying on the federal deportation or HQ (Headquarter) case files created by the Immigration Program, I will attempt to show how I dealt with the appraisal or re-appraisal issues as both an archivist and then later on as an historian. My experience wearing two hats, I will argue, clearly revealed the different priorities that these two professions possess in regards to this source as well as the inherently risky nature of archival selection. Finally, this study will attempt to offer some insights as to how we might secure a better record from the perspective of both groups, without compromising the character, quality, or volume of records that are being retained.

My exposure to case files began while working as an archivist with the Government Archives Division (GAD) at the Library and Archives Canada (LAC). Throughout my decade-long tenure at LAC, I was responsible for managing a portfolio that included the records of Employment and Immigration Canada. This department produced at least fifty to sixty series of case files through its three major programs: employment, unemployment insurance, and immigration. As a result, I had the opportunity to develop an expertise in the area of case files. Following the completion of two major case file schedules that were written by my predecessors, Bennett McCardle and Rod Young in 1988 and 1991 respectively, the LAC was deluged with huge trans-

1 Examples of some of the more influential articles include: Terry Cook, “Many are Called but Few are Chosen: Appraisal Guidelines for Sampling and Selecting Case Files,” *Archivaria* 32 (Summer 1991), pp. 25–50; James Gregory Bradsher, “The FBI Records Appraisal,” *The Midwestern Archivist* 31, no. 2 (1988), pp. 51–66; Susan Steinwall, “Appraisal and the FBI Case: For Whom Do Archivists Retain Records?,” *American Archivist* 49, no. 1 (Winter 1986), pp. 52–63; Frank Boles, “Sampling in Archives,” *The American Archivist* 44, no. 2 (Spring 1981), pp. 125–30; Joy Parr, “Case File Records as Sources for Social History,” *Archivaria* 4 (Summer 1977), pp. 122–36; Greg Kealey, “Filing and Defiling: The Organization of the State Security Archives in the Interwar Years,” in Franca Iacovetta and Wendy Mitchinson, eds., *On the Case: Explorations in Social History* (Toronto, 1998), pp. 88–105.

fers of case files.<sup>2</sup> This situation – coupled with the influence of working for a mentor like Terry Cook – made it apparent that the solution to this problem was to rely on macro-appraisal, as well as on sampling and selection techniques, in order to whittle down the onslaught of case files that we were receiving into more manageable groups of series. After employing these techniques to 525 metres of case files created by several employment programs that were carried out from across the country, I was able to publish my findings in *Archivaria* in an article entitled “Case File Theory: Does it Work in Practice?”<sup>3</sup> Hence, by this time, I became a true convert to the practice of archival triage.

Soon after, I oversaw a project involving the selection of 167 metres of HQ case files, which were created by the Admissions Division of the Enforcement Branch of the Immigration Program. Although the re-appraisal project itself included other series of case files created by the Immigration Appeal Board as well as other branches of the Immigration Program, for the purposes of this study, I will focus on the HQ case file series alone, since these were the records that I later relied on for my Ph.D. thesis. The selection project was undertaken by Dianne Dodd,<sup>4</sup> under my supervision. Dianne therefore did most of the work for this re-appraisal initiative, but consulted with me regarding the determination of the final selection/sampling scheme.

Before describing the project, some context is required in regards to the creation and use of the HQ series. The HQ series was developed in stages, between 1946 and 1949, by the Immigration Program. It was set up outside of the regular immigration case file system and was used to document individuals who were issued deportation or lookout orders by the department. Under Section 4(1) of the 1952 *Immigration Act*, certain types of classes of immigrants or non-immigrants<sup>5</sup> were deemed to be “undesirable” by Canadian

2 The immigration schedule, 88/012, was produced by Bennett McCardle and covered off all of the case files created by the Immigration Program. This schedule established recommendations for case files created at headquarters, the immigration centres and ports, along with the overseas offices situated around the world. The employment schedule, 91/011, in turn, dealt with all employment case files created by the Canadian Jobs Strategy Program. In all, this last authority dealt with as many as fifty case file series which were created by headquarters, regional offices, and employment centres across Canada. Both authorities therefore captured a diverse and enormous group of case files. In turn, 88/012 involved the appraisal of case files without the benefit of including the policy records and the corresponding electronic records systems.

3 This article was derived from a paper that I presented at the ACA in 1993. It was published, in tandem, with my co-presenters’ pieces, Evelyn Kolish and Jane Turner, in *Archivaria* 38 (Fall 1994), pp. 45–60.

4 Dianne Dodd completed her Ph.D. in the area of the history of medicine and began working at LAC in 1992 as a term archivist.

