

The Professional Archivists's Responsibility as an Advocate of Public Research

by JOHN SMART

This paper — or rather the thinking that lies behind it — really begins with an incident that occurred a few years ago. A researcher came to my institution from Toronto in 1976. We had friends in common and he looked me up even though I was not the archivist responsible for the records which interested him. He wanted to do an historical treatment of the topic of national security in Canada since 1945. He wanted to analyze how Canadians had defined their national security and what they had done to defend it.

My institution had very few records at all on his subject and almost none that were open to researchers. He talked to and corresponded with the various records officials and deputy ministers in the departments whose records he thought were important in his topic. His requests for access were all turned down even though he was a published author and one-time senior researcher for a federal government agency. He told me, however, in the course of one of his subsequent visits to Ottawa, that he was being contacted by a number of government officials who wanted to talk to him about his topic even though he was not getting any access to records. So he received lots of information but none of it in the form of records.

Eventually he wrote a book about national security in Canada. He called it a novel, but a major court case was fought over his book. The issue was whether he had not portrayed some real persons and some real history in his book. Sale of his book was suppressed during the court case, which was eventually settled out of court.

What I found disturbing about the incident from the point of view of an archivist was that the researcher in question, who had wanted to write a legitimate history, should have been able to get the records he needed to do so, and that he was then forced to try to get his message across through a different literary mode but still found himself in a lot of trouble. I hope freedom of information as it develops in Canada will make future cases of that kind unnecessary.

There could hardly be a more important time to be considering freedom of information and its relationship to the Canadian archival profession. In June 1982 a Canadian access to information bill was passed by the Parliament of Canada which is due to take effect in 1983.² Other provinces are planning similar legislation;

1 An earlier version of this paper was read to the Annual Meeting of the Association of Canadian Archivists in Ottawa, 1 June 1982. I am grateful to Linda Camponi, Terry Cook, Paul Craven, Gordon Dodds, and Mark Hopkins for reading and commenting upon that earlier version.

2 Bill C-43, *An Act to enact the Access to Information Act and the Privacy Act, to amend the Federal Court Act and the Canada Evidence Act and to amend certain other Acts in consequence thereof*. First Session, Thirty-Second Parliament, 29-30-31 Elizabeth II, 1980-81-82. Passed by the House of Commons 28 June 1982.

Quebec has already passed such an act. Although archivists have played some role in the development of the Canadian legislation and in the public debate surrounding it, only with the passage of the law will our role become crucial. The definition of the word archives is about to change in Canada. We have carved Doughty's description of archives as "the gift of one generation to another" in stone. Under freedom of information this generation of researchers will enter our archives looking for contemporary documents as well as those of a previous generation.

The archivist's role now changes for two reasons. First, it is to archivists whom the researching public will or should naturally come to seek the documents and information which they believe the legislation has made free to them. We can expect a large increase in the clientele of Canadian public records archives. Secondly, the archivist's role is now more important because the legislation is likely to be flawed or at least to be difficult to interpret and implement. Gerald Baldwin said in May 1982 that the Canadian legislation "will be about as useful at getting at the truth about government as using ice-skates in the Sahara."³ The legislation itself provides for an automatic review and revision after three years, almost as if expecting there to be numerous flaws that will need amendment.

A government records archives working under a new piece of legislation finds itself in interesting situations. The Canadian legislation promises, in its title and provisions, "access to information" — not the freedom of information the American legislators delivered to the American people. This is an important difference. The Canadian legislation ties together in the same act access to information and protection of personal privacy. It assigns equal weight to both concepts and attempts to reconcile any conflicts between them. We move from working in an archival world governed by brief Cabinet directives and pragmatic bureaucratic arrangements built up over the decades to one governed by a spanking new piece of legislation setting out many important matters, including the researchers' rights and avenues of appeal. For the first time since 1912, the Governor General has signed a bill giving an important role in the nation's business to the Public Archives of Canada.

Such changes must lead to an increased professionalism on the part of the archivists affected. Matters of provenance and access which might have been handled on an *ad hoc* basis in the past must be brought into conformity with the act and its regulations. Even previously simple matters such as the accreditation of researchers must be treated in much more formal ways. Who, what, where, when, and why become pressing questions for archivists as well as journalists.

Among Webster's definitions of the word profession is the following:

A calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historic or scholarly principles underlying such skills and methods, maintaining by force of organization or concerted opinion high standards of achievement and conduct and committing members to continued study and to a kind of work which has for its prime purpose the rendering of a public service.⁴

3 *Globe and Mail* (Toronto), 26 May 1982, p. 7.

4 *Webster's Third New International Dictionary of the English Language* (unabridged edition, 1961).

