



Association  
of Canadian  
Archivists

# theBulletin

October 2013

*Annie Benoit sits at a work table cutting fish at the Benoit's fish camp near Aklavik. Pierre Benoit stands in the background.  
[Credit: NWT Archives/James Jerome fonds/N-1987-017: 0731]*



Association  
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Archivists

Association of Canadian Archivists  
I.S.S.N. 0709-4604  
Vol 37. No 3, October 2013

P.O. Box 2596, Station D,  
Ottawa, Ontario, K1P 5W6  
Tel: (613) 234-6977  
Fax: (613) 234-8500  
Email: [aca@archivists.ca](mailto:aca@archivists.ca)

The views expressed in the Bulletin are not necessarily those of the Board of Directors of the Association of Canadian Archivists. The Bulletin is usually published quarterly by the Association of Canadian Archivists.

**ACA Secretariat**

Executive Director: Duncan Grant  
Client Services Coordinator: Denis Akoulov

Submissions, suggestions and any questions should be addressed to:  
Editor: Carrie Limkilde, [carrie.limkilde@ontario.ca](mailto:carrie.limkilde@ontario.ca)

Submission deadlines for the Bulletins scheduled for late 2013:

Issue	Submission deadline
<i>Winter issue</i>	<i>December 13</i>
<i>Spring issue</i>	<i>March 7</i>
<i>Summer issue</i>	<i>July 4th</i>

Penny Warne, Layout and Design  
[penny@warnedesign.com](mailto:penny@warnedesign.com)

**ACA Board Members**

President: Loryl MacDonald, [loryl.macdonald@utoronto.ca](mailto:loryl.macdonald@utoronto.ca)  
Vice President: Michael Gourlie, [michael.gourlie@gov.ab.ca](mailto:michael.gourlie@gov.ab.ca)  
Secretary-Treasurer: Karen Buckley, [kbuckley@ucalgary.ca](mailto:kbuckley@ucalgary.ca)  
Director at Large: Heather Beattie, [heather.beattie@gov.mb.ca](mailto:heather.beattie@gov.mb.ca)  
Director at Large: Scott Goodine, [scott.goodine@gov.mb.ca](mailto:scott.goodine@gov.mb.ca)

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## Letter from the Editor

Welcome to the fall 2013 edition of the Association of Canadian Archivists' Bulletin.

In this issue we bring you a photo montage from this past summer's ACA 38th Annual Conference in Winnipeg, along with a brief summary of the conference highlights. Thank you to all who were kind enough to share their photographs.

This issue of the Bulletin also features an article featuring a unique collaboration between the Northwest Territories Archives, Gwich'in Social and Cultural Institute, Friends of Yukon Archives Society, and the Yukon Archives to share and exhibit the photographs of James Jerome. Also included is an article by James Roussain, a recent graduate from the University of Toronto's Faculty of Information in Archives and Records Management, about the contentious issues of access to information and copyright that surround the unpublished papers of Lucy Maud Montgomery. And, some other good stuff too....

I would like to thank all the contributors this month for the wonderful submissions – please keep them coming!!

Best Regards,  
Carrie Limkilde

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### ACA 2013 Conference Summary

The Association of Canadian Archivists' 2013 Conference in Winnipeg was a success. ACA 2013 had 214 registered delegates and more than 245 individuals who participated in conference related activities. Further, there were 9 exhibitors at the Trade Show and 30 participants in the two pre-conference workshops. Nineteen organizations supported conference events and activities. From the welcoming reception through the tours, film night, ball game to the closing dinner & dance, the social activities were at full attendance.



At the AGM, Board members Michael Gourlie and Heather Beattie were elected for a second term as Vice-President and Director at Large respectively. Members also unanimously approved ACA's new General Operating Bylaw #2 and a special resolution directing the Board to apply to continue under the new Canada Not for Profit Corporations Act (CNCA). Interim reports were received from both the Canadian Archival System Task Force and the Education Guidelines Review Taskforce; members approved the continuation of both task forces for another year.

At the awards lunch, Jean Dryden was inducted as a Fellow of the ACA. Nancy Hurn received the Member Recognition Award and Lyne St-Hilaire-Tardif was recognized as an Honorary Archivist. Archivaria General Editor, Jean

Dryden announced the awarding of the Taylor Prize to Geoffrey Yeo, the W. Kaye Lamb Award to Richard Dancy, and the Gordon Dodds Student Award to Jordan Bass. Visit the ACA website for additional details as well as presentation photos.

Meanwhile, planning is underway for the 2014 Conference. 2014 Host Committee members, Linda Nobrega and Jane Morrison, and Program Committee member, Peter Houston, invited delegates to join them in Victoria, June 26– 28, 2014, for the ACA's 39th annual conference. The 2014 conference theme is Archivatopia.

### ACA Welcomes Denis Akoulov in the position of Client Services Coordinator

Denis Akoulov is a native of Belarus and has lived in Ottawa, Canada since 2009. Since then he has been Coordinator for Memberships and Publications at the Canadian Mathematical Society and responsible for support of Society's members and subscribers and delivery of its events and programs.

Denis received his B.A. with honors in International Law at the Belarus State University and worked as a legal advisor in the government (Belarus) and as a head advisor to President of the Economic Court of the Commonwealth of Independent States.

Having developed various competences at his previous jobs through coordinating memberships and publications of the Canadian Mathematical Society and Statistical Society of Canada, coauthoring research work on international humanitarian law and experience in Public sector, Denis Akoulov adds an essential professional value and friendly personality to ACA team, members and national and international partners.

Born in Germany, raised in Algeria, educated in Belarus, working and residing in Canada and having a bi-cultural background Denis has witnessed the increasing importance of expert preservation of government, cultural, and personal records for ongoing and historical needs of individuals and populations.

