

Notes and Communications

“Out, Damned Spot!” The Staining of the *Proclamation of the Constitution Act, 1982*

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RÉSUMÉ Cet article est un compte-rendu de ce qui s'est passé quand un vandale a irrémédiablement endommagé une copie originale de la *Proclamation de la Loi constitutionnelle de 1982* lorsqu'on la lui montrait aux Archives publiques du Canada. L'auteur de ce texte, qui fut la victime de cet acte malicieux, retrace les événements en ordre chronologique, puis il montre comment le document a été créé et dans quel but, comment il a été taché, quelles étapes ont été entreprises pour le restaurer et sa valeur. Suite à ce désastre, les Archives publiques ont réévalué leurs procédures pour manipuler des documents prestigieux dans le but de mieux les protéger du danger. Elles ont aussi eu à affronter une importante question éthique : jusqu'à quel point les techniciens de la conservation devraient-ils restaurer un document sans heurter son authenticité et son intégrité?

ABSTRACT This article is an account of what happened when a vandal irreparably damaged an original copy of the *Proclamation of the Constitution Act, 1982* at the (then) Public Archives of Canada while it was being shown to him. The writer of this piece, who was the victim of this malicious act, traces events in chronological order and shows how the document was created, its purpose, how it was stained, steps taken to restore it, and its value. As a result of the disaster, the Public Archives reevaluated procedures for handling prestigious documents in order to better protect them from harm. It also had to deal with an important ethical question – to what extent should conservators go to restore a document without affecting its authenticity and integrity?

Introduction

Over the years, a number of disasters have occurred at archives, such as fires, thefts and floods, and for that reason most institutions have developed some type of plan to protect their holdings. It is rare, however, for an archival document to come under physical attack. In 1983, in my capacity as archivist at the Public Archives of Canada, I had to face that upsetting situation when a vandal stained the *Proclamation of the Constitution Act, 1982*¹ – a document of

¹ The *Proclamation of the Constitution Act, 1982*, of which there are two originals, is sometimes incorrectly identified, especially in the media, as the “Constitution.” Apparently, the Department of the Secretary of State wanted two originals made in case anything happened to one of them. After both were damaged, archival staff informally referred to them as the “rained” and the “stained.”

great significance to Canadian history – while he was viewing it under my supervision. I believe it is important to record my recollections of this event and its consequences for archives generally. What follows then is a history of the defaced document – how it was made, its signing, how it was stained, restoration attempts to remove the stain, its value, and security measures subsequently put in place to better protect prestigious documents from accidental loss or damage.

The Making of the *Proclamation of the Constitution Act, 1982*

Early in 1982, the Department of the Secretary of State asked John Whitehead, a Belfast-born, Ottawa civil servant and a self-taught calligrapher whose reputation for fine work was widely known, to prepare two originals for proclaiming the *Constitution Act, 1982*. For Whitehead it was an honour to do the work, even though he was paid only \$750 for it. “Drawing the proclamation by far was his proudest moment,” Whitehead’s son, Kieran, said in 1995.² The Department of the Secretary of State, assisted by Whitehead, chose the design carefully in keeping with Canada’s history and traditions. Using black ink and red watercolours, Whitehead spent an estimated three hundred painstaking hours completing two original proclamations each measuring approximately 47 by 60 centimetres. Both bear the Canadian Coat of Arms, part of which is done in 23-carat gold. Together the documents contain about \$250 (1982 dollars) worth of the precious metal. As for the lettering style, the Queen’s name at the top of the manuscript is transcribed in versals, the protocol introduction is in uncials, and most of the body of the text is in foundation hand.³

As custodian of the Great Seal of Canada, the Registrar General of Canada issues proclamations, although the Department of the Secretary of State was in charge of the constitutional ceremony and wanted it to be entirely Canadian. David Carruthers of Papeterie St-Armand of Montreal, the papermaker for the two proclamations, produced a unique paper made from Manitoba flax.⁴