5 Within the context of the *Immigration Act*, non-immigrants included those individuals who

standards and therefore were either refused entry into Canada or were issued a deportation order by the department. Some of these categories of immigrants included: “idiots,” “imbeciles,” “feeble-minded persons,” “epileptics,” “insane” persons, those affected with tuberculosis, those who were “dumb,” blind, or otherwise physically defective, those who were convicted of a crime involving moral turpitude, prostitutes and those living on the avails of prostitution, professional beggars and vagrants, immigrants who had become public charges or were judged likely to become a public charge, individuals who violated the *Act*, alcoholics, persons of “constitutional psychopathic inferiority”, subversives, enemy aliens, persons guilty of espionage or high treason, individuals who had been deported in the past, illiterates, drug abusers, those guilty of immoral acts, and deserters.<sup>6</sup>

Although the categories of “undesirables” changed from one act to another, the process of deporting them remained rather consistent until the establishment of the Immigration Appeal Board in 1956. Under the pre-1956 system, the immigration officer had the power to identify immigrants who violated the *Act*, place them in detention, and interrogate them in order to identify their status. After that point, the immigrant could appeal an unfavourable decision to a Board of Inquiry, which consisted of “any number of officers” nominated by the minister, who were called upon to open up an inquiry and make rulings regarding the case.<sup>7</sup> For non-immigrants, the decision of the Board would have been final. Legitimate immigrants would be entitled to appeal the decision to the minister. Once the appeal reached the level of the minister, his ruling was final, since under the 1952 *Act*, “no court, and no judge or officer thereof, shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or of any Board of Inquiry, or officer in charge ...”<sup>8</sup> The Immigration Program therefore held complete control over the process of hearing and purging unwanted immigrants from Canada, without the problem of outside interference from the Canadian judicial system.

The HQ case files documented this process, and were acquired under the immigration case file schedule, 88/012. The case files covered by this authority arrived at the LAC between 1990 and 1992.<sup>9</sup> The files were arranged

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were admitted into Canada on a temporary or non-permanent basis as visitors, students, or temporary workers. This category also included individuals who were issued special permits to enter the country.

6 The categories of immigrants covered by Section 4(1) summarized above can be found in the 1952 *Immigration Act*, R.S., c. 93, S. 1.

7 *Ibid.*, Section 14.

8 *Ibid.*, Section 24.

9 Schedule 88/012 was produced by Bennett McCardle, who worked on this initiative from 1986 to 1988. At the time, she was under a great deal of pressure to comply with the require-

numerically, which were roughly chronological, since the file number was assigned and the case opened as soon as a deportation order was issued. The size of the files varied from ten pages to three hundred, and the only finding aids that could be used to access this voluminous series were file lists organized by deportation case number along with an incomplete set of index cards which were organized alphabetically by the name of the individual deportee using a soundex code. The case files contained rich documentation such as original correspondence from both the government officials, and in some cases, the immigrants themselves, as well as internal memoranda, detainee expense sheets, telegrams, warrants of arrest, deportation orders, inquiry transcripts, and in some cases, RCMP and/or local police reports, medical reports, notices of appeal, appeal reviews, and exhibits. In turn, some of the more recent files contained transcripts from the IAB, the Federal Court, and/or the Supreme Court.<sup>10</sup>

The primary purpose of this project regarding these records, was to attempt to re-appraise the case files, in conjunction with the Immigration Appeal Board case files and summary of inquiry files – all of which measured 440 metres in extent – in order to reduce the volume of these sources and retain the cases that best documented the investigative and appeal function of the Immigration Program and the IAB. Since the HQ files recorded the department's role investigating, interrogating, and in some cases, removing immigrants from Canada, they consequently documented an important function within the federal government. Many of the cases also covered a lengthy time-span, since immigration officials often followed an individual from the issuance of a deportation order until the final resolution of the case. Some cases were monitored for as long as ten to twenty years. In addition, several of the cases were responsible for important legislative or policy changes. Finally, the HQ series contained important documentation, such as letters from the department to the immigrant, in some cases, letters from the immigrant to the department, and in rare instances, some files included correspondence from citizens who peti-

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ments of the new *Privacy Act* as well as the recommendations of the Deschênes Commission. Within her schedule, she did not mention the HQ series in the terms and conditions. It is my view that the department sent the whole series to the LAC assuming that it fell into the category of special series or because the records pre-dated the Immigration Appeal Board, whose records were included. As a result, these case files arrived without any type of selection or sampling. For more information about this schedule or the pre-conditions leading up to its creation see Sheila Powell, "Archival Reappraisal: Immigration Case Files," *Archivaria* 33 (Winter 1992), pp. 104–116, and Terry Cook, "A Monumental Blunder: The Destruction of Records on Nazi War Criminals in Canada," in Richard Cox and David Wallace, eds., *Archives and the Public Good: Accountability and Records in Modern Society* (Westport, 2002), pp. 37–65.