Besides being a highly organised and dedicated professional, Denis balances his life with hobbies in digital media, traveling, music, and above all, enjoying time with his wife Elena and daughter Alina Victoria.



## Be Yourself, not just a Number

As the Members Only website is structured with limited access to information in the membership database, it begins knowing just your member ID number and password. This ID number is used when you join a group or send a message, until you add your name to your onsite profile.

Here's how you **Become More than a Number**

Step 1: Login at [www.members.archivists.ca](http://www.members.archivists.ca)

**Welcome**

Welcome to the members-only site of the Association of Canadian Archivists! This site is a place for members to discuss important issues, collaborate on documents and form communities of shared interest, as well as providing an online home to the many committees and special interest groups that make up the Association.

To get started, log in below with your Member and Subscriber Services username and password. If you have forgotten your password you may retrieve it by clicking here: [Forgot Your Password?](#)

If you don't have a username and password, please [contact the ACA Office](#) to obtain one!

Home >

**User account**

Access denied. You must login to view this page.

**Username:** \*

2058

Enter your Members of the Association of Canadian Archivists username.

**Password:** \*

\*\*\*\*\*

Enter the password that accompanies your username.

Log in

Step 2: My Profile

Click on the *My Profile* link in the right side menu bar

**Association of Canadian Archivists**

All Activity | SIS and Committees | Topics & Blogs | Publications | FAQ

Home >

**Activity**

	Date
Rodney Carter commented on Communications Policy (draft).	1 week 5 days ago
Michael Gourlie commented on Communications Policy (draft).	1 week 6 days ago
Catherine Bailey changed Submission management in 2012 Programme Committee.	2 weeks 23 hours ago

**Welcome, Judy Laird.**

Logout.

- My Activity
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Step 3: Input your name:

Click on the Edit tab, and then the Profile Details as shown in the image below.



Then Save, by clicking on the Save button at the bottom of the My Profile screen



## Archives News & Events

### Jesse's Blog:

Jesse Boiteau, the first Masters of Archival Studies intern specializing in Indigenous Archiving at the University of Manitoba, has started a blog about the records of the Truth and Reconciliation Commission on Indian Residential Schools and the University of Manitoba's involvement with them. He intends to post information on a regular basis. The National Research Centre (NRC) Implementation Committee is helping to oversee the transition of the Truth and Reconciliation Commission's archives to the University. Check out Jesse's Blog for more information:

<http://jesseboiteau.wordpress.com/2013/09/06/behind-the-scenes-the-trcs-missing-children-project/>

### Wouldn't it be nice?

Digital Diplomats 2013: "What is Diplomats in the Digital Environment?"

Paris, France 14-16 November 2013

Following the success of the two conferences on Digital Diplomats that took place in 2007 in Munich and 2011 in Naples, this conference, to be held in Paris, 14-16th November 2013, has the goal to further the scholarly

reflection on the way in which diplomatics has developed as a result of both the opportunities offered by digital tools to study historical documents and the challenges presented by born digital documents and by the need to understand their structure and the complex digital environments in which they reside. You can find the Program at a Glance and the Registration Form (please, note that registration is free) here: <http://www.cei.lmu.de/digidipl13/>.

Co-chairs of the Program Committee include: Antonella Ambrosio, Italy; Luciana Duranti, Canada; Olivier Canteaut, France; and Georg Vogeler, Germany.

### Digital Repository of Ireland (DRI) launched a report on international approaches to caring for digital data:

The report, 'Caring for Digital Content: Mapping International Approaches' profiles a wide range of organisations and initiatives around the world.

According to the report authors, 'Mapping international approaches to caring for digital content is an important information-gathering exercise, which we are happy to share here with the community, in the hope that examples of best practice can inform and shape our community's advancement as a whole.'

The study revealed the different emphases that digital projects place on access to versus preservation of the digital content. The report observed that current funding trends appear to favour access, visualisation, user engagement tools and mechanisms. However, the authors say, 'DRI urges some caution here: while user access and engagement are absolutely essential, it is equally important to consider the longer-term responsibility to preserve this rich digital content, so that future generations will also have the opportunity to access and engage with it.'

Read the report: The report: O'Carroll, A., Collins, S., Gallagher, D., Tang, J., & Webb, S. (2013) *Caring for Digital Content, Mapping International Approaches*. Maynooth: NUI Maynooth; Dublin: Trinity College Dublin (<http://dri.ie/caring-for-digital-content-2013.pdf>)

### Archives Summit

An Archives Summit is being organised by representatives from the l'Association des archivistes du Québec (AAQ), Association of Canadian Archivists (ACA), and the Canadian Council of Archives (CCA) to be held at the University of Toronto on January 17, 2013.

The Summit will be an opportunity to for archival leaders and representatives to meet and to strategize over new directions for the archival community.

## Obituary

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### Michael Swift (1936-2013)

On behalf of the Association of Canadian Archivists (ACA), I wish to extend my sincerest condolences on the passing of Michael Swift. Mike greatly contributed to the development of a strong Canadian archival system. He was a great mentor and good colleague.

Mike received his Master of Arts degree in modern political history from the University of New Brunswick and began his archival career at the Public Archives of Canada (PAC) in 1964, working in the Manuscript Division with both private manuscripts and government records. A challenging assignment at that time was the creation and editing of the first Register of Dissertations in Progress in cooperation with the Canadian Historical Association.

In 1971 he accepted the appointment as Provincial Archivist of New Brunswick, succeeding Hugh Taylor. While with the PANB, Swift served as President of the Archives Section of the Canadian Historical Association. In that capacity, he created the Committee on the Future, which brought in recommendations for the formation of the Association of Canadian Archivists in 1975.

