

The Advocate's Archive:
Walter Rudnicki and the Fight for Indigenous Rights in Canada, 1955 - 2010

by
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Abstract

This thesis explores the significant contribution Walter Rudnicki (1925-2010) made to the pursuit of social justice for Indigenous people in Canada through his use of archival records. Rudnicki took on the role of archivist by acquiring, organizing, disseminating, and keeping records that document government-Indigenous relations. Totalling 90.25 metres in extent, the Walter Rudnicki fonds at the University of Manitoba Archives & Special Collections is an impressive private collection amassed in order to make injustice visible. As a federal public servant working to develop innovative government policies with Indigenous people between the 1950s and 1970s, Rudnicki had bitter personal experience with document creation and access to records practices in the Government of Canada that thwarted Indigenous aims. Thereafter, he stressed that accessing and archiving records play an indispensable role in protecting Indigenous peoples' interests. He spent the rest of his life creating and employing an archive that would be used in advocacy for Indigenous rights.

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Introduction

In the summer of 2011, dozens of people gathered along the South Saskatchewan River for a special ceremony paying tribute to individuals who played significant roles in the pursuit of Métis rights in Canada. A monument was erected there to honour those considered “Métis Heroes” and “Friends of the Métis,” plaque headings under which names would be added in years to come.¹ The two names selected for the inaugural ceremony were Gabriel Dumont and Walter Rudnicki. The former is a celebrated leader who fought for Métis recognition in the late nineteenth century, and the latter is known for supporting Métis causes throughout his decades-long career. In the course of his work as a civil servant, private consultant, and advocate, Rudnicki took up the role of archivist by collecting and disseminating information illustrating the history of government-Indigenous relations. This produced an immense private archival collection that foregrounds the voices of Métis, First Nations, and Inuit communities, groups, and organizations.² This thesis examines the key role Walter Rudnicki played in the Indigenous rights movement in Canada through his acquisition and use of both archival and contemporary records. An examination of Rudnicki’s record consciousness provides insight into current archival discourse and uses of archives.

With increased frequency, archivists all over the world are exploring the intersections of social justice and archives. To foreground Rudnicki’s unique collection, it is necessary to situate the thesis within current discussions of social justice uses of archives, placing particular focus on the role of archives in the history of Indigenous

¹ Rod Andrews, “Métis honour Ukrainian civil servant,” *The Saskatchewan Valley News*, August 4, 2011, accessed April 12, 2016, <http://www.saskvalleynews.com/2011/08/metishonourukrainian/>.

² The Walter Rudnicki fonds is held in the University of Manitoba Archives and Special Collections (hereafter UMA): <http://nanna.lib.umanitoba.ca/atom/index.php/walter-rudnicki-fonds%3brad>.

rights in Canada. This thesis considers articles and books that challenge longstanding notions of archives as “neutral” by connecting their social, political, and legal uses to current and future knowledge endeavours. Canadian archival scholars Terry Cook and Joan Schwartz conducted an early study of the power of records and archives.³ By conceiving of archives as socially constructed institutions, the authors dispel the myth of archives and the archival profession as neutral, innocent, and objective.⁴ Archives are places of action, where archivists play a key role in determining what is remembered and what is forgotten through their ongoing work of accession, appraisal, description, preservation, access, and use. These archival functions fuel the power behind “the dynamic archive” by shaping societal understanding of

the nature of history and evidence; of collective memory and identity formation; the relationship between representation and reality; the organizational cultures and personal needs that influence the creation and maintenance of records; the psychological need to collect and preserve archives; and the impact of our knowledge of the past on perceptions of the present, and vice versa.⁵

Examining postmodern approaches to record creation and recordkeeping⁶ reveals an archives-power relationship that directly influences our understanding of identity, representation, and value.

South African archivist Verne Harris is perhaps most famously associated with social justice uses of archives. He writes prolifically on the subject of records, society, power, and memory. In his article “Archives, Politics and Justice,” Harris identifies four

³ Joan M. Schwartz and Terry Cook, “Archives, Records, and Power: The Making of Modern Memory,” *Archival Science* 2, no. 1-2 (March 2002).

⁴ *Ibid.*, 9.

⁵ *Ibid.*, 7.