10 This information was drawn from a memorandum produced by Dianne Dodd, which was written on 13 May 1993. See Library and Archives Canada (hereafter LAC), RG 76, GAD file 9450.

tioned the department on behalf of the immigrant – such as MPs, MPPs, priests, community organizations, or employers – all of which helped document both sides of the state and citizen relationship to reveal, as Terry Cook refers to in his RAMP study as the “democratic dialectic.”<sup>11</sup> As a result, these case files were deemed to be of significant archival value, due to the function they documented as well as the documentation that they possessed.

Since a fair proportion of the case files contained routine forms and administrative material, it was determined that only a small number of these files would be retained. In turn, due to the presence of policy files, deportation statistics, as well as the existence of microfilmed copies of some of the immigration forms, there was no need to keep any of the smaller more “routine” case files. Moreover, relying on a sampling scheme was considered but dismissed, since the files lacked the homogeneity required to undertake this type of approach. In the end, we decided to use a selection scheme which would result in the retention of only the “fat” files that pre-dated 1967. The “fat” files were defined within our project as those case files that were one inch wide or thicker, as well as the inclusion of multi-volume files, since these larger files would likely document the cases that were controversial or were investigated over a long period of time. Once this selection scheme was implemented, Dianne estimated that we would be able to whittle down these records to approximately sixty-two boxes, which represented approximately eleven percent of the series.<sup>12</sup> While we would not be able to replicate the series, we determined that by preserving a small but important slice of it, we would help the LAC save money and space by reducing the size of the series and also assist researchers, by making the collection smaller, more manageable, and more accessible. Due to time constraints and insufficient resources, we were unable to implement the selection criteria before I left the LAC in the spring of 2000.

After my experience with the HQ case files, I was intrigued by the character and quality of this material, and after starting a Ph.D. program in history, was determined to use these records to pursue my interest of investigating the hidden experiences of immigrant women in Canada. When undertaking my dissertation, entitled “‘The Undesirables’: The Impact of Canadian Deportation Policy on Immigrant Women, 1946–1956,” I relied on the HQ case files in order to provide a glimpse of immigrant women’s experience through their interaction with the state during the post-war years. Unlike Barbara Roberts’

11 In his RAMP study, Terry Cook argues that case files should be retained not to document the agency but to “indicate the susceptibility of the agency through its internal ethos to affect significantly the democratic dialectic and thus sharpen the resultant societal image.” See *The Archival Appraisal of Records Containing Personal Information: A RAMP Study with Guidelines* (Paris, 1990), p. 46.

12 LAC, RG 76, GAD file 9450, p. 8.

work, *From Whence They Came: Deportation from Canada, 1900–1935*,<sup>13</sup> which relies on immigration policy files during the early part of the twentieth century, and focuses almost exclusively on men, my study examines immigrant women who were confronted with the potential fate of deportation following the Second World War. In my study, I seek to illustrate how immigrant women were treated differently from their male counterparts by the state, due to their more vulnerable status as dependents under the law.<sup>14</sup> In turn, the case files also help reveal how the women themselves received different treatment from one another, depending on their ethnicity, race, class, politics, behaviour, health, as well as other factors. What sets this study apart, then, is the use of the case files to document a varied group of female immigrants who had very few rights – since they did not possess Canadian citizenship – and whose responses to the government’s attempt to deport them varied. This feature has enabled me to move away from the victimization approach, which was popular during the 1970s and 1980s, and imbue these female immigrants with some level of agency. Although these women were one of the most vulnerable groups in society, I try to depict them as vibrant and independent actors, who had a great deal in common with their male counterparts, but also faced different barriers, simply by virtue of their gender.

When undertaking my research, I felt very fortunate to find documentation within these case files – in the form of correspondence from some of the women and testimonies from the inquiries – that give voice to a fair number of these women. These valuable records have enabled me to delve into how the women responded to the state’s attempt to deport them from Canada. Since many case file series tend to document the voice of government officials

13 See Barbara Roberts, *From Whence They Came: Deportation from Canada, 1900–1935* (Ottawa, 1988). Other Canadian authors who have investigated the issue of deportation include: Henry Drystek, “The Simplest and Cheapest Mode of Dealing with Them: Deportation from Canada Before World War II,” *Histoire Sociale / Social History* (November 1982); Imai Shin, “Deportation in the Depression,” *Queen’s Law Journal* 7, no. 1 (1981); and Lyle Dick, “Deportation under the *Immigration Act* and the *Canadian Criminal Code*, 1919–1936,” (M.A. Thesis, Carleton University, 1976).