Mike returned to Ottawa in 1978 to become Director General of the Archives Branch of the PAC, a position he held until

Summit planning is still very much preliminary stages. While in person attendance will be limited to a select and small number of participants, the Summit organisers do hope to webcast some of the discussion.

Further details will be forthcoming in the next few weeks.

### 2013 Information Management Conference, November 26-27 Edmonton, Alberta

Information management professionals, from all disciplines and sectors, will take part in leading edge, leadership sessions on the considerations, challenges and choices facing information management today and in the future.

Themed around strategic information management, digital by design, and emerging trends and technologies, this year's program includes industry experts and showcases Alberta innovation with sessions ranging from open government, information governance, enterprise content management, e-discovery, social media, cloud computing, digital preservation, geospatial information and big data.

More information available here: <http://www.rimp.gov.ab.ca/conference/pdf/IMConference2013.pdf>

1986. In 1987, he was appointed Assistant National Archivist, a new designation brought about by the amendment of the Archives Act in 1984. During his tenure as Assistant National Archivist, the National Archives of Canada (NAC) played a leadership role in the International Council on Archives (ICA), NAC staff members were integral to the development and acceptance of international standards for the description of archival records, and the NAC also designed and built one of the finest archival storage facilities in the world, the Gatineau Preservation Centre. Mike retired from the National Archives of Canada in 1997, having been associated with the National Archives for more than 30 years and having served under three Dominion/National Archivists.

He went on to serve two terms as a member of the Canadian Cultural Property Export Review Board, and he established Michael Swift & Associates, an information management consulting firm.

He became an honorary member in the Association of Canadian Archivists in 1997 and was made a Founding Fellow in 2009.

Our thoughts and best wishes go out to Mike's family, friends, and colleagues throughout the country and around the world. We are truly grateful for his devotion to the development of the Canadian archival profession.

# James Jerome in Whitehorse: “Fish Camps Through a Gwich’in Lens”

By Carolyn Harris  
Archivist, Yukon Archives

Considering this year’s ACA conference theme was “Community as Archives, Archives as Community,” it is a timely opportunity to share news of a recent cooperative venture that took place within the archives community. The current exhibit of the Friends of Yukon Archives Society (FOYAS), which was created and managed by Yukon Archives, is entitled “James Jerome: Fish Camps Through a Gwich’in Lens.” The exhibition came to be because of a presentation made at ACA’s 2012 annual conference in Whitehorse. Erin Suliak, an archivist at the Northwest Territories Archives, presented with Ingrid Kritsch and Alestine Andre of the Gwich’in Social & Cultural Institute, on “Partnering for success: Uncovering Archival Gold in the James Jerome Fonds Project.” The interest of Yukon Archives staff who attended Erin’s presentation was piqued; Territorial Archivist Ian Burnett immediately had the idea to bring some of Jerome’s captivating images to Whitehorse for exhibition.



James Jerome.  
Credit: NWT Archives/  
James Jerome fonds/  
N-1987-017: 1781

James Jerome was a First Nations photographer whose images of his people, the Gwichya Gwich’in of northwestern NWT, created a record of a traditional lifestyle and customs that he feared were disappearing with the passing of the community’s elders. Jerome was born in Aklavik, Northwest Territories, on July 31, 1949. He was the youngest of six children born to Celina (Coyen) Jerome and Joe Bernard Jerome, a Special Constable with the Royal Canadian Mounted Police, a trapper, and chief of the Gwichya Gwich’in of the town of Tsiigehtchic.

Jerome spent his early childhood on the land and then attended Grollier Hall residential school in Inuvik. After high school he trained to be a welder, and once certified, he travelled across Canada working. Travel brought eye-opening experiences and allowed him to save up for better camera equipment. Jerome had been taking pictures since he received his first camera at the age of twelve.

In his twenties, Jerome returned to the Mackenzie Delta region where he’d grown up, working as a photographer for the *Native Press* and freelancing. It was during this period that he grew more conscious of the changes in the northern First Nation way of life. He began travelling to photograph



Julie-Ann Andre stands at a work table cutting fish under a covered drying stage at her parents’ fishing camp at Tr’ineh’t’ieet’iee, on the Mackenzie River. Credit: NWT Archives/  
James Jerome fonds/N-1987-017: 0574

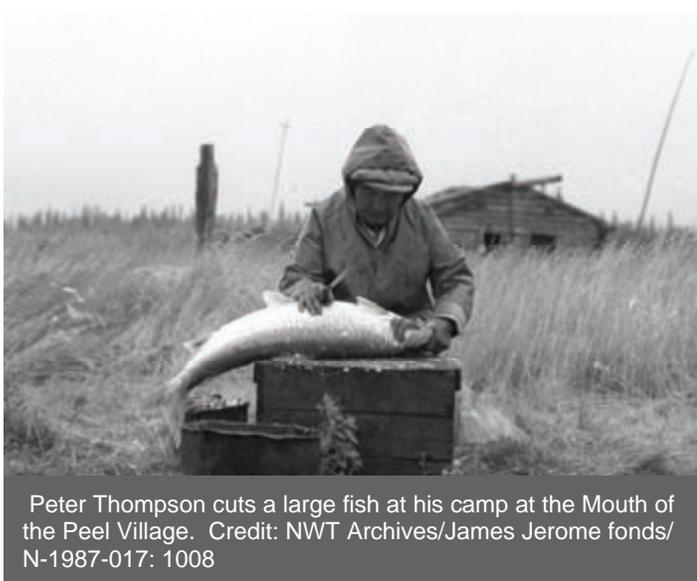
Gwich’in fish camps, the Northern Games, community recreation and entertainment, and portraits.