⁶ Including, but not limited to, the desire of the creator, the purpose of creation, and the creator-audience context: *Ibid.*, 7.

imperatives that “give expression to the idea of ‘archives for justice.’”⁷ The first imperative is for archivists to answer the “call to justice” by adopting an activist approach to archival functions like collection development and community outreach. The second is to push against existing power structures through inclusion and participation. The third is to agitate against the use of archives as instruments of the “elite” by working against pervasive power relations. The fourth is a combination of each imperative, tailored to the unique professional and personal circumstances of the archivist. As an archivist working in South Africa, Harris uses archival resources to assist local and national efforts to combat illiteracy, violence, disease, unemployment, and racism. This thesis examines Rudnicki’s own “call to justice” through his career as both government insider and outsider. Though he lacked professional archival training, Rudnicki was driven by imperatives similar to those listed by Harris as he amassed an impressive working archive dedicated to exposing power imbalances between Indigenous and non-Indigenous society. This is accomplished by welcoming as many voices as possible. Difficult archival concepts like “exclusion,” “privileged,” and “marginalized”⁸ are confronted by housing government documents next to those of Indigenous groups, making visible organized, often grassroots, responses to outdated government policy.

American professor of archival studies Randall Jimerson writes extensively on the subject of archives as centres of power and social action.⁹ His work explores the vital

⁷ Verne Harris, “The Archive is Politics,” in Marion Beyea, Reuben Ware, and Cheryl Avery, eds., *The Power and Passion of Archives: A Festschrift in Honour of Kent Haworth* (Ottawa: Association of Canadian Archivists, 2005), 177.

⁸ *Ibid.*, 178.

⁹ Randall Jimerson, “Embracing the Power of Archives,” *The American Archivist* 69 (Spring/Summer 2006): 19-32.; “Archives for All: Professional Responsibility and Social Justice,” *The American Archivist* 70 (Fall/Winter 2007): 252-281; *Archives Power: Memory, Accountability, and Social Justice* (Chicago: Society for American Archivists, 2009).

role archivists have in serving public interests by providing accurate, reliable, and authentic records. Societal concerns are increasingly focused on addressing past wrongs, therefore archivists are charged with acquiring and using records to assist an array of justice-seeking initiatives. In order to meet expectations, archival institutions, when possible, should work to offer resources that might hold political leaders accountable for their actions, promote open government, redress social injustices, and document underrepresented social groups.¹⁰ Jimerson's work provides larger insight into what Rudnicki's archival collection is designed to support and captures his reasons for record creation and recordkeeping.

Professors of archival studies Wendy Duff, Andrew Flinn, David Wallace and archivist Karen Emily Suurtamm co-authored an article seeking "real world instances that review and examine how records-archives become instrumental in relationship to social justice endeavours."¹¹ Like Cook and Schwartz, the authors dismiss the association of archives and archivists with neutrality and passivity. They find that the best way to expunge this notion is by sharing examples of archives in action, examples where powerful connections are made between archives and justice. From Chile's "Los Archivos del Cardenal"¹² to Japanese-American World War II internment and reparations, central to each example are tangible links that bridge archival resources to recent efforts for social change. Such links are crucial to building awareness of modern-day uses of archives: "[t]he implicit danger here is avoiding and voiding linkages between historical and contemporary struggles, thereby helping to sustain the mythology

¹⁰ Randall Jimerson, "Archives for All: Professional Responsibility and Social Justice," 256.

¹¹ Wendy Duff, Andrew Flinn, Karen Emily Suurtamm, and David Wallace, "Social Justice Impact of Archives: A Preliminary Investigation": 320.

¹² An award-winning 2011 Chilean television drama series depicting actual cases of torture and disappearance during the Pinochet dictatorship: Ibid.

of a disinterested, neutral, and honest brokering profession. These dynamics confound social justice objectives...¹³ This thesis underscores the value of linking current and historical events. Examining Rudnicki's recordkeeping reveals ways in which his archives serves ongoing rights issues by foregrounding their connections to the past. Examples of records and rights in action are found throughout his collection, making it exceptional in ways identified by these four authors.

Canadian archivist Anne Lindsay demonstrates the centrality of archival records to the launch of the Indigenous rights movement in Canadian courts in the 1960s and 1970s in her study of Provincial Archivist of British Columbia Willard Ireland. Ireland used his specialized knowledge of historical documents in *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, showing the impact archives and archivists have in supporting legal efforts to establish Aboriginal rights and Aboriginal title in the court system.¹⁴ Through Ireland's story, Lindsay explores "the opportunities that archives may offer Indigenous people in pursuing their rights through both the courts and public perception, and trends in the relationships between archives and Indigenous interests."¹⁵ This thesis follows this stream by viewing Rudnicki's actions as complementary to Ireland's, as both men demonstrate the value of archives to Indigenous rights, visible in the assertion of land claims and treaty rights, and initiatives like Canada's Truth and Reconciliation Commission.