One of the characteristics of a profession, therefore, is that it advocates a common good which is greater than the direct interests of its own members and which may at times conflict with the interests of those who employ members of the profession. Doctors advocate public health; lawyers work to create a system of common justice; teachers accept a responsibility to promote education in the society. Archivists have a similar professional responsibility to promote public research. Canadian archivists cannot allow themselves to be limited in this area solely by their own interests or those of their employers (who may not always be friendly to public research).

The continued development of a real archival profession in Canada requires that archivists become identified with the social objective of freedom of information in their society. This will entail not only making representations to parliamentary committees, but may also involve archivists or their organizations commenting publicly on the adequacy of current archival acquisitions and access policies as well as the treatment of researchers. Within the recent past, events like the Canadian Human Rights Act, the Access to Information and Privacy Acts, and the McDonald Commission on the RCMP have raised some important questions for Canadians about freedom of information in their society.

The acceptance of professional responsibilities of this sort is built into the history of archivists and of archives in Canada. Literally the first official communication ever addressed by the first head of the Canadian Archives to his minister dealt with the question of access. Here is Douglas Brymner writing to his minister at the opening of his annual report for 1872:

Sir, I have the honor to report that on a petition presented to the Parliament of the Dominion, setting forth that authors and literary enquirers are placed in a very disadvantageous position in this country, in comparison with persons of the same class in Great Britain, France, and the United States, in consequence of being practically debarred from facilities of access to the public records, documents, and official papers in manuscript, illustrative of the history and progress of society in Canada, and praying that steps be taken to have the Archives of Canada collected, Parliament voted a sum last Session for the purpose of making preliminary enquiry into the subject.

The changes that have taken place in the relation of the Provinces to each other since they came under British rule, the frequent removals of the seat of Government, the fires that have several times destroyed or displaced valuable and interesting documents, have rendered the task of collecting the archives in any complete form a task of more than ordinary difficulty. It is believed that many documents bearing on the history of the Dominion and the various Provinces are in the hands of private individuals, but it is exceedingly difficult to ascertain where they are, as there seems to be an unwillingness on the part of those who are said to hold them to let it be known.⁵

5 36 Victoria, *Sessional Papers* 26 (Appendix 29), 1873, "Archives — Report of Mr. D. Brymner," p. 171. Emphasis added.

Brymner had to continue his fight for Canadian access to documents held by the British government throughout his career. In his 1881 report he gave this rationale for the necessity of increased access:

It is equally evident that to understand the political position of the Dominion, the history of the various Provinces and Territories of which it is composed, and the progress of events which has led to the present constitution of Canada, the records of the past must be made accessible to the historian and placed in as complete a state as possible at his disposal.⁶

By 1883 Brymner had achieved some success with the British government. He quoted in his report for that year the following letter from the British Foreign Office which allowed him access to Foreign Office records down to 1842 on deposit at the Public Record Office but with serious restrictions:

Foreign Office, 21st September, 1883

Sir, — With reference to your letter of the 15th inst., I am directed by Lord Granville to inform you that his Lordship has no objection to treating Mr. Brymner's case as an exceptional one, and to allowing him to have access to the Foreign Office papers, deposited in the Record Office relating to Canada down to the year 1842 but that he is of the opinion that he should not be allowed to take away copies of any papers without submitting them to the authorities of the Record Office in the first instance and subsequently to the Foreign Office for the approval of Lord Granville.

His lordship also directs me to inform you, that he desires it to be clearly understood that Mr. Brymner is not at liberty to copy any Departmental minutes which he may find on the letters and despatches in question.

I am, &c.,

PHILLIP W. CURRIE

The Assistant Under Secretary of State,
Colonial Office.⁷

I think the Association of Canadian Archivists has a good record with regard to the issue of freedom of information, but there are some criticisms I would make. I do not think that we have been vocal enough in our support of the concept of freedom of information nor have we been much help in illuminating its positive values in society. Canadian society will be healthier as a result of good freedom of information legislation and I think that archivists should say so. I did not hear many archival voices raised in April and May 1982 when it looked for awhile as if the government would drop the access to information bill entirely.⁸

6 D. Brymner, *Report of the Canadian Archives for the Year 1881* (Ottawa, 1882), p. 1.

7 D. Brymner, *Report on Canadian Archives, 1883* (Ottawa, 1884), p. 4.

8 On the positive side the Eastern Ontario Archivists Association did write a strong letter to Communications Minister Francis Fox protesting sharply against any idea of dropping the bill. As well work by archivists and historians caused to be added to the bill prior to 1982 certain very important provisions protecting records and research at the Public Archives of Canada.

In our past official comments I think we have spent too much time pointing out the shortcomings of the proposed federal legislation and in insisting that archival resources would have to be increased if the legislation were passed. We have spoken to our narrower professional concerns, but not to the larger questions involved in the freedom of information debate.