James Jerome died in a house fire in Inuvik on November 17, 1979, at the age of 30. His negatives and prints were seriously damaged in the fire that claimed his life. In 1982, Jerome’s family deposited over 9000 of his images with NWT Archives (the fonds was formally donated in 1995). Archivists’ and conservators’ restoration of the heat- and smoke-damaged photographs took several years. When it came time to tackle the description of thousands of images lacking context, NWT Archives engaged their communities of heritage and culture workers, and Gwich’in elders. In partnership with the Gwich’in Social & Cultural Institute, interviews and workshops were held in Tsiigehtchic and Fort McPherson where elders identified the places and individuals in Jerome’s photos. Now, Jerome’s images on exhibition are displayed with the captions formulated by his people.

The FOYAS exhibition is mounted for a three month period at the Hougen Heritage Gallery, a community exhibition space that we share with the MacBride Museum of Yukon History. We are fortunate to have the use of this downtown space thanks to the ongoing support of prominent Yukoner Rolf Hougen, who is a prolific amateur photographer himself and documented events, people and everyday life in Whitehorse and Yukon from the 1950s to 70s. As a First Nations photographer, James Jerome calls to mind the talented First Nations photographers from Yukon. Yukon Archives holds rich collections from several of these photographers including George Johnston, the Van Bibber family, and Freddie Johnston. Another connection is the historical and biological ties between the Gwichya Gwich’in

and Yukon's Vuntut Gwich'in; they are two of the nine Gwich'in bands that were in Canada at the time of European contact (there are now 11 bands).

The fifteen images on display in Whitehorse are from the NWT's travelling James Jerome exhibit, however Yukon Archives obtained the digital versions of the photographs and reprinted them in Whitehorse since the physical exhibit was already loaned out. The contracted designer created single design files containing the TIFFs and captions, which were then professionally printed on paper and custom-framed. Three large text panels were created for either end wall of the exhibit: one is a title panel, one provides biographical information about James Jerome, and the third highlights the project of NWT Archives and the Gwich'in Social & Cultural Institute, and explains the background of this exhibition coming to Whitehorse.



Peter Thompson cuts a large fish at his camp at the Mouth of the Peel Village. Credit: NWT Archives/James Jerome fonds/ N-1987-017: 1008

Jerome's fish camp photographs show Gwich'in elders, adults and children at work and at rest at their summer fish camps. The simplicity of the black and white images and the quotidian intimacy of the activities being performed draw you in when you look at these photographs. Because Jerome was "one of them," he was able to capture the Gwich'ya Gwich'in in friendly openness, casual moments, and unself-consciousness as photographic subjects. These modern photographs are a valuable contrast to 19<sup>th</sup> and early

20<sup>th</sup> century photographs taken by outsiders, which often present First Nations people with an anthropological distance and amateur stiffness if not outright exoticization. Jerome's skill was in capturing wonderfully naturalistic images of the everyday moments of family life and work, while documenting a way of life that was giving way to the conveniences of modernity even in the North. Because Yukon Archives shares this gallery space with the Yukon Art Society, we held a joint opening on May 3, 2013, with the Society's monthly opening. The event was well-attended, as these regular Friday evening openings are popular occasions for "Whitehorsians" to meet up, have some wine and refreshments, and enjoy new local art after a busy work week. In the first five weeks the exhibit was up, more than 2200 visitors came through the doors of the gallery, and comments from the guestbook express how impressed people have been by the quality of the photography and the exhibit. Now that the tourist season is upon us, increasing numbers of families, retirees and RVers from across North America and overseas will have the opportunity to see Jerome's appealing photographs and get a glimpse of traditional First Nations life in Canada's North. From an ACA PowerPoint presentation shared with the archives community, to the walls of a gallery for the community of Whitehorse, archival stories are being preserved, developed, shared and appreciated.

*"James Jerome: Fish Camps Through a Gwich'in Lens" runs until July 27 at the Hougen Heritage Gallery at Arts Underground in Whitehorse. NWT Archives' online exhibit on James Jerome can be accessed at <http://www.pwnhc.ca/exhibits/jerome/index.htm>. The Gwich'in Social & Cultural Institute website, [www.gwichin.ca](http://www.gwichin.ca), includes both historical and contemporary information on this northern First Nation.*

## ACA Mentorship Program

For nearly a decade, the ACA had been matching new and emerging archivists with established mentors from the field. If you are a student looking to expand your knowledge of archives in Canada or a seasoned archivist looking to impart some knowledge, please consider registering as an ACA Mentee or Mentor for 2014. The Mentorship Program is extremely important to the growth of Canada's archival community and will continue to be a success with your support.

More information about the program is available at <http://archivists.ca/content/aca-mentorship-program>.

## Interview with Nelson Mandela Centre of Memory intern: Lauren Kilgour

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In 2006, an Internship was established between the University of Toronto's iSchool and the Nelson Mandela Centre of Memory (NMCM) in Johannesburg, South Africa. Since then, nine students from UofT's Faculty of Information have participated in the Internship. This year's Intern, Lauren Kilgour has returned from Johannesburg where she worked under the guidance of Archivist Verne Harris.

Juanita Rossiter, Archivist at the Archives of Ontario, was one of the first Interns to participate in the Internship in 2006. Here she asks Lauren about her work at the NMF and South African Experiences thus far.

**Q: For those who do not know, please tell us a little about the vision and mandate of the Centre of Memory:**

The NMCM, itself, best captures and explains their mandate in how they communicate what they believe their vision and mission to be. Specifically, they state that their vision is: "a society which remembers its pasts, listens to all its voices, and pursues social justice"; and, that their mission is: "to contribute to the making of a just society by keeping alive the legacy of Nelson Mandela, providing an integrated public information resource on his life and times, and by convening dialogue around critical social issues."