14 Under the *Immigration Act* and the policies implemented by the department, women who entered the country as fiancés or spouses had very few independent rights as immigrants. If the female immigrant’s spouse was charged with an offence and deportation proceedings had commenced, the wife was treated as a dependent who had no right to remain in the country on her own or launch her own independent appeal, even if she was legally separated from her husband. This process served in ensuring that any decision that was rendered would include those tied to the head of the family or the economic “breadwinner.” In a 1955 memo, the Chief of the Admission Division defined dependents as “based upon financial or legal obligation to the head of the family.” He further states that “there is usually one head of that family and it is the person in that family upon whom the other members are mainly dependent for support.” See Memorandum from Chief of Admissions Division, 15 February 1955, LAC, RG 76, file #514–15, pt. 2.

alone, the presence of these types of records provide some insight into the hidden experiences of these less than privileged women, who often remained silent victims in the face of state regulation and persecution. The case files also enabled me to verify the number of women who appealed their cases and sent letters to the department, making a plea on their own behalf or asking others to support their cause. While most women had little recourse but to give in to the regulation, and in rarer cases, deportation effected by the department,<sup>15</sup> some of these women were able to devise schemes that enabled them to fend off the efforts of the state to deport them. Just to cite some examples, there were cases of women who solicited help from friends, family, and politicians; several women tried to evade deportation by running away; and finally, there were some resourceful women who married Canadian men in order to become citizens, which would have made them ineligible for deportation. While not all of these schemes succeeded, they indicated the type of will that existed among some of these women to remain in this country.

My experience as a researcher obviously made me more aware of the pitfalls that can occur when sampling and selecting records. Although it was clear during the early years of archives in North America that historians were treated as a special class of scholarly researchers and often given inordinate amounts of staff time and support – this has not been the case for quite some time.<sup>16</sup> Today, we live in a more democratic environment, where records are not acquired, appraised, or arranged for one group in particular, and where macro-appraisal theory and collection strategies prevail.<sup>17</sup> While my experience with government records has convinced me of the necessity of relying on macro-appraisal, as well as implementing sampling and selection schemes when contending with voluminous series of case files, my research into the deportation case files raised some concerns on my part, regarding the selection method that was originally adopted by myself and Dianne Dodd, as well as the wider implications that this raised in regards to our current treatment of case files.

15 Most deportation orders were not executed during this period. For instance, in 1953, 681 immigrants received deportation orders. Of that group, only 208 were deported. The vast majority of the group that were permitted to remain in Canada were allowed to do so because deportation was deferred for further review or was not practicable. See Deportation Statistics, 1953–1959, LAC, RG 26, Vol. 23.

16 I am referring to the period when archivists called for greater cooperation with historians and archives based their reference, description, and appraisal decisions on the needs of users. Some examples of studies from this period include: George Bolotenko, "Archivists and Historians: Keepers of the Well," *Archivaria* 16 (Summer 1983), pp. 5–25; Frederic Miller, "Use, Appraisal, and Research: A Case Study of Social History," *American Archivist* 49 (Fall 1986), pp. 371–91; Tom Nesmith, "Archives from the Bottom-Up," *Archivaria* 14 (Summer 1982), pp. 5–26; and Dale Meyer, "The New Social History: Implications for Archivists," *American Archivist* 48, no. 4 (Fall 1985), pp. 388–99.

17 Some of the most influential theorists in this field include: Hans Booms, Richard Cox, Helen Samuels, and Terry Cook.



As I mentioned earlier, the selection criteria that were designed for the deportation case files involved isolating and retaining only the “fat” files, since it was determined that the thinner files were more administrative in nature, and, for the most part, were not worth retaining, since similar information could be found elsewhere. The “fat” file selection method represents the use of exceptional selection. And the premise behind keeping the “fat” file was that these larger or multi-volume files would most likely document those cases that were precedent-setting, controversial, or drew greater public attention.<sup>18</sup> As Terry Cook states in his RAMP study, the fat files would likely “contain all the archivist feels is necessary to document the ‘hot spots’ in the democratic dialectic.” He further states “such controversial and precedent-setting files by their nature represent the ‘image’ forcing changes on the programme and agency intentions and targets.”<sup>19</sup> This approach was originally adopted by Michael Hindus as part of his appraisal of the Massachusetts Superior Court cases appraisal, and later implemented by Charles Dollar and his team during the monumental FBI case file appraisal undertaken by NARA in 1986.<sup>20</sup> During the late 1980s and throughout the 1990s, Library and Archives Canada frequently relied on this technique, along with sampling schemes in some instances, for large series of case files created by important and complex departments such as the Department of Justice, the RCMP, as well as the Immigration Program. Due to the prevailing success and popularity of the new sampling and selection methods, and in particular the “fat” file selection approach, it is hardly surprising that we embraced this option vis-à-vis the deportation case files.

