Someone once remarked that Canada was the only country in the world that regarded its secret police as a national icon. While perhaps true until the 1970s, the extraordinary exposés of Royal Canadian Mounted Police (RCMP) Security Service (SS) crimes and wrongdoing revealed by the McDonald and Keable Royal Commissions, reporting 1979-81 and 1981, respectively, ruined the force's undoubtedly overblown reputation. These royal commissions also led to the establishment of the civilian Canadian Security and Intelligence Service (CSIS) to replace the old SS. The establishment of CSIS in 1984 was only one in a series of important legislative changes which have transformed Canadian research in general and in particular have made possible serious study of our intelligence and national security history.

Until the McDonald Commission there had been almost no serious scholarly scrutiny of the RCMP SS. The literature on the RCMP basically consisted of hagiographic accounts written largely by RCMP insiders or former RCMP officers and a few left-wing critiques that were, of necessity, based as much on speculation as they were on actual evidence. In many ways the most successful literature on the Mounties' security efforts were the accounts by John Sawatsky and Jeff Sallot and the fiction of Ian Adams. The books by Sawatsky and Sallot were excellent journalistic accounts by skilled investigators, but they shared the weakness of being based on insider accounts which not only could not be verified but were on occasion clear self-justifications and rationalizations of RCMP SS behavior. Adams dealt with the problem of sources by
writing a "fictional" account. His novel, however, was deemed to be sufficiently close to reality that a former high-ranking RCMP SS officer, James Bennett, sued him for libel. What Adams, Sallot and Sawatsky were not able to do because of RCMP secrecy was to verify their informants' data against the documentary record of the SS and, of course, to allow others to scrutinize and perhaps to reinterpret their material. In addition, the trade book market dictated that their accounts focus on the more recent and more sensational aspects of their material, which meant that historical developments received short shrift. Historians are now trying to fill these lacunae by utilizing newly available archival records, and through extensive use of the Access to Information legislation.

For various reasons, including access to sources, there has been a boom in security studies in the last 10 years. These years have witnessed the emergence of a new learned society, the Canadian Association for Security and Intelligence Studies (CASIS), a number of important and productive conferences, and a steadily growing stream of scholarly articles and books, which have begun the process of seriously coming to grips with the history of Canada's secret service. It is not my purpose here to consider this literature, but none of it could have been written without the changed research climate that has come about with the Access to Information and Privacy (ATIP) and National Archives of Canada (NAC) legislation. Such an assertion, however, should not be confused with any notion that things have shifted from ridiculous secrecy to a new openness. Nothing could be further from the truth. CSIS has entered the new age of access to information and mandatory archival control kicking, screaming, and resisting every step of the way.

On 1 July 1983 the Access to Information and Privacy (ATIP) Act, which had been passed by Parliament and received royal assent a year earlier, was proclaimed. While research was not the focus of the legislation at all, it nevertheless had far-reaching effects that have almost totally changed the nature of scholarly research in government records in Canada. Under the Access to Information Act any Canadian citizen, permanent resident, "or another individual present in Canada," or a corporation present in Canada, can apply to any federal government institution for the release of any information held by the agency for an initial fee of $5. For no fee an individual or someone acting with the permission and authorization of the individual can do the same with regards to govern-
ment information about her/himself under the Privacy Act. In passing this legislation, Canada was entering the post-Watergate world of new democratic openness.5

The other piece of legislation, important for researchers, was the new National Archives of Canada (NAC) Act, which was debated and passed in 1986 and received Royal assent in 1987. This Act, passed by the Mulroney government, replaced the archaic 1912 legislation under which the old Public Archives had operated. Its major contribution to Canadian scholarship lies in the specific and almost complete power it gives the National Archivist to control the retention or destruction of government records. Section 5.(1) gives this explicit power to the National Archivist: "No record under the control of a government institution and no ministerial record, whether or not it is surplus property of a government institution, shall be disposed of without the consent of the Archivist."6 Section 6.(1) then mandates the transfer of such records as are designated by the National Archivist to the NAC in accordance with agreed-upon retention and transfer schedules.