**Q: What did your summer's work entail?**

Over the course of the summer of 2013, I was given the opportunity to participate in a variety of the NMCM's ongoing projects. Primarily, this entailed working on the Centre's 46664 accession from the campaign's London office; capturing metadata for various elements of the Centre's archival collection; assisting with the maintenance of the Nelson Mandela Gift Collection; and helping to prepare the Centre for its projected launch as a public facility in the Fall 2013.

**Q: How do you feel this Internship has influenced your understanding of archives and memory?**

As the NMCM'S mandate suggests, it is clear that archives play a key role in remembering important historical figures, such as Nelson Mandela; however, it also gestures to the relationship that archives can have with the public everyday world and current events. As a student whose Canadian government-funded research deals primarily with the role that records and information play in the everyday lives of individuals, I found this relationship between archive and public particularly provocative.

Put directly, I came away from my work this summer deeply concerned with further pursuing and understanding three interrelated questions: (1) How do memory workers

currently conceive their relationship with every day public communities? (2) How do memory workers' conception of their relationship with the public realm address how they might share their skill and expertise managing, processing and understanding information, toward further helping such public communities to better grapple with information-related needs and issues in their own lives? (3) How can memory workers innovate, diversify, and expand their relationship with the public realm to more thoroughly address the myriad ways that records, memory, and information shape the everyday lives of those in public settings?

Of course, none of these questions have simple or obvious answers. Consequently, over the course of my coming academic study and career as a researcher, archivist and information professional, I hope to try and ask and answer these questions cyclically and iteratively and share any findings of note with public and professional communities alike.

**Q: What was working at the NMCM like?**

Working with Verne Harris and the entire team at the NMCM was a deeply provocative and encouraging experience. The overarching critical, socially engaged and aware, pragmatic, and lively atmosphere at the Centre vividly demonstrated the dynamism of working at the intersection of people, records, and memory. Furthermore, observing the entire team's dedication to actively contributing to the world around them through engaging with memory and information-based problems, issues and needs was deeply motivational.

**Q: How do you believe it will impact you in the future?**

This internship experience was truly inspirational. Spending May-August 2013 practicing, discussing and work shopping my information-management and archival skills enabled me to critically consider the broader social, political and economic cultures that surround memory work. In this way, at a larger scale, this work also particularly enabled me to examine the key challenges and issues confronting public communities and professionals working at a wider intersection related to memory work, that of people, information and technology.

Consequently, this experience has vitally asked me to consider what it is to be a memory worker and information professional in a current historical moment saturated by technology, unparalleled information production, and inequitable distribution of information-related resources. Due to their malleable nature, these elements of our current information landscape often lead to complications, challenges, and issues that are neither easily wholly

identified and understood, or resolved. Following this, the impact of this internship will extend far into my future as I work to better understand the nature, scale, and stakes of the problems and questions that animate our current information landscape over the course of my coming academic study, research and career as an information professional.

To read more Lauren's Internship and experience in South Africa you can visit her blog at: <http://uofnmfintern2013.wordpress.com/>

Nelson Mandela Centre of Memory:  
<http://www.nelsonmandela.org/index.php>

## Montgomery's Persistent Influence

*A Case Analysis Investigating the Issues Surrounding Access to Information Within Copyright Reform*

by James Roussain

Irreverently musing on the personal details of Lucy Maud Montgomery's troubled life, the *Globe and Mail's* James Adams thanks, on January 17, 2004, the failure of Bill C-36 to pass before the dissolution of the Jean Chrétien government for finally availing the hotly contested diaries of our beloved author<sup>i</sup>. An ardent battle fought by the heirs of Montgomery—of *Anne of Green Gables* fame—failed to extend copyright protection of unpublished works and served only to fuel a long-standing dispute. Having begun largely with the 1997 passing of *An Act to amend the Copyright Act, S.C. 1997, c. 24*, controversy over the right to print the unpublished works of deceased authors has generated continued tension between the poles of access and restriction within Canadian archival institutions. Carried forward to 2003, access to the unpublished diaries, letters, and manuscripts of past giants has remained a pointed topic of debate resulting in the proposal and eventual amendment of Bill C-36, known colloquially as the *L. M. Montgomery Copyright Amendment Act*.<sup>ii</sup> This brief analysis will focus on the evolution of Bill C-36 under the Chrétien government and speak to the divisive tensions between supporters of access to archival materials and copyright stakeholders.

The fundamental purpose of Bill C-36, and of its successor C-8, was to legislate the creation of our present-day Library and Archives Canada; however, proposed changes to the *Copyright Act* within C-36 caught the public's attention and delayed its passing. Yet, before the intricacies of Bill C-36 can be argued, it is necessary to return to 1997's *Act to amend the Copyright Act* to better understand the landscape upon which lawmakers were fighting.

Introduced to the House of Commons in April of 1997, Bill C-32 significantly amended the *Copyright Act* by phasing out unending protection for unpublished materials; previously, authors had enjoyed perpetual copyright over posthumous works under the *Copyright Act*<sup>iii</sup>. This shortened term afforded to unpublished works was to match the standard for published literary pieces of life of the author plus 50 years. However, in order to satiate heirs who could otherwise have benefitted from exploiting the unpublished works in their custody, specific transitional periods were applied to the

unpublished materials of authors deceased *before* December 31, 1998. Namely, the works of authors who died before December 31, 1948—50 years prior to the effective date of the amendment—will fall into the public domain on January 1, 2004; a grace period of five years was given for heirs to adapt to this change. Secondly, authors who died between December 31, 1948 and 1998 will see their posthumous works protected until the end of 2048. Finally, the writings of authors deceased after December 31, 1998 will be protected under the new standard of 50 years following their death.<sup>iv</sup>

Paying particular attention to the subsequent evolution of this first accommodation—that given to authors deceased *prior* to 1948—reveals a history of proposed amendments to the *Copyright Act* pitting the interests of heirs seeking additional privacy or financial betterment against researchers and cultural institutions demanding free and open access to culturally significant records. Evidence of clashing views was present even before the 1997 amendments were passed into law: the heirs of deceased authors were fighting against the proposed changes demanding a protection period of 100 years after death be imposed for unpublished works. It was only after vigorous petitioning by academics and archivists, arguing that older archival material should enter the public domain sooner, that the period was shortened to 50 years.<sup>v</sup> Unsatisfied with the new terms for unpublished works, those most immediately affected by these changes—the heirs of authors deceased before 1948—continued to lobby the government for increased protection and in 2003, a curious revision to the *Copyright Act* was buried in Bill C-36, the *Library and Archives of Canada Act*, legislation whose primary purpose was the merger of the National Library and National Archives of Canada.