Considering that part of the intent behind the implementation of this selection scheme was to facilitate access to the records by future researchers, it is ironic that most scholars prefer working with series of case files that are complete. You only need to examine Wendy Mitchinson and Franca Iacovetta’s book *On the Case*, which examines over a dozen historians’ experiences with case files to see how each adopted their own method of sampling or selection of case files within predominantly complete series.<sup>21</sup> Although it was not

18 For more information on sampling and selection see Terry Cook, “Many are Called but Few are Chosen,” pp. 25–50.

19 Terry Cook, *The Archival Appraisal of Records Containing Personal Information*, p. 62.

20 See Michael S. Hindus, T.M. Hammett, and B.M. Hobson, *The Files of the Massachusetts Superior Court, 1859–1959: An Analysis and a Plan for Action* (Boston, 1979); James Gregory Bradsher, “The FBI Records Appraisal,” *The Midwestern Archivist* 13, No. 2 (1988); Athan G. Theoharis, “FBI Files, the National Archives, and the Issue of Access,” *Government Publications Review* 9 (1982), pp. 29–35; and Susan Steinwall, “Appraisal and the FBI Files Case: For Whom Do Archivists Retain Records?” *The American Archivist* 49, No. 1 (Winter, 1986), pp. 52–63.

21 Franca Iacovetta and Wendy Mitchinson, eds., *On the Case: Explorations in Social History* (Toronto, 1998).

apparent to me when I commenced my research that this issue would be all that relevant to me, certain discoveries that emerged when undertaking my research made it clear to me why the implementation of a selection scheme would prove extremely detrimental to my study.

One of the major issues that shaped this perception, on my part, was the discovery during my research of the absence of deportation statistics for women for certain years within the Immigration Program's annual reports, as well as the invisibility of women and gender-related issues within the policy files. When devising the selection scheme, we reviewed the deportation statistics in some of the annual reports and found the information to be fairly complete. We also felt that whatever statistics may be absent in the annual reports would likely be found within the policy files, since we had identified several policy files that contained deportation statistics. What I discovered is that gender was not necessarily a significant issue for the Immigration Program during this period. While they were certainly interested in documenting how many female domestics and wives came into the country after the Second World War, they were less concerned about providing in-depth and accurate statistics in regards to who they ejected from Canada.<sup>22</sup> In fact, most Canadian immigration scholars would likely contend that the Immigration Program spent a great deal more time covering up their activities in this area rather than clarifying the exact number of individuals from each group, gender, or category within the *Act* who were deported.<sup>23</sup> The department therefore spent far more time obfuscating these figures than making them available within the annual reports.

This proved to be a real problem for me, since I needed to have sufficient data to compare the male to the female deportees, if I hoped to make any type of comparisons between the two. When focussing on women in isolation, this type of comparative analysis, I would argue, is essential, in order to identify differences between the two sexes. For example, it was clear from the existing statistics that men were far more likely to be deported than women, since only 7.3 per cent of deportees between the years 1946 to 1949 were women.<sup>24</sup> What was not available was why those immigrants who were deported were overwhelmingly

22 Within the annual reports, I discovered that there were no statistics relating to female deportees after 1949 and a complete absence of deportation statistics for both sexes after 1953. I was, however, able to locate global statistics that were not broken down by sex in the policy files for the 1953 to 1959 period.

23 Barbara Roberts emphasizes this trend in her book *Whence They Came*, illustrating that during the Great Depression, the department continuously represented the deportation figure as 1 per cent of the total number of immigrants entering Canada. She states "the Department's use of this average was a classic example of lying with statistics." See *Whence They Came*, p. 47.

24 Since there were no statistics available for women after 1949, I based this figure on the existing statistics from the annual reports. This figure represents the average number of women deported between 1946 to 1949. The percentage of women deported compared to men actu-

male, as well as the types of offences men were likely to be deported for in comparison to women. Also, although the department provided partial statistics on deportation in the annual reports, it failed to include figures relating to the number of cases that were deferred or cancelled entirely.<sup>25</sup> While this point may not appear to be very important, one must consider the stress that immigrants faced when confronted with the indefinite threat of being expelled from the country they had adopted as their own. These numbers were therefore hidden from the public and are only available by examining the case files.