¹³ Ibid., 320.

¹⁴ Margaret Anne Lindsay, "Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada," (M.A. Thesis, University of Manitoba/University of Winnipeg, 2011); Anne Lindsay, "Archives and Justice: Willard Ireland's Contribution to the Changing Legal Framework of Aboriginal Rights in Canada, 1963-1973," *Archivaria* 71 (Spring 2011): 35-62.

¹⁵ Margaret Anne Lindsay, "Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada," 13.

Despite his strong commitment to Indigenous causes, key works on the study of the modern Indigenous rights movement in Canada give rare mention to Rudnicki. For example, while Rudnicki was publicly recognized for his contributions to the Métis community, few published works exploring Métis rights, identity, politics, governance, and litigation reference his efforts. Métis history is particularly well represented in Rudnicki's archive as he gathered historical and then current records to support his recommendations on issues affecting Métis housing policy, economic development, and file destruction in government offices and the National Archives of Canada. Rudnicki's approach is similar to that of another individual, professor emeritus of history at the University of British Columbia Arthur Ray, who devoted much of his career connecting archival resources to the courtroom. In his 2011 book *Telling it to the Judge*, Ray discusses his role as an expert witness tasked with interpreting huge volumes of historical documents (predominantly from the Hudson's Bay Company Archives) in landmark cases deciding Aboriginal title and Métis rights.¹⁶ Ray's ability to navigate archives and interpret documents in ways that support the legal establishment of rights is in line with Rudnicki's understanding of potential uses of archival records. The thesis hopes to add Rudnicki's contributions to those already known and widely shared.

Many archival scholars look for examples of "archives [that] are assembled specifically to impact social justice."¹⁷ For this thesis *intention* is a significant term, as an archival collection like Rudnicki's would not exist outside of his considerable efforts. Over the years he acquired, arranged, and preserved documents from organizations and

¹⁶ Arthur Ray, *Telling it to the Judge: Taking Native History to Court* (Kingston: McGill-Queen's University Press, 2011).

¹⁷ David Wallace, "Understanding and Assessing the Social Impact of Archives," Paper presented at the conference of the Association of Canadian Archivists, Winnipeg, June 2013: 8.

authors unaccustomed to archival treatment. In pursuit of a complete record, Rudnicki filled, clarified, and recovered information the government omitted, manipulated, or destroyed. The records were then used to respond to Indigenous rights issues not yet greatly explored, such as Indigenous community relocation histories, participatory democracy, housing policy development, and Residential Schools redress. His collection supports professor of archival studies Tom Nesmith's observation that "[k]nowledge of social injustices of many kinds and means of attempting to resolve them, in regard to Indigenous people for example, have also drawn heavily on archives and prompted the creation of archives."¹⁸ This thesis will build on Nesmith's work by examining the purpose and processes behind Rudnicki's archives, and his deployment of records in ways that foster dialogue, knowledge, and action. His efforts reflect the overarching themes found in archival literature on social justice by grouping together records that challenge dominant governing systems, uphold accountability, and accommodate multiple points of view.

At the 2013 Association of Canadian Archivists Conference, David Wallace spoke of the need to "conceptually pull together" examples of archival institutions and collections that serve social justice causes because "such efforts are largely isolated and dispersed -- hence their lessons' import for others, as well as their connections remain largely unstated and not widely shared."¹⁹ Rudnicki's fonds should be included among them. This thesis presents Rudnicki as an individual who acquired and used records as instruments of change, and the Walter Rudnicki fonds as a unique example of an archival collection designed to provide ongoing support for Indigenous rights causes in Canada.

¹⁸ Tom Nesmith, "Toward the Archival Stage in the History of Knowledge," *Archivaria* 80 (Fall 2015): 136.

¹⁹ David Wallace, "Understanding and Assessing the Social Impact of Archives," 7.

A wide variety of documents coupled with a draft finding aid contextualizing several hundred boxes of records indicates the Walter Rudnicki fonds was not built on the “byproducts” of Rudnicki’s career. Rather, it is evidence of his determination to obtain records that empower and support the work of Indigenous activists, groups, and communities. The records of individuals, organizations, and government departments kept in the collection provide significant insight into three major periods of Canadian Indigenous policy: the assimilation period, 1867-1950; the integration period, 1950-present; and the assertion of self-government period, 1970-present.²⁰ Twenty-one series and forty subseries form the structure of the collection, covering prominent issues including the White Paper policy, the Royal Commission on Aboriginal Peoples, Indigenous health, land management, self-government agreements, and social programming. Over the years, Rudnicki located and copied archival and active records, created records ranging from reports to surveys to political cartoons, leaked records and received leaked records, and collected and contextualized a variety of grey literature to compensate for the lack of Indigenous representation in Canada’s recorded history. His collection includes government records, historical documents, legal documents, reports, correspondence, news articles, draft materials, policy programs, speeches, presentations, and the records of Indigenous organizations. Rudnicki built an archive based on what was said and unsaid in Canadian politics.