Communication is a difficult process in this society and a small, relatively new profession like our own has not much opportunity to communicate anything. With regard to freedom of information I think we conveyed the impression to the lawmakers that we were not particularly enthusiastic about the proposed legislation and that we were more concerned about the changes that would occur in our professional lives than we were about the positive social benefits of the legislation. Most members of the archival profession in Canada work for institutions that may not be friendly to the concept of freedom of information or whose donors or clients may not be. Until the ACA has its own paid staff who can speak for the organization without worrying about anything except whether they reflect the members' views, there will be limits on what the ACA will be able to do and say in public situations.

Canada is a society which is undergoing profound debate about the rights of its citizens and the powers of their governments and police agencies. The debate about freedom of information is part of that larger debate and we should not be surprised that it has been long and difficult. In recent years there seem to have been two competing realities in the debate. On the one side, we have had a prime minister and a government which made freedom of information and its older sibling, participatory democracy, key items in its political programme since 1968. Before he ever entered electoral politics, Mr. Trudeau said that "Democratic progress requires a ready availability of true and complete information. In this way, people can evaluate their government's policies. To act otherwise is to give way to despotic secrecy."⁹ Within two months of his election as prime minister, the Task Force on Government Information was appointed, whose report led to the formation of Information Canada in 1970. Talking about the "people's right to know," the Task Force Report, entitled *To Know and Be Known*, said:

...the governments of the West have grown terribly out of touch with tens of millions of their people. These people neither believe what their governments say, nor care about them, nor expect much more from them than the right to avoid starvation ... they are the lost, the unreached.... In addition to those who are alienated, uncomprehending and discontented, however, there are those who simply feel that their governments do not level with them.¹⁰

On the other hand, the same government which created Information Canada in 1970 killed the agency in 1972. Our new Constitution tells us:

Everyone has the following fundamental freedoms:
 (a) freedom of conscience and religion;
 (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 (c) freedom of peaceful assembly; and
 (d) freedom of association.¹¹

9 Quoted in Doris Shackleton, *Power Town* (Toronto, 1977), p. 84.

10 *Ibid.*, p. 70.

11 *The Canadian Constitution: A resolution adopted by the Parliament of Canada, December, 1981* (Ottawa, 1981), p. 3.

And the official guide to the constitution says:

The Charter enshrines certain fundamental freedoms for everyone in Canada. They are freedoms that custom and law over the years have made almost universal in our country. Now these freedoms will be protected by the Constitution.¹²

It is difficult to agree that these freedoms have been “almost universal in our country” over the years. After all, Peter Treu, a former government employee, was tried in secret for alleged illegal possession of security documents and his career in Canada ruined as a result. Walter Rudnicki, a senior career civil servant with the Canada Mortgage and Housing Corporation, was dismissed in October 1973 for allegedly circulating a Cabinet document outside the government. In 1982 Neil Fraser was fired from his job as a public servant for doing things which, initially, should have caused his employers no difficulty at all. His case is about to be considered by the Supreme Court of Canada. A provincial supreme court justice was severely criticized in 1982 by the Canadian Judicial Council for comments he made on the Charter of Rights. In 1977, so remarkable and disturbing were the admitted acts of its national security force, the Canadian government appointed a commission of inquiry to inquire into “the extent and prevalence of investigative practices or other activities involving members of the R.C.M.P. that are not authorized or provided for by law.”¹³ The McDonald Commission issued its final report in August 1981, but there is yet no indication of which of its 285 recommendations will be taken up by the government. Thirty of McDonald’s final recommendations pertain to the creation and destruction of government files, the release of personal information held in government files, and to freedom of information.

Information and its controls are questions at the heart of these recent and current debates in our society. The work of archivists is thus becoming central to this society. Being on the spot or in the limelight are not comfortable locations. I know archivists who have been severely disciplined by their employers within the recent past for allegedly not paying sufficient attention to the documents for which they were responsible. In this context I am glad that the organizers of next year’s ACA Conference have chosen “Archives and the Law” as the conference theme.

An old Anglican children’s hymn says that the Deity:

...bids us shine with a pure, clear light
 Like a little candle
 Burning in the night.
 In this world of darkness
 So we must shine
 You in your small corner
 And I in mine.¹⁴

12 *The Charter of Rights and Freedoms: A Guide for Canadians* (Ottawa, 1982), p. 4.

13 Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, *Certain R.C.M.P. Activities and the Question of Government Knowledge* (Third Report, Ottawa, 1981), p. 1.