From a feminist perspective, the absence of statistics differentiating women and men's rates of deportations is not surprising, since the Immigration Program likely did not distinguish between the two, viewing them all as simply "undesirables." In her article "The History of Women and the History of Statistics," Margo Anderson notes how statisticians in the United States tended to lump women with men or failed to provide as many categories for women as their male counterparts. She attributes this phenomenon to the fact that male statisticians had a certain perception regarding women's place in society. Referring to the case of the U.S. census, she contends that "census statisticians have always tabulated and reported different amounts and types of data by race, nativity, and gender and have thereby embedded their notions of social status in the seemingly bare tables of numbers."<sup>26</sup> As a result of this trend, it would have been impossible for me to derive the type of statistics that were required for my study without the use of the actual case files, in order to ascertain how many women were deported from Canada during the period under analysis, where they came from, as well as what charges were applied to each group.

By relying on the information within the case files, and in particular, a statistical sheet called the "Deportation Register" which was completed and placed in the front of the case file starting in September 1952, I was able to capture figures relating to the women that were not available in the annual reports or policy records.<sup>27</sup> This type of quantitative data is invaluable, since it will help produce some reliable figures relating to the female immigrants' date of arrival, citizenship, marital status, race, occupation, deportation offence, as well as the final outcome of the case. In addition, by comparing these figures

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ally increased during this period from 3 per cent in 1946 to 12 per cent in 1949. Although the number of women who were actually deported rose, in comparison to the men, this increase can only be viewed as marginal.

25 While there was a total absence of information in this area in the annual reports, I was able to locate data of this nature for the years 1953 to 1959 in the policy files. See LAC, RG 26, Vol. 23.

26 Margo Anderson, "The History of Women and the History of Statistics," *Journal of Women's History* 4, no. 1 (Spring 1992), p. 20.

27 As an interesting aside, a memo that I located in the policy files indicated that these sheets were introduced in September 1952 in order to help answer any special inquiries that arose

to the main statistics, this data should enable me to undertake a comparative analysis between male and female deportees, since the statistics in the annual reports represent the total population, which was primarily male.

In addition to the absence of useful statistics for women after 1949, I also discovered that the policy files were limited in regards to the documentation that they captured relating to women. Most of the policy material tended to deal with the deportation process and procedures, revealing little about how women's experiences differed from those of the male immigrants. While I found a few useful tidbits on domestics and one memo dealing with dependents, on the whole, the Immigration Program tended to either treat deportees as genderless categories or focus exclusively on male deportees who were more likely to commit crimes or acts that drew greater attention to their cases. Since most of the female deportees that I examined were charged with moral, health, or mental offences, they were less likely to be documented as a group or individually in the policy files.

Another observation that I made was that by preserving the "fat" files alone, we would not necessarily have been retaining many case files that were controversial or precedent-setting. For within this HQ series, I found that the "fat" files generally indicated that the cases were deferred and monitored for a long period of time by the Immigration Program. While this could indicate greater value, for the most part, I found that many of these cases involved Displaced Persons, who were stateless immigrants whom the Program officers were unable to deport back to Europe. As a result, the case was stayed and the individual was investigated for as long as five to twenty years in order to ensure that they were either improving in health or discontinued the behaviour that led to the issuance of a deportation order. As a result, bulkier cases did not equate to greater value within the context of my study.<sup>28</sup>

In turn, while one might surmise that there would be a greater probability that the "fat" files would document cases that were appealed to the ministerial level or as far as the Supreme Court, my research involving the female depor-

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that were not available in the annual report. Some of this information was coded, but the statisticians were notified that if any questions came in pertaining to the other issues, "the inquirer be informed that such statistics are not kept and therefore not available." See memorandum from P.T.B. to Director of Admissions, 20 December 1954, LAC, RG 26, Vol. 140, File 3-40-1, pt. 1.

28 Although I am arguing that the HQ "fat" files were not of greater value within the context of my particular study, I am not arguing that they were devoid of archival value. For one could argue that by virtue of the fact that the minister reviewed most of these cases as well as the fact that some of the "fat" files documented a unique trend that took place at the time involving the attempt to deport stateless immigrants after the war, they could be viewed as controversial or precedent-setting, since some of these cases led to the development of new policies relating to stateless immigrants in Canada.

tees showed that appeals were quite common among deportees, since they were free and did not require any special knowledge of the system, or any representation by a lawyer. According to my findings, over eighty percent of non-immigrants and immigrants that I examined took advantage of the immigration appeal process. Unfortunately, the system worked in such a way that appealing beyond the ministerial level was practically futile, due to the wording of the *Act*. As a result, only two cases involving female deportees were appealed to the Supreme Court during the decade that I studied. Even more surprising, after conducting a search of deportation cases in the Quick-Law database, only one other female deportee appealed to a provincial superior court, which took place in British Columbia.<sup>29</sup> All of these cases occurred after 1954, and generated a great deal of attention in regards to the department's mistreatment of immigrants. Therefore, out of my group of women, only three cases could be designated as "precedent-setting." Even if more had been found, the purpose of my study was to examine ordinary immigrant women, so those cases that challenged and/or changed the deportation policy would not be of greater interest to me than the typical cases.