To understand the collection Rudnicki developed while carrying out his professional duties, it is important to consider the following questions: What types of records did he use? What information did they provide? How were archives used

²⁰ Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand* (Vancouver: UBC Press, 1995): 70.

throughout his career? How did archives affect his research? I will examine Rudnicki's work using an archival perspective to draw connections between his career and recordkeeping. By placing an archival lens on Rudnicki's efforts, chapters will highlight his unique approach to democratizing information, notably government information, by offering First Nations, Métis, and Inuit communities access to documents that might inspire and assist socio-political action. Chapter One focuses on Rudnicki's career in Ottawa. I will first examine the federal approach to Indigenous policy programming in the mid-1960s, while situating Rudnicki within an environment struggling to address issues of government confidentiality and leaks, bureaucratic innovation (civil servants as 'agents of change'), the mobilization of Indigenous organizations, and community consultation. The second section of this chapter will closely describe Rudnicki's time as Executive Director of the Policy Program Division of Central Mortgage and Housing Corporation (CMHC). I examine the records he collected documenting the state of Métis and non-status Indian housing, and his aim to include Métis leadership in emergency housing policy development. Rudnicki's efforts came to a head in 1973, when he was fired for disclosing a "confidential" cabinet document to members of the Native Council of Canada. Alleging wrongful dismissal, Rudnicki took CMHC to court and won largely due to meticulous recordkeeping. I suggest this event fueled Rudnicki's subsequent commitment to social justice for Indigenous causes through the strategic acquisition and use of records.

Chapter Two discusses Rudnicki's career outside of the federal government. I examine the events surrounding the revelation of a secret government "blacklist" naming Rudnicki for his participation in "Extra-Parliamentary Opposition" activities. The

blacklist strengthened Rudnicki's resolve to develop his archive as evidence of abuses of government power and poor access to information.

Chapter Three looks at Rudnicki's private consulting company Policy Development Group Ltd. (PDG).²¹ A commitment to historical research allowed Rudnicki to author in-depth reports on issues ranging from Métis economic and employment development for Aboriginal Economic Programs, to relocation histories of Inuit, Métis and First Nations communities for the Royal Commission on Aboriginal Peoples, and record destruction in the Department of Indian Affairs and the National Archives of Canada. The second part highlights Rudnicki's advocacy work outside of the PDG, where he engaged in collaborations, media relations, and presentations addressing a variety of rights issues including Indigenous self-government models, land rights, constitutional reform, and more. For thirty years he collected and provided commentary on matters involving Indigenous communities, and was counted on for his experience with the inner workings of Ottawa.

Chapter Four closely examines Rudnicki's collaborations with Residential Schools survivors as he used archival records to seek redress to former students and their families through the establishment of the Organization of United Reborn Survivors (OURS), a national grassroots organization of former Residential School students.

A brief look into Rudnicki's early career is necessary to understand the value he placed on recordkeeping, and the efforts he took to document and share Ottawa's inner workings. Born September 25, 1925 in Rosser, Manitoba, Walter Rudnicki moved as a young boy to north end Winnipeg where he enjoyed a modest upbringing. During World

²¹ Established in 1976.

War II, Rudnicki served overseas as a member of the Royal Winnipeg Rifles. Following the war, Rudnicki completed a BA in 1950 at the University of Manitoba and obtained an MA in Social Work and Community Organization in 1952 from the University of British Columbia. Over the next three years, he worked as a Child Welfare Officer, Psychiatric Social Worker, and Casework Supervisor in Saskatchewan and British Columbia. These supervisory positions provided Rudnicki a range of experience in the field of social work. In December 1955, he entered the federal public service as chief of the newly established Welfare Section of the Department of Northern Affairs and National Resources where he was responsible for developing social programming in the Arctic.