2 Ottawa *Citizen*, 10 April 1995.

3 “Versals” are drawn letters that often began a verse or chapter in a manuscript. “Versal is a term coined in the 20th century that refers to a broad variety of both historic and contemporary majuscule letter forms. In early manuscripts these letters were often large, decorated in various colors, and used to designate the beginnings of verses – thus the origin of the name.” See <<http://www.scripts.com/teaching/traditional.shtml>>. Uncials are “large rounded forms (not joined to each other) characteristic of early Greek and Latin manuscripts.” See the *Oxford English Dictionary*. “Foundation Hand” is “based on the Carolingian script, which flourished as the dominant European hand from the 9th to the 11th centuries.” See <<http://www.calligraphy.co.uk/about.php>>.

4 Ottawa *Citizen*, 23 March 1995.

The Queen Proclaims the *Constitution Act, 1982*

On 17 April 1982, Her Majesty Queen Elizabeth II, the Prime Minister of Canada, the Right Hon. Pierre Elliott Trudeau, the Attorney General of Canada, the Hon. Jean Chrétien,⁵ and the Registrar General of Canada, the Hon. André Ouellet, signed the *Proclamation of the Constitution Act, 1982*. The proclamation brought the *Act* into force and served as a public declaration that repatriation had been achieved. In fact, there were two signing ceremonies. The first was a special outdoor public ceremony; the second took place quietly, later the same day, inside the Parliament Buildings. Incredibly, both original documents signed on that occasion were damaged. As many will remember, it rained during the signing ceremony. Despite the canopy over the official party, some moisture reached the first document, smearing it very slightly. Then, in July 1983, a vandal irreparably stained the second original by pouring red paint on it.

The Staining of the Proclamation

On Friday afternoon, 22 July 1983, Peter Greyson, twenty-four years of age, entered the Public Archives and National Library Building at 395 Wellington Street, Ottawa. He told the commissionaire on duty at the main desk that he wanted to do research at the Archives. Greyson then signed in, stored his briefcase in a locker,⁶ and went to the Archives Reference Room on the third floor as directed. Once there, he registered and obtained a research pass by showing his identification as a student at the Ontario College of Art, in Toronto. He consulted with the reference archivist, Larry McNally, and expressed an interest in examining the design and calligraphy of the *Proclamation of the Constitution Act, 1982*. As archivist and custodian of the document in the (then) Federal Archives Division, I was notified about his request and Greyson was told to go to Room 701 to see me. At that time, I explained that there were two original proclamations both in the records of the Registrar General of Canada. Faced with a choice, Greyson elected to view the second proclamation – the one signed inside the Parliament Buildings – that at that time was in excellent condition.⁷

As the well-dressed and polite art student had properly identified himself

5 Jean Chrétien wrote: “I signed my name just below Her Majesty’s although there was no technical reason for my signature to have been there.” See Jean Chrétien, *Straight From The Heart* (Toronto, 1985), p. 192. Apparently, this was done in recognition of the role Chrétien played in “bringing home” the Constitution.

6 It should be noted that a half litre of blue paint was found inside Greyson’s briefcase.

7 This document was on display in the Hall of Honour in the Centre Block of the Parliament Buildings but was returned to the Archives, on 18 July 1983, just days before the red paint was spilled on it.



*Her Majesty Queen Elizabeth II signing the **Proclamation of the Constitution Act, 1982**, at a ceremony on Parliament Hill, Ottawa, 17 April 1982. Prime Minister Trudeau is seated to her left. Those standing include, from left to right, Gerald Regan, the Minister of Labour; Michael Pitfield, the Clerk of the Privy Council; and Michael Kirby, the Secretary to the Cabinet for Federal Provincial Relations and Deputy Clerk of the Privy Council. Credit: LAC PA-141503, Robert Cooper, photographer.*

and appeared to be a legitimate researcher, I had no reason not to trust him and retrieved the proclamation from storage. I then took it to Room 701 and carefully laid it on a flat surface there for viewing. Greyson asked to be left alone to study the document but I refused his request, as I testified at a Preliminary Hearing into the incident where I was the only witness called. I went on to say that Greyson began leaning over the document and that all of the sudden there was a pool – a “red substance” – spreading out over the document. The liquid appeared to come from inside Greyson’s suit coat pocket. Later, it was found to be red paint that came from a small “Elmer Safety Glue” container that Greyson had hidden there.