The final discovery that I made regarding the "fat" files was that some of the thin files were as important for me to include in my study as the thicker files. Although the thin files documented cases that were less likely to be appealed or investigated for a long period of time, several of these cases captured information about individuals from special groups, such as Caribbean immigrants, who had no chance of remaining in the country once deportation proceedings were initiated. For under PC 2856, which was introduced in June of 1950, black immigrants were automatically deemed inadmissible if they arrived in Canada without a formal work contract or applied for permanent residency, due to their supposed inability to adapt to the Canadian economy, society, and climate.<sup>30</sup> In fact, this last criterion regarding climate was emphasized more than the others when it came to immigrants from the Caribbean, arguing that newcomers from these tropical locales had more difficulty acclimatizing to the Canadian weather than immigrants from other countries.<sup>31</sup> As

29 The two cases that were appealed to the Supreme Court included the Shirley Brent Case, Carmichael et al., which was heard February 1956, and Narine-Singh v. Canada, which was heard in April 1955. The latter case involved a couple who appealed the deportation order on the grounds that they were not "Asian" in race but were actually of East Indian decent and citizens of Trinidad. Finally the case that went to the B.C. Court of Appeal involved Fay Elizabeth Spalding, Regina v Spalding. This last case was heard by that court in July 1955.

30 For more information see Donald Avery, *Reluctant Host: Canada's Response to Immigrant Workers, 1896-1994* (Toronto, 1995), p. 127.

31 See Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1990* (Toronto, 1992), p. 129. This Order in Council was incorporated into the 1952 *Act* within Section 61(g).

a result of this policy, I discovered many cases documenting female domestics from the Caribbean, who, for the most part, appeared to be well-educated and enthusiastic about working and remaining in Canada. Due to the existence of this regulation, however, none of them was able to wage any type of offensive against the government, since immigrants who fell into this category were ineligible to appeal. These case files therefore reveal the experiences of a group of women who were only wanted by the Canadian government for their temporary labour as domestics, and while they were quickly removed from the country when their contracts ran out, these records provide some evidence of the efforts they made to remain in Canada. Hence, these thin case files possess significant value to the researcher who is eager to investigate the experiences as well as the fight that some of these often invisible and powerless women waged against the Immigration Program's efforts to deport them.

It should be evident to all that I was greatly relieved that the selection scheme was never applied to these records. Even though the re-appraisal strategy was sound, as an historian, I would have lost a great deal of control over the process as well as information about certain groups of immigrant women whose stories might have been obliterated had the series been whittled down to only the "fat" files. What I discovered through my own experience is that despite archivists' fears that researchers will be dissuaded from relying on larger series that appear too voluminous and inaccessible, historians continue to seek out chaste series of case files that have been untouched by well-meaning archivists. For these are the series that hold the greatest promise for scholars who seek to establish their own system and methodology that conforms to the needs of their own particular research.

What can archivists do in response to this desire? Should they abdicate control and responsibility in the area of re-appraisal of case files deemed to be of potential interest to scholars or continue to apply appraisal criteria that ensure the "hot spots" of the citizen-government interaction are documented? It seems to me that my example regarding the HQ series does not indicate that we should abdicate responsibility in this area for every series of cases files, particularly those which pose a problem in regards to volume. For example, NARA's decision to impose a sample and selection scheme to the FBI case files was a good decision, since they had to contend with a collection that measured 500,000 cubic feet in extent.<sup>32</sup> Secondly, it is also worthwhile imposing sampling and selection schemes on records that may be of limited volume but are deemed to be of marginal or mixed archival value, such as the employment case files that I appraised and wrote about in my article "Case File Theory: Does it Work in Practice?".<sup>33</sup> The majority of those case files

32 See James G. Bradsher, "The FBI Records Appraisal," pp. 51–66.

33 Ellen Scheinberg, "Case File Theory: Does it Work in Practice?," pp. 45–60.

were devoid of archival value and would have contributed very little when trying to understand the employment programs that Employment and Immigration Canada funded during the 1960s and 1970s.