Immediately following the 1997 amendments, the estate of Lucy Maud Montgomery, who left ten volumes of personal diaries unpublished before her death in 1942, began pressing the government on the issue of the five-year transitional period for unpublished works. Montgomery, having died *before* the crucial December 31, 1948 cutoff, would see her diaries and other personal writings enter the public domain in January of 2004.<sup>vi</sup> The end of 2003 looming, Montgomery's heirs, arguing that her diaries could prove hurtful to living individuals if published, successfully swayed the government

to quietly insert an amendment into Bill C-36: clause 21 sought to extend the transitional period for unpublished works of authors deceased prior to 1948 until December 31, 2017—adding a full sixteen years until the public could freely access and use the materials for research intended for publication.<sup>vii</sup>

Before tabling legislation, however, government officials sought to balance the demands of copyright holders with those of historians, archivists and other stakeholders who had been calling for access to unpublished works by commissioning a study into the matter.<sup>viii</sup> Two meetings involving delegates from the Canadian Historical Association, the Bureau of Canadian Archivists, the National Archives of Canada, and the Writers' Union of Canada were held in early 2002 to consider how to resolve the issue. With the Writers' Union seeking a significant extension of the transitional term and archivists fighting to maintain the 2004 release of materials, a compromise taking the form of clause 21 was eventually reached and approved by all participating organizations.<sup>ix</sup> Despite the sway archivists had in reducing the proposed extension, this commissioned report remained a major defense for copyright holders during debate. The public reaction to, and eventual redaction of, clause 21 highlight the divisive tensions between copyright owners and archivists and brought many arguments—both pro and con—to the floor of the House of Commons until the bill's unforeseen annulment upon Chrétien's prorogation of government.<sup>x</sup>

Supporting the wants of copyright owners to profit on the unpublished works they hold title to, several organizations, including the Creators Copyright Coalition and the above-mentioned Writers' Union of Canada, voiced their views in support of extending copyright protection and limiting access to unpublished works. Specifically, they felt that the five-year transitional term offered was insufficient for an author's heirs to secure a publisher, and not wanting to curtail the potential to exploit a work, saw Bill C-36's clause 21 as an amiable compromise between the former perpetual protection and the December 31, 2003 deadline introduced in 1997.<sup>xi</sup>

Further, arguing against researchers' claims that clause 21 would limit the availability of archival works for public study, Wendy Lill and Judy Wasylcia-Leis, both speaking on behalf of the NDP for Dartmouth and Winnipeg North Centre respectively, argued in the House of Commons that "as always, the concept of fair dealing still applies" where people can freely use copyright-protected material: "we [have] all benefited from the books, essays, plays, and movies created from people looking at old letters and papers that had never been published."<sup>xii</sup> The 'concept' of fair dealing, however, did a disservice to Bill C-36 and contributed to the voice of archivists and historians whose combined ire is perhaps most revealing of public angst over the proposed amendments. As Jean Dryden outlines, though 'fair dealing' does permit an 'unsubstantial' portion of a work to be reproduced for personal study, it is a subjective model where the publication of any information—regardless of volume—constitutes infringement.<sup>xiii</sup> Noting the impact of the proposed legislation, one researcher argued that

"archival material is utterly pointless if it cannot be shared."<sup>xiv</sup>

Chuck Strahl, MP for Fraser Valley, succinctly echoed the parallel views of librarians, archivists, historians, and others when he told the House that the amendments as proposed "will have a negative impact on Canada's families, researchers, and writers of Canadian culture...this hardly helps Canadians to tell their stories."<sup>xv</sup> Seeing clause 21 as directly limiting access to significant unpublished works, much of the public deemed the amendments as favouring private financial gain over public knowledge.<sup>xvi</sup> Archivists, already responsible for navigating the challenges of donor restrictions on private records, and wanting to limit any additional terms of protection that would further complicate the availability of records in their care, were at the centre of the maelstrom.

Though bound to respect the wishes of their donors—and of copyright restrictions of items in their custody—archivists' professional code of ethics demands that effort be taken to "facilitate the fullest possible access to and use of their records."<sup>xvii</sup> To this end, archivists supported the views of frustrated patrons and dissented against the proposal's unnecessary limitations to not only the papers of the much-pedestaled Montgomery, but to those of numerous prime ministers and other culturally significant figures deceased before the 1948 deadline. The ability of archivists to fully assist their patrons with research intended for publication would be limited under the proposed extension. Perhaps the Hon. David Tkachuk outlined it best in his frustration over the power of Montgomery's estate to govern archives: "I see this offending clause 21 as a form of shelter designed for the benefit of a single estate in this country against all others... who really do have a right, once copyright has expired, to have access at no cost to these special materials."<sup>xviii</sup>

Acquiescing to mounting protests by archivists and others over the issue of unnecessarily restricting access to culturally significant items, Bill C-36 was ultimately amended immediately prior to its being read a third time in the House on October 28, 2003. In its new form, C-36 was to offer a single supplementary term of protection—until the end of 2006—to the transitional period for authors deceased at least 50 years prior to December 31, 1998.<sup>xix</sup> In addition to the cultural limitations of clause 21, Senator Tkachuk proved dissatisfied with the piecemeal nature of the proposal and grew weary of validating the muscle of a single estate to shape legal discourse in granting Montgomery's heirs additional protection: "We cannot afford to legislate in this way nor set these kinds of precedents since we are governed by the rule of law."<sup>xx</sup> Proving too contentious, complementary copyright revision was not included as part of the *Library and Archives of Canada Act* when reintroduced as Bill C-8 during the following parliamentary session.