The incident happened so fast I could not prevent it. Even though greatly upset, I reacted quickly and seized the culprit firmly by the arm. I then demanded to know why Greyson had committed such a reckless act. In court, I testified that Greyson told me he had defaced the document to protest the cruise missile.⁸ More precisely, he was protesting against Prime Minister

⁸ Her Majesty the Queen v. Peter Ronald Greyson, Preliminary Hearing, Provincial Court of the Judicial District of Ottawa-Carleton, 16 December 1983.



Proclamation of the Constitution Act, 1982, moments after a vandal poured red paint on it. As a result of the conservation treatment, it is now possible to read all the text of the document in spite of the stain. Credit: Library and Archives Canada.

Trudeau's decision, made just a week earlier, allowing the United States to test cruise missiles over Canadian air space. Greyson believed that this was a flagrant violation of his rights under the new *Canadian Charter of Rights and Freedoms*.

As Greyson offered no resistance, I took him by the arm into the office of Jerry O'Brien, Chief of the State and Military Records Section, who was also Acting Director of the Federal Archives Division at that time. Then, Archives Security Officer Steve Jamieson, was alerted and arrived on the scene. Jamieson called the Ottawa City Police and Detective Angelo Fiore came at once. He promptly charged the accused man with willfully damaging public property and took him to the Ottawa Police Station.

Greyson's Sentence for Defacement of the Proclamation

The man who defaced the proclamation that brought the *Constitution Act, 1982* into force pleaded guilty in an Ottawa courtroom to willfully damaging public property. A few days later, on 9 October 1984, County Court Judge,

David McWilliam, sentenced him to eighty-nine days in jail to be served on weekends, one hundred hours of community service, and two years' probation.⁹ In passing sentence, Judge McWilliam based his decision on several factors among which were the good character references Greyson received, his promising career, and the fact that he had no previous record. The judge implied that he would have imposed a stiffer sentence had he been convinced that Greyson committed the act for the sake of personal publicity. The judge also considered restitution but thought this was not an option due to the heavy costs involved and the fact that Greyson had several years of education ahead of him.¹⁰

Nonetheless, Greyson never expressed regret for his bizarre action and maintained that his behaviour was justifiable because the missile tests were a threat to guarantees set out in the Charter. "I felt the Constitution Act was the document that brought the Charter of Rights into legally accepted practice here in Canada and by testing the Cruise Missile that stained the Constitution, and I felt the best way to convey that was to provide a stain that people could actually see,"¹¹ Greyson said in court.

Needless to say, in addition to his sentence, Greyson's research privileges at the Public Archives of Canada were suspended.

Restoration of the Proclamation

Immediately after the damage occurred, the Conservation Liaison Officer in the Federal Archives Division, Sandra Wright, called Geoffrey Morrow, the Senior Conservation Officer in Picture Conservation. He and his assistants attempted to stabilize and cautiously treat the document on site while the paint was still wet. At first, they tried to remove the thick pool of red paint with pipettes but that was too slow. So, they employed a suction device and in this way, most of the paint was removed from the surface of the document. Afterwards, conservators rushed it to the conservation laboratory. They placed it on a suction table and an unsuccessful attempt was made to draw out the paint that had soaked into the fibers of the paper.

The calligrapher, John Whitehead, supplied similar paper to conservators at the Public Archives so they could recreate the red blotch. They then carried out extensive tests on models to determine if the paint could be successfully

⁹ Greyson was charged under section 387(3) of the *Criminal Code of Canada* for committing public mischief to public property. The Criminal Code sets a maximum penalty of fourteen years in prison for this offence, although sentences of that length are rarely given.