Based on my experience as both an archivist and historian, I would argue that archivists should resist giving in to the pressures of the day, and truly contemplate the possibility of retaining a whole series if it appears to be too complex to review by one individual or may contain significant informational and evidential value, by virtue of the documentation that it captures that cannot be found elsewhere. While this argument is not revolutionary, since it has been an acknowledged option offered by several authors, within the context of macro-appraisal along with the realities of declining resources and a heightened volume of case files, we seemed to lose sight of this possibility. Athan G. Theoharis contends that all records documenting government surveillance should be preserved, stating “the very creation of these records impels their preservation and accessibility.”<sup>34</sup> Unlike the FBI or Canadian Nazi war crime court cases, the Library and Archives Canada would likely not need to worry too much about potential law suits when rendering a decision about these files, since many of these individuals are no longer in Canada. Regardless of this fact, as archivists do we not have a responsibility to ensure that evidence of government violations of people’s rights – even non-citizen’s meager rights – are preserved in perpetuity? For as Terry Eastwood illustrates, archivists have a duty to document the government’s actions in the past be they positive contributions to society or shameful acts that they would rather keep to themselves, stating “all citizens need to come to terms with their complicity in past actions of their government, to judge the past and make those judgements part of their outlook on current and future actions.”<sup>35</sup>

Another issue that this example raises is whether archivists should be rendering determinations for complex case files like the HQ series without the assistance of outside experts. Although Dianne Dodd and myself were more than qualified to tackle this initiative – and would likely have been more sensitive to gender issues than most other archivists – perhaps the system in most Canadian institutions is too insular to provide the type of expertise that was

34 Athan G. Theoharis, “FBI Files, the National Archives, and the Issue of Access,” p. 33.

35 See Terry Eastwood, “Reflections of the Goal of Archival Appraisal in Democratic Societies,” *Archivaria* 54 (Fall 2003), p. 67. In his paper entitled “Accountability, History, and Archives,” delivered at the ACA Conference in Toronto, June 2003, John Dirks also emphasizes the role that archives play in regards to ensuring government accountability by preserving records that may serve as evidence of past wrongdoing. He further states that “archives hold yesterday’s leaders and institutions accountable morally, and for their effectiveness. Did they do what they were supposed to do, did they use the best methods and approaches? Did they breach ethics, ignore facts or concerns, or harm their publics, whether or not the publics were aware at the time. Archives enable this evaluation.”

required for this particular re-appraisal initiative. Due to our extreme workloads and the increasing pressure to be experts in a growing number of areas, it is not possible for archivists today to keep up with developments in the different disciplines. Nor should archivists feel compelled to do so, since it is beyond their scope of responsibility.

It may therefore be beneficial to strike up an inter-disciplinary committee when undertaking large and complex appraisal and re-appraisal initiatives. These committees can be used as a forum to discuss sampling and selection projects before any decisions are made. Archivists can only benefit from this type of scheme, for by soliciting advice from outside experts from other fields, we can not only learn about their research needs but also gain some valuable insight into the records being appraised from professionals who may have greater familiarity with them than the archivists involved. As well, these committees would also allow for discussions relating to the implications that the appraisal decisions might have on the case files series as a whole as well as the future work of researchers. As Richard Cox states in his recent work, *Managing Records as Evidence and Information*, “archivists should work with their researchers and colleagues in developing better criteria and understanding of their use.” He continues to add that “the user’s perspective is extremely important, since a satisfactory set of output measures for any archives ought to be its ability to meet user’s needs.”<sup>36</sup> While I’m not proposing a return to a user-based appraisal system, it is my contention that by focussing too much on the upper-level of government programs and viewing the records at the bottom – primarily case files – as a huge burden that archival institutions must tame with swift, thorough, and unmerciful measures, a large percentage of series such as the HQ case files, to the detriment of the researcher, will end up in the shredder. And although users should not be able to dictate how an institution conducts its business in regards to rendering appraisal decisions, perhaps we should not shy away from gaining more insight from outside sources if it could lead to a more satisfactory outcome for all involved.

It is apparent that my experience as a Ph.D. student in history provided me with a new perspective in regards to the HQ case file, and on the whole, made me more sympathetic to the plight of the scholarly researcher, who sought to access this sensitive source in order to bring important issues to the fore. Although most of my colleagues at LAC had graduate degrees in history and were obviously sensitive to the needs of historians, it was not until I had the opportunity to tackle the same records as an archivist and then as an historian that I realized the differences that existed in regards to my perception and treatment of these case files. Clearly we have come a long way as a profession since George Bolotenko wrote his controversial article more than two decades

36 Richard Cox, *Managing Records as Evidence and Information* (Westport, 2001), p. 112.



ago – which essentially promoted the need for archivists to be more like historians – for we are less tied to the historical profession and better versed in archival theories and practices that are required today, such as *RAD*, sampling, electronic records, and information management. Perhaps in our eagerness to become our own profession distinct from that of history, we have lost sight of the benefits of co-operation, particularly from an inter-disciplinary perspective. I would therefore urge archivists to consider embracing a model similar to that proposed by Cox, in order to develop a system that enables institutions to continue to work with established archival appraisal methods but allows for feedback from the professionals who possess some expertise with these types of case files and would ultimately be using them in the end. For their insight can only enhance and strengthen the theoretical models that form the core of our profession today in the area of appraisal.