Terry Cook, speaking as a representative of the Association of Canadian Archivists and the Canadian Historical

Association, addressed the House of Commons with an almost exasperated plea: “Our associations are only concerned that these amendments to the *Copyright Act* of 1997, being piggy-backed onto the creation of the Library and Archives of Canada, not derail the merger of the two institutions.”<sup>xvi</sup> Beyond the practical limitations clause 21 would place on the ability of individual archivists to facilitate access to private records, Cook broadened the issue to draw a much larger conclusion: let not copyright amendment jeopardize the public image of archives and archivists in Canada. After all, the intent of Bill C-36 was not to imperil access to archival material, but rather to strengthen the role and relationship between the Canadian public and archives in this country. Copyright amendment was a misplaced venture

by a select few seeking profit over the Canadian public who, as Mr. Tkachuk argued, are entitled to have “access at no cost to these special materials.”

*James Roussain has recently completed the Master of Information program at the University of Toronto's Faculty of Information in Archives and Records Management; he holds a Honours Bachelor of Arts in Book and Media Studies, also from the University of Toronto. James is a past Co-Chair of the University of Toronto's ACA Student Chapter and is currently sitting on the ACA's Canadian Archives System Taskforce (CAST). This paper was written as part of Loryl MacDonald's graduate course on legal issues in archives.*

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<sup>vii</sup> Banks and Hebert, “Legislative History of Bill C-8”; Lenni Carreiro, “Canadian Writer Lucy Maud Montgomery Lives on via Bill C-36,” *DWW* 2, no. 9 (October 9, 2003), <http://www.dww.com/?p=958>.

<sup>viii</sup> Noel, “Copyright Protection in Unpublished Works: Final Report,” 2; Canada, Parliament, *House of Commons Debates: Hansard*, 13 May 2003 (Ms. Carole-MARie Allard, Parliamentary Secretary to the Minister of Canadian Heritage, Lib).

<sup>ix</sup> Government of Canada, “ARCHIVED — Consultation on Copyright Protection in Unpublished Works”; Noel, “Copyright Protection in Unpublished Works: Final Report,” 2.

<sup>x</sup> The Chrétien Government was prorogued on November 12, 2003 thereupon closing the 2<sup>nd</sup> Session of Parliament. On December 12, 2003 Jean Chrétien resigned as leader of the Liberal Party with Paul Martin assuming leadership. Bill C-36 was not passed into law before the end of the 2<sup>nd</sup> Session. After the February 2, 2004 opening of the 3<sup>rd</sup> Session, Bill C-8 was tabled on February 11, 2004 and was passed into law on April 22, 2004.

<sup>xi</sup> Banks and Hebert, “Legislative History of Bill C-8.”

<sup>xii</sup> Canada, Parliament, *House of Commons Debates: Hansard*, 1 October 2003 (Ms. Wendy Lill, Dartmouth, NDP); Canada, Parliament, *House of Commons Debates: Hansard*, 1 October 2003 (Ms. Judy Wasylcyia-Leis, Winnipeg North Centre, NDP).

<sup>xiii</sup> Dryden, *Demystifying Copyright*, 21–22.

<sup>xiv</sup> Banks and Hebert, “Legislative History of Bill C-8.”

<sup>xv</sup> Canada, Parliament, *House of Commons Debates: Hansard*, 1 October 2003 (Mr. Chuck Strahl, Fraser Valley, Canadian Alliance).

<sup>xvi</sup> Banks and Hebert, “Legislative History of Bill C-8.”

<sup>xvii</sup> The Association of Canadian Archivists, “Code of Ethics,” *Code of Ethics*, 1995–2012, <http://archivists.ca/content/code-ethics>.

<sup>xviii</sup> Canada, Parliament, *Debates of the Senate: Hansard*, 4 November 2003 (Hon David Tkachuk).

<sup>xix</sup> Banks and Hebert, “Legislative History of Bill C-8”; James Adams, “Bill’s Death Opens Diaries of Canadian Notables,” *The Globe and Mail* (Toronto, Ont., November 15, 2003), sec. Weekend Review.

<sup>xx</sup> Canada, Parliament, *Debates of the Senate: Hansard*, 4 November 2003 (Hon David Tkachuk).

<sup>xxi</sup> Terry Cook, “Bill C-36, 2003: Canadian Historical Association, Brief Submitted to the Standing Committee on Canadian Heritage. The House of Commons, Canada Respecting Bill C-36”, June 3, 2003, [http://www.cha-shc.ca/en/Advocacy\\_51/items/1.html](http://www.cha-shc.ca/en/Advocacy_51/items/1.html).

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## Franco-Ontarian History at the Archives of Ontario

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Ontario is home to close to 600,000 Francophones, the largest Francophone population outside of Quebec. As the premier source of information about Ontario's history, the Archives of Ontario has fascinating original records that help tell the story of the French presence in the province.

### New Franco-Ontarian resources

The Archives of Ontario marked Franco-Ontario Day 2013 with the launch of a library collection display in the Reading Room of our main facility on York University's Keele campus. From September 25<sup>th</sup> until January 2014, we'll be showcasing some of our library's Franco-Ontarian materials, including books, pamphlets, and government publications.