The powers given to the National Archivist in the Act are particularly sweeping and impressive given that the draft legislation introduced in February 1986 had possessed two huge loopholes which would have rendered the legislation almost useless in any controversial area. Bill C-95 had an additional clause in each of Sections 5 and 6. Section 5.(6) would have removed "records containing information that was received in confidence from the government of a foreign state or institution thereof" from the Archivist's mandate and Section 6.(4) would have restricted the transfer of a record "that contains information related to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities that was obtained in confidence from the government of a foreign state or an institution thereof."7 Neither provision survived in the Act as passed by Parliament. The removal of these two obnoxious restrictions represented a significant victory for lobbyists such as the Social Science Federation of Canada and the Canadian Historical Association, both of which had vociferously opposed these sections of the legislation. It also testified to the quality of the political connections of the National Archivist, Jean-Pierre Wallot.8
The balance between what has been gained with the new legislation and the immense difficulties that researchers still face in this field is well illustrated by my own research experiences. Since the mid 1980s I have been researching the history of the Canadian secret service from the 1860s to the beginning of World War II, but with special emphasis on World War I and the inter-war period, and particularly on state repression of labor and the left. In this work I have made extensive use of the Access to Information process, especially with respect to records now held by CSIS, but also involving records of the RCMP, the Department of Justice, the NAC, and several other government departments.

I first became interested in this project when I was doing research on the labor revolt that began towards the end of World War I and continued into the immediate postwar period. In the process of research at the then Public Archives of Canada I discovered the sorry history of the removal from the Archives of Royal North West Mounted Police records of the 1917-21 period. This material, which had been deposited by the RCMP in the early 1960s, was withdrawn by the force for security reasons in 1971 and not returned until the early 1980s. Even then the material was initially subjected to the new Access and Privacy restrictions and only finally released to researchers in its entirety, minus exemptions, at the end of the decade. The final release and a number of interim releases were accomplished only because of the active involvement of the Office of the Information Commissioner of Canada to whom I made numerous complaints concerning the handling of these records. The intervention of the Information Commissioner included much mediation, but also involved the active threat of judicial appeal, which led to the last-minute release of the records.

While these were records held by the NAC, the Archives on this occasion, and seemingly on all subsequent occasions, has been unwilling to substitute its opinion for that of CSIS in interpreting the Access legislation. For me and for other researchers who have fought over the years to get such records into the NAC this has proven a considerable disappointment. No doubt National Archivist Jean-Pierre Wallot would explain that the gain is that the records' survival has been guaranteed and thus that at some time in the future researchers will be able to access them. To be fair that is an important achievement, but researchers anticipated rather more from the NAC than simply preservation. Perhaps
naively, researchers had expected the NAC, which now has the legal responsibility for the records, to tip the discretionary aspects of the legislation towards openness.

Equally important has been the ATIP legislation. Indeed my own work would have proved impossible to pursue in anything like the same depth without the existence of the ATIP legislation. To date, for example, I have received some 63 personal RCMP Security files including those of prominent Communist leaders such as Malcolm Bruce, Rebecca Buhay, Florence Custance, Arthur Evans, Bella Hall Gauld, Jack Kavanagh, Jack MacDonald, J. B. McLachlan, Leslie Morris, Matthew Popowich, Sam Scarlett, A. E. Smith, Maurice Spector, and others. Non-communist figures, whose files I have been able to see, include J. S. Woodsworth, William Irvine, and R. B. Russell. I have even accessed the RCMP file on Leon Trotsky (only 4 disclosed pp.) and Comintern agent Charles Scott. In addition, and generally far bulkier, are more than 50 subject files which include various aspects of the Workers’ Party and the Communist Party in various cities and regions, the One Big Union, the Winnipeg General Strike, the Comintern, the Profintern, Canadian Trotskyist and Communist Opposition groups, and material related to Canadian participation in the Spanish Civil War. Equally valuable have been lucky discoveries such as the previously unreleased internal history of the RCMP Security Service, apparently written as part of the RCMP preparation for the McDonald Commission. This document in turn led to my accessing annual reports of the RCMP SS, which originated in 1939 and ran on through the 1950s. While all of this has been expensive and time consuming, it should be clear that it would be impossible to write about state repression without reviewing this material. Indeed the extent of this secret police archive will certainly affect the totality of Canadian writing about labor and the left as it becomes more readily available.

A small beginning has now been made on this task as regards World War I and its immediate aftermath. While much of the material had already been in the NAC, the additional materials from the RCMP, CSIS, and the Department of Justice begin to change the historical view of state repression during World War I, and of the birth of the RCMP itself and its role in state security more specifically. Other revisionist work making use of records obtained via ATIP legislation includes the work of William Kaplan on the Canadian Seaman’s Union and the Jehovah’s
Witnesses, Reg Whitaker on Immigration and Security and the Cold War, Nick Fillmore’s biography of Nova Scotia Communist leader Roscoe Fillmore, and James Dubro and Robin Rowland’s biography of RCMP Security operative Frank Zaneth.12