14 *The Book of Common Praise: Being the Hymn Book of the Anglican Church of Canada*

I am proposing a somewhat tougher and more realistic posture for Canadian archivists than the self-immolation of the little candle. I do not want to have to climb the roof of the Public Archives of Canada in order to promote my professional ethics (as a Perth County Ontario archivist had to in September 1981), but I think we should support those archivists who do have to climb roofs. I want us to have collective organizations which can protect us and which will enlarge the ground over which we can carry out our professional responsibilities in the new, more dangerous era into which our profession is moving. Both our professional associations and our unions (for those archivists lucky enough to belong to them) have a role to play. I want to work as a member of a profession in which it is possible to say that the now superseded thirty year rule with regard to most federal government records made a sham of a lot of research in Canada. I think our profession should say that the present situation is indefensible where, in our provincial and federal government records archives, so many key records series from deputy ministers' offices, justice departments, and police agencies are missing. Our profession should take as one of its principles that it should be possible for the public to review all publicly funded activities. (It may make sense to delay such reviews for some period of time, but not so long that the review has no relevance to contemporary policy formation.) At present in Canada, this principle of public review through research does not exist for many key public agencies and their historians.

A very thoughtful Canadian archivist wrote to me after our discussions at the ACA meetings in June 1982 to question my notion that archivists could responsibly move to a role of increased advocacy on the researcher's behalf. He wrote:

If the archivist wholeheartedly becomes the advocate of public research you suggest, what does that do to the balance we now try to maintain between the wishes of donors and those of researchers. In many cases, would not your new archivist cause acquisitions to dry up, relatively speaking. If the archivist abandons, with zeal even, the neutrality we have traditionally had, will it not further encourage the move away from committing anything sensitive to paper by senior bureaucrats in important agencies, the move towards phantom or secret registries, the use of the telephone and desk files — all to thwart the archivist now seen as the enemy. Such developments of course impoverish the eventual historical record. Ethically speaking, should the archivist not wait 20 years to ensure a full historical record rather than acting in an advocacy role that may well cause the destruction of perhaps the best parts of that record by paranoid administrators? Short-term access pain to ensure long-term historical gain????!!¹⁵

Let me make two points in reply to these perceptive questions. First of all, my prescription for the archivist as research advocate can probably only be taken by archivists who work for publicly funded institutions like my own. Privately funded archives and archivists will probably go their own way. Government record

15 Letter in the possession of the author.

archivists have an even heavier responsibility in this area of public access. Public archives do what they do with public funds provided by the whole population rather than by a particular government or a particular set of administrators. Open public research is a healthy feature in any society and those archivists in a position to protect and extend open research have a professional responsibility to do so, in my opinion. If that position involves records archivists in battles to restrict the growth of “desk files” and “secret registries,” so be it. Secondly, I see no evidence that the past neutrality of archivists (and by no means all have been neutral) has brought to archives today a full historical record or anything like it. I would maintain that it has not done so and that, generally in our society, fighting to obtain a particular objective renders it more likely to be attained rather than less likely.

It is tempting (and self-serving) to think that we could preserve, protect and enhance the historical record better by sitting on our hands, but I do not believe that we can. For public records archivists at any rate, I am sure that the better way is the steeper path of working with individual researchers and organizations dedicated to increased public access.

Professions are made or are not made by people like ourselves. The archival profession is on somewhat of a knife edge at present. It is not clear to me whether our profession will grow and thrive in the next few years or whether we will as individuals drift off to become information officers, programme administrators, glorified records managers, or computer support analysts. The creation and maintenance of the ACA, the AAQ, and the English provincial associations have been very important developments in the archival profession since 1975. Our associations have begun to be involved in influencing public policy on archivally related questions. This too is an important step forward. I have a sense that how we respond to the freedom of information question, though, will have a lot to do with whether we end up as a strong, respected, and growing profession in Canada.

In a year's time, we will be meeting again in a conference devoted entirely to the theme of the archivist and the law. During the next year or two, I think we should attempt as archivists two or three modest advances, as a profession, in the area of freedom of information. I think we should become more vocal in our support of the concept and I think that organizations like the ACA should play as prominent a role as possible in FOI coalitions like ACCESS, the Ontario organization devoted to FOI. I think some archival organizations in Canada like the ACA should attempt to publish a guide or manual on how to get hold of government records under the FOI legislation, somewhat like the popular guides that individual authors have published to UIC legislation or marriage law. Finally, I think we should be a bit tougher in our individual working situations with departments (and they currently abound) that will not play fair with researchers. We should go a bit further to try to get the researcher access to the public records he or she wants. Speaking personally, I would like to see the Dominion Archivist operate eventually as the Auditor General or the Commissioner of Official Languages does with regard to his responsibilities. Perhaps the new Canadian Information Commissioner will operate in this manner as well. I think senior federal and provincial archivists should be prepared to make at least a modest public fuss *via* their annual reports about departments or agencies that do not conform to legislated principles of access and records management.

Freedom of information is a good thing in itself, worth supporting independently of its effect on our profession. I believe, however, that our profession will be judged in the 1980's on whether and how seriously we speak up for freedom of information in Canada.

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