¹⁰ Her Majesty the Queen v. Peter Ronald Greyson, County Court of the Judicial District of Ottawa-Carleton, 9 October 1984.

¹¹ *Ibid.*, 28 September 1984. Greyson was scheduled to go on trial, but pleaded guilty and was sentenced on 9 October.

removed from them before treating the stained document. Initially, they thought that chemical destruction of the pigment in the paint or irradiation of the stained area through photo-chemical bleaching might work. But, once the National Research Council in Ottawa and the Dominion Color Company in Toronto positively identified the pigment as lead-based, conservators realized that the techniques used on the models were no longer viable. According to a Public Archives news release: “an inorganic pigment of this nature is extremely stable and non-reactive to this type of treatment.”¹²

Public suggestions about how to remove the spot from the document ranged from non-intervention to expanding it into a map of Canada or the Canadian flag. At least one person suggested taking the document to a commercial dry cleaning establishment for stain removal.

Greyson, who defaced the document, was angry because he believed that the media paid more attention to the stained document than to the issue of the cruise missile tests. Anyway, he had his own rather lofty solution to the problem: “if you want the stain from our constitution [proclamation] to disappear you must not allow the Americans to test cruise missiles in Canada,”¹³ he said in court.

Experts in Picture Conservation put forward a more practical solution. They recommended cutting out the damaged area and replacing it with a newly inscribed piece of exactly the same type of paper. In simulated tests, this chamfering or bevelling of the two edges of the paper together was highly successful. Moreover, the calligrapher, John Whitehead, who was “horrified and subsequently saddened” by the defacement of his magnificent work, wanted this done and was very willing to redo the script on the patched piece. Such a drastic measure suddenly became a moral issue for Geoffrey Morrow of Picture Conservation who had tried so very hard to remove all traces of the stain from the document. “We can physically do it, but the ethical question is still unresolved. Why bother? It [the stain] is part of the history of the thing and shouldn’t actually be taken away,” Morrow said.¹⁴ After careful consideration, the Dominion Archivist, Dr. Wilfred I. Smith, decided that the stain should be left on the document rather than employ a procedure that would affect “its authenticity and integrity.”¹⁵ The conservation treatment, believed to be the most extensive work that Picture Conservation had ever undertaken on a single document up to that time, had only resulted in changing the bright red color of the stain into a pinkish blotch. The stain still covers about twenty per-

12 Public Archives of Canada, *News Release*, 21 December 1983.

13 *Her Majesty the Queen v. Peter Ronald Greyson*, Preliminary Hearing, Provincial Court of the Judicial District of Ottawa-Carleton, 16 December 1983.

14 *Ottawa Citizen*, 15 November 1983.

15 Public Archives of Canada, *News Release*, 21 December 1983. Dr. Smith based his decision on an informal poll taken among the archivists at the Public Archives of Canada.

cent of the surface of the document, although it is possible to read all the words through it.

Value of the Proclamation

One might ask whether the second signed original *Proclamation of the Constitution Act, 1982* is worthy of such extraordinary conservation efforts. County Court Judge McWilliam thought so and was impressed, for example, that the Public Archives went to considerable expense – no one seems to have attempted to calculate how much – trying to remove the stain even though the document was not part of the public constitutional ceremony. McWilliam stressed the document's importance by citing the eloquent words of former Dominion Archivist, Arthur Doughty: "Of all national assets archives are the most precious; they are the gift of one generation to another and the extent of our care of them marks the extent of our civilization."¹⁶

As a central part of the official repatriation ceremony, the document that proclaimed the *Constitution Act, 1982* was one of the most important ones to which the Great Seal of Canada was ever affixed. Hand-done by an expert calligrapher on flax paper, it is unique from an artistic point of view. Not only is it composed of several types of ancient script but it also has other visual attributes such as the beautifully crafted Canadian Coat of Arms largely done in shell gold. Furthermore, the document is important because it bears a royal signature and that of various parliamentarians, including the Canadian Prime Minister of the day and a future Prime Minister. Finally, as much as one would like to ignore it, the defaced document is evidence that an "anti-democratic" protest occurred.¹⁷

Protecting the Proclamation and Other Prestigious Documents

According to Dr. Smith, Greyson's act of vandalism was, to the best of his knowledge, "the first time that an historic document in the custody of the Public Archives of Canada had been willfully damaged"¹⁸ since it was founded in 1872. At first, the Archives tried to avoid publicity because there was the possibility that Greyson had accomplices and they might commit other acts of vandalism at that time. But, it soon became clear that the protester had acted alone and did not appear to be a member of any organized anti-cruise disarmament group.