However, the whole question of access to security service records is becoming so complex as to create real problems of appropriate documentation for historical research. Let me try to explain again by reference to specific research materials that I have acquired. Starting in 1985 and in co-operation with political scientist Reg Whitaker of York University, I sought access to the RCMP Security Bulletins that commenced in 1919 and continued until at least the 1950s. I knew about the existence of these Bulletins because a scattering of them are at the NAC in various politicians’ papers. To our amazement, CSIS and the RCMP could find only some of these Bulletins. Given that these were the major mechanism by which the RCMP reported on its main security efforts after 1919, this is somewhat surprising to say the least. Nevertheless all efforts by the Information Commissioner’s office to discover more than CSIS could identify have led nowhere. To date we have published five volumes of these Bulletins covering 1919-1929, 1933-1934, 1935, 1939-1941, and 1942-1945. Another three volumes completing the Depression years will soon be published.13

These published volumes contain the documents as released to us by CSIS with numerous exemptions made in alleged conformity with the ATIP legislation. We appealed these exemptions to the Information Commissioner but received little if any further information as a result. In conforming with the retention and transfer schedules created for it by the NAC as mandated by the NAC Act, CSIS has now transferred much of this material to the Archives as part of RG 146, the records of CSIS, which includes all the old RCMP Security Service materials acquired by CSIS upon its creation. All materials in RG 146 must be cleared via the NAC access section before release to the public. A formal Memorandum of Understanding between the NAC and CSIS, that was entered into before any CSIS material was deposited, makes this clear and in effect means that CSIS makes the decisions on the exemptions applied to these documents. Given the amount of discretionary judgment involved in interpreting legislation, the fact that an agency that is predicated on
secrecy is effectively controlling access to documents definitely limits the materials that can be released to researchers.

Initially, all materials released by the NAC from this record group had to be applied for via formal access requests, a procedure at variance with normal NAC policy. Material so released to any researcher is now available in the reading room of the Government Archives Division (GAD) of the NAC. Unfortunately the relationship between this released material with its various exemptions, and the original archival record, is not clear. The original requester will know the nature of the request and will know how much material has been exempted and under what sections of the legislation, but this information is not available to subsequent users. To make an already complex situation even worse, CSIS has recently closed its own reading room in its old building, which was conveniently located on Wellington Avenue next to the NAC. Now material is available at the Solicitor General’s Reading Room on Laurier Avenue. (This change is because CSIS has recently moved to its new building, outside Ottawa, in Gloucester.) To date the reading room contains copies of two exempted CSIS manuals and about 190 previously released access requests. Precisely what procedure CSIS uses to choose which access releases find their way into this collection is not apparent to the user nor could the individual who escorted me there provide any explanation, although he thought that they would all end up there eventually. (For better or worse this particular replication has occurred because the NAC made a blanket decision not to collect records generated by access requests. In the CSIS case at least, I think this was unwise.)

Let me summarize the researcher’s problem by using the RCMP Security Bulletins for 1935 as an example. The original, and to date unseen, documents are now part of RG 146 in the NAC. I have in my possession, and will publish shortly, the version released to me by CSIS, with its numerous exemptions. A version, which I assume is identical to the one released to me, is now also available in the CSIS Reading Room. At any moment another version may become available at the NAC via some other researcher’s access request there. Once cleared by the NAC in consultation with CSIS a version will be made available to all researchers in the GAD Reading Room. That version, however, may be at variance with the one released to me and the one in the CSIS reading room. Why? Simply because a different individual or individuals will be
applying their discretionary judgment with regards to exemptions and because if there is a complaint to the Information Commissioner a different investigator or investigators in that office will also apply their potentially different judgment and interpretation. Moreover, as time passes some exemptions change by definition. Personal information, for example, is subject to a limitation which is lifted 20 years after the person’s death. A similar rule applies to cabinet materials and, under the CSIS Act, to records concerning “activities suspected of constituting threats to the security of Canada within the meaning of the Canadian Security Intelligence Service Act.” Thus, there is every possibility that a plethora of versions of the same document may be created over time, while the original sits in the NAC vaults awaiting the demise of an outmoded sense of national security that is based on a world long gone.

Another complicating factor as yet not mentioned is that CSIS has insisted that the file lists to RG 146 are themselves totally exempt. Only a series of complaints to the Information Commissioner by University of Ottawa law professor William Kaplan and myself, among others, has managed to get exempted versions of these lists open. Again, this is a situation that no researcher envisaged when we were fighting the battle to get this material into the NAC.

CSIS has also chosen to apply numerous restrictions to their compliance with the ATIP legislation which lie outside of Treasury Board interpretations and advice. For example, most government agencies indicate on the document beside the deleted material what exemption is being applied. CSIS contends that this is not mandated by the legislation and won a court decision against the first Information Commissioner Inger Hansen upholding this view. An appeal against that decision was allowed to vegetate for a number of years before Hansen’s successor, John Grace, refused to fight the case. (Grace explained to me that in this and other matters he preferred to work by persuasion not litigation. Indeed he assured me that he thought he could accomplish more via luncheons with bureaucrats than by asserting the powers of his office!)