We've also created an online page at [ontario.ca/archives](http://ontario.ca/archives) that makes researching Franco-Ontarian history easier. Use this resource to see our online exhibit *French Ontario in the 17<sup>th</sup> and 18<sup>th</sup> Centuries*, learn about government services for Franco-Ontarians, and find comprehensive listings of our Franco-Ontarian-related holdings.

### The history, our collections

French explorers and missionaries began travelling throughout Ontario during the 17<sup>th</sup> and 18<sup>th</sup> centuries. The first European settlement was Ste.-Marie-Among-The-Hurons (1639-1649) near Midland, and French-speaking settlers arrived in the Windsor area starting in 1749. The Archives of Ontario's cartographic holdings include original French maps from this time period, as well as maps and plans documenting Francophone settlement areas. Our library collection contains original works by early explorers. And we have private collections created by early settlers, fur traders, merchants and politicians.

Francophones settled in various places across Ontario during the 19<sup>th</sup> and 20<sup>th</sup> centuries, mainly in the northeast, southwest, Georgian Bay, Ottawa, and Prescott-Russell area. Our government records detail milestone events and movements like the struggle for French-language education, the creation of the Office of Francophone Affairs, and the development of French-language provincial services from the 1960s on. We also have collections of French-language newspapers from the early 20<sup>th</sup> century up until the 1980s.

Our holdings on the Dionne quintuplets – the first known birth of quintuplets, in 1934 – are of special interest because both the family and then news of the children's tragic



\*Étienne Brûlé at the mouth of the Humber  
F. S. Challener  
Oil on canvas 166.4 cm x 135.9 cm  
Government of Ontario Art Collection, 619849

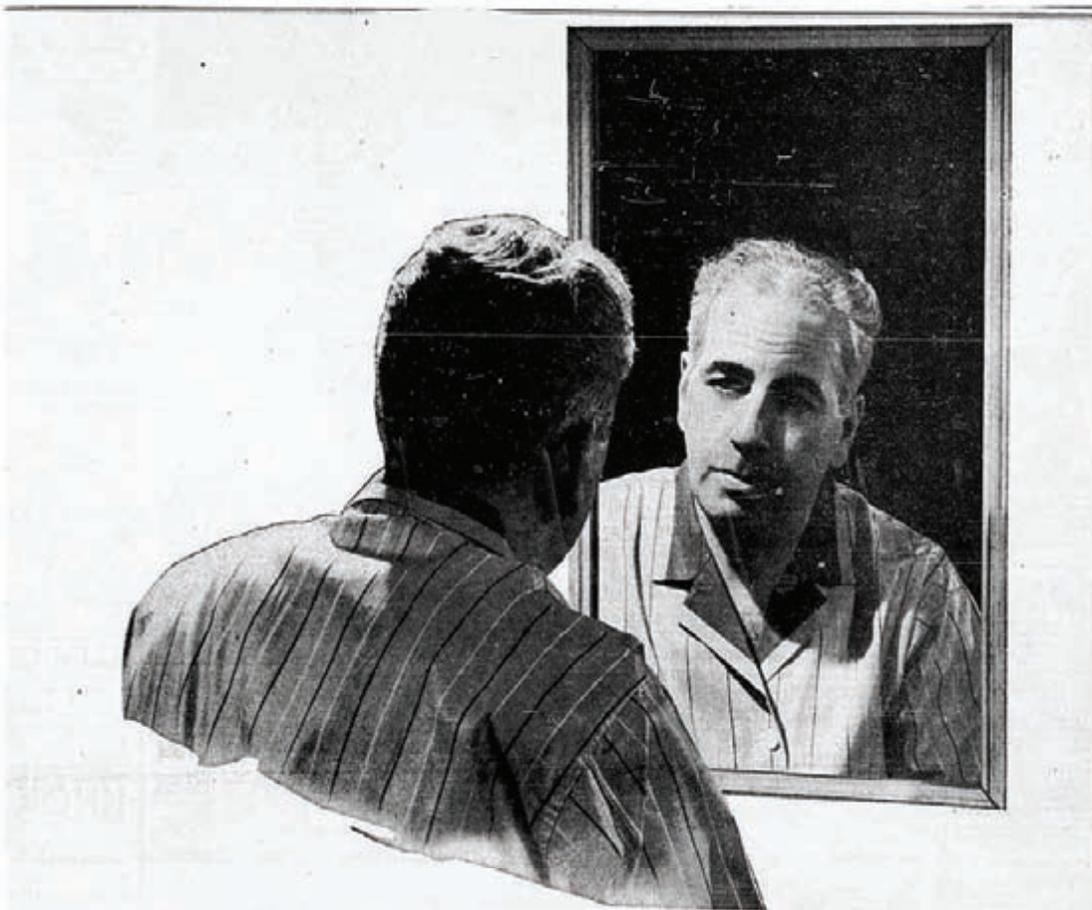
exploitation became world famous. The records of numerous other Franco-Ontarian families give unique insight into Francophone communities from the 18<sup>th</sup> century to the present.

### About Franco-Ontarian Day on September 25<sup>th</sup>

This day serves to honour the vital contributions of the province's Francophone communities. The date marks the anniversary of the Franco-Ontarian flag's unveiling in 1975, and it also commemorates the 400<sup>th</sup> anniversary of Samuel de Champlain and Étienne Brûlé's journeys to what is now Ontario.

# A few snapshots of the 2013 ACA Conference in Winnipeg





**Look in the Mirror to-night  
and say this to yourself:**

University of Manitoba Archives & Special Collections, *Winnipeg Tribune* fonds, 1942-02-26 (Page 19). Available at <http://digitalcollectors.lib.umanitoba.ca/islandora/object/ufm%3A1383892>

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