This assignment marks the beginnings of Rudnicki's archive in the form of a newspaper clipping announcing his position with a photograph of him flanked by two smiling student nurses.²² Rudnicki describes arriving in the North when social workers were not yet "under the influence of such concepts as community development, social animation, citizen participation in the decision-making - or notions of being 'change agents' both in the communities and in the bureaucracies in which they worked."²³ Such influence was crucial by the mid-1950s as social and economic pressures from the south affected the "basic fabric of Inuit culture."²⁴ Rudnicki introduced measures designed to offset colonial processes by focusing on support and assistance-based programming including: child welfare legislation and Children's Receiving Homes; wide-range medical services; northern rehabilitation centers to accommodate the return of tuberculosis patients from southern sanatoria; community development policies; transportation

²² UMA, Rudnicki fonds, Mss 331 (A10-38.1), Box 6, Folder 6, Unnamed newspaper. December 1955.

²³ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 27, Folder 8, Walter Rudnicki, "Risk and Influence in a Bureaucracy," speech ca. 1978: 1-2.

²⁴ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 81, Folder 1, Walter Rudnicki, "Field Trip to Eskimo Point," March 1958: 2.

strategies targeting separation caused by Residential Schools; and Inuit language work focusing on both communication between Welfare staff and Inuit, and Inuit-produced publications in Inuktitut.²⁵ Rudnicki drafted a five-year plan outlining problems, programs, budgets, and staff, prompting a range of reactions within the department as its “very concept was faintly subversive.”²⁶ While “subversive” may not be the preferred term, Rudnicki enthusiastically encouraged future social workers to reject colonial frameworks by offering Inuit peoples meaningful support:

I want to be perfectly frank in my views, and I hope you will not think me guilty of bad taste if I take a momentary advantage of this captive audience to say a word about the new social worker in the north, - what kind of person do we seek? He is neither the Great White Father nor the Colonial Administrator.... The social worker who goes up north has of course his professional training and his experience in helping people. He has in addition the ability and willingness to assist groups of people, as well as individuals, to meet fundamental human needs for food and warmth.²⁷

Approximately one third of each year was spent visiting remote communities to work alongside Inuit peoples. In February 1958, Rudnicki traveled to “Eskimo Point” in the Keewatin Region of the North West Territories to investigate a number of deaths among the Ihalmiut, an inland community recently relocated to Henik Lake. Decades of northern development had significant effects for the Ihalmiut in terms of land usage, subsistence, health, and well-being. Disruptions in caribou migration patterns brought famine and starvation, while disease, notably diphtheria and tuberculosis, took a heavy toll on the community. By the mid-1950s, there were an estimated 52 Ihalmiut left.²⁸

²⁵ UMA, Rudnicki fonds, Mss 331 (A10-38.1), Box 6, Folder 6, B.G. Sivertz to C.J. Harrington, February 16, 1962.

²⁶ UMA, Rudnicki fonds, “Risk and Influence in a Bureaucracy,” 7.

²⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 27, Folder 17, Walter Rudnicki, “Arctic Speech,” ca.1956: 4.

²⁸ Rebecca Johnson, “Justice and Colonial Collision: Reflections on Stories of International Encounter in Law, Literature, Sculpture and Film,” *No Foundations: An Interdisciplinary Journal of Law and Justice*, (2012) 9: 78.

Seven community members died two weeks prior to Rudnicki's arrival, four by exposure or starvation, and three under violent circumstances.²⁹ Communicating directly with community members, Rudnicki developed immediate and long-term policy recommendations to address the poor socio-economic prospects of the relocation site. His work here formed the 1958 report "Field Trip to Eskimo Point" in which he argues for tailored assistance based on community needs.³⁰ The report focuses on relocation, loss of culture, starvation, and hardship, advocating the use of department resources to perform "radical surgery" rather than an ineffective "palliative relief" approach.³¹ Decades later, Rudnicki's work was deemed "legendary" for the emphasis placed on community consultation, receiving particular mention for his efforts to create and use records designed to facilitate meaningful communication.³² A former social work colleague notes that scenes selected and illustrated by Rudnicki for the report's Thematic Apperception Test (TAT) are "likely one of the most creative reworking of a psychological instrument I have ever seen," designed to "help the Inuit tell their stories."³³ In his book *Relocating Eden: The Image and Politics of Inuit Exile in the Canadian Arctic*, Alan Marcus, lecturer of Film Studies at University of Manchester, credits "Field Trip to Eskimo Point" for providing a "valuable, firsthand record of Inuit impressions," continuing, "it is one of the few sources of documentation from the 1950s in which Inuit points of view have been recorded at length."³⁴

²⁹ UMA, Rudnicki fonds, "Field Trip to Eskimo Point," 2.

³⁰ Ibid.

³¹ Ibid., 4.

³² Frank Tester, "In Memoriam," *The Bridge*, The School of Social Work, University of British Columbia (Spring/Summer 2010): 6.

³³ Ibid., 7.

³⁴ Alan Rudolph