Until recently, unlike other government agencies, CSIS refused to allow an access user to view any material in advance. Instead a researcher had to pay all the costs associated with the preparation and copying of the material before viewing it. Given the vast extent of the security archive this was a time-consuming and expensive venture with a low rate of
return. Researchers without the luxury of independent wealth or significant research grants or much time were not able to enter this arena. The CSIS policy, which, intentionally or not, impeded research, was in stark contrast with the commendable co-operation that I have received from the RCMP Access division, for example, which has on several occasions shipped material from Ottawa to St. John's to allow me to view it before making decisions on copying. Fortunately, CSIS has reversed this policy and now makes material available for viewing in its Ottawa reading room.

Having said all of this, let me again make clear that, despite the major difficulties which flow from the ATIP legislation itself, from the lack of an aggressive Information Commissioner, from the unfortunately passive role of the NAC, and above all from the Neanderthal attitudes of CSIS, research in an area that previously would have been impossible is now possible. Moreover, things should improve with time as the anti-communist and cold-war world view that dominated RCMP and CSIS thinking continues to dissipate. The change of government may help. The Mulroney and Campbell governments did not distinguish themselves in this area when they ignored the substantial improvements recommended by parliamentary review committees in the case of the ATIP legislation and later with regards to CSIS itself.\textsuperscript{14} We can only hope that recent pressure from Liberal backbenchers and historians John English and John Bryden may have an impact on the Chrétien government.

Is there a moral to this tale? The obvious one to me is that historians must be activists in the general quest for the preservation of and access to historical documentation. Historians and other scholars must work closely with archivists, civil libertarians, and others to ensure that the NAC Act is enforced and improved and to lobby for further amendments to the ATIP legislation to improve all aspects of access to government information. While research in the area of security and intelligence is obviously of great sensitivity, the larger issues involved are crucial in all areas of our efforts to understand Canadian history and society. While CSIS officials would (and do) undoubtedly argue against such increased openness, I can see little justification in today's world for the continuation of attitudes derived from the war between communism and capitalism. If democracy won the cold war, then let democratic values prevail in Canada too. Perhaps the irony of the now completely open...
Comintern Archives in Moscow with its extraordinary rich holdings of materials on the Communist Party of Canada\textsuperscript{13} will not be lost on CSIS and on the Liberal Government.

NOTES

1. For hagiographic accounts see, among others, Nora and William Kelly, The Royal Canadian Mounted Police; for insider accounts see Harvison, The Horsemen; Rivett-Carnac, Pursuit in the Wilderness; and Kemp, Without fear, favour or affection. The earliest serious muckraking account was Lorne and Caroline Brown, An Unauthorized History of the RCMP. For a useful overview that considers much of this literature see Wark, "Security Intelligence in Canada, 1864-1945." For popular views of the Mounties see Walden, Vision of Order.

2. Sawatsky, Men in the Shadows and his For Services Rendered, Sallot; Nobody Said No; and Adams, S. Portrait of a Spy. For the complicated publishing history of Adams's novel see the "Introduction" and Appendices to the paperback edition (Toronto: Penguin, 1986); ix-xviii and 177-91. On Quebec see also Dion, Crimes of the Secret Police. A useful journalistic account of CSIS is Cleroux, Official Secrets.

3. Proceedings of some of these conferences have been published: see Franks, ed., Dissent and the State; Hanks and McManus, eds., National Security; Farson, Stafford, and Wark, eds., Security and Intelligence in a Changing World; and Wark, ed., Espionage: Past, Present, Future? An early attempt at synthesis which paid inadequate attention to the possibilities of access legislation is Granatstein and Stafford, Spy Wars. See also Mount, Canada's Enemies.

4. For a useful discussion of these issues, see Whitaker, "Access to Information and Research on Security and Intelligence: The Canadian Situation."


7. House of Commons of Canada, First Session, 33rd Parliament, Bill C-95, An Act respecting the Archives of Canada and records of government institutions of Canada and to amend the Copyright Act.


9. For a detailed version of this story see my article "The Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Public Archives of Canada and Access to Information: A Curious Tale."


12. Kaplan, Everything that Floats and State and Salvation; Whitaker, Double Standard; Whitaker and Marcuse, Cold War Canada; Fillmore, Maritime Radical; and Dubro and Rowland, Undercover.


WORKS CITED


House of Commons of Canada, First Session, 33rd Parliament, Bill C-95. *An Act respecting the Archives of Canada and the records of government institutions of Canada and to amend the Copyright Act*.