16 Her Majesty the Queen v. Peter Ronald Greyson, County Court of the Judicial District of Ottawa-Carleton, 9 October 1984. The quote McWilliam selected is from Arthur Doughty's work, *The Canadian Archives and Its Activities* (Ottawa, 1924).

17 Her Majesty the Queen v. Peter Ronald Greyson, County Court of the Judicial District of Ottawa-Carleton, 9 October 1984.

18 W.I. Smith, Dominion Archivist, to the Hon. Francis Fox, Minister of Communications, 25 July 1983.

Within an hour, the media picked up on the story. The dramatic effect of photographs and videos of the red stain on the document was used to enhance coverage of the incident both in newspapers and on television. In fact, for several weeks after the initial publicity, the media maintained a keen interest in such archival issues as conservation techniques, security measures, and the fate of the accused.

During the crisis, the Archives maintained that it had always scrutinized researchers closely. The Director General of the Archives Branch, Mike Swift, told the *Ottawa Citizen*: “The screening process is very difficult. No matter how difficult you make it, an intelligent person can find a way to avoid the system.”¹⁹

Can a researcher be trusted with the proper care and safekeeping of archival material charged out to them? In 1985, Michele Cook, a student attending an archives course at the Public Archives in Ottawa, wrote about users of archives: “It must be borne in mind that the vast majority of users are trustworthy and responsible. To be suspicious of each and every individual would be counter-productive to our service-oriented role. Being vigilant and protective toward the collections placed in our trust does not mean we must have an attitude of paranoia. At the same time, it seems to me that expecting the unexpected may be an attitude that could profitably be developed by archivists.”²⁰

This was certainly the case with Greyson, who posed as a scholarly researcher and claimed to have a legitimate reason to view a prestigious document. But, in a calculated act that was totally unforeseen, he physically damaged the proclamation once it was made available to him. As County Court Judge McWilliam said: “Yet, I still leave Mr. Greyson to his moralizing; to asking himself on what basis he got the document out of storage; what lies has he told; what potential embarrassment he might be for Mr. Whalen, who trusted him.”²¹

Immediately after the vandalism, the Public Archives of Canada removed prestigious documents – that is, the few records designated as being of exceptional intrinsic and/or monetary value – from circulation until a review of its security procedures took place. This was a temporary measure only, as there was no intention of storing them away permanently where no one could see them. Moreover, the research use of other archival holdings was permitted as usual and quite rightly so.

An essential part of the review involved striking a balance between the needs of security with that of the legitimate requirements of scholarly

19 *Ottawa Citizen*, 25 July 1983.

20 PAC Archives Course, Study Group Presentation, Group Topic: Security and Access, Part 3, Michele Cook, “Case Studies and Archival Institutions and the Law,” presented 26 September 1985.

21 *Her Majesty the Queen v. Peter Ronald Greyson*, County Court of the Judicial District of Ottawa-Carleton, 9 October 1984.

research. Initially, archivists were asked to reevaluate their holdings to determine which documents they considered to be of exceptional value. Once this was done, the Public Archives instituted new security procedures, making it more difficult for researchers to view some of its most precious items. In order to better protect these documents from accident, theft, or willful damage, a sturdy mobile display case was made for viewing these originals. Moreover, they could only be seen by special request and by appointment always, of course, under the direct supervision of an archivist. These security measures went a long way in enabling a small but important part of the nation's heritage to remain accessible to researchers, although in a much more limited and more secure way than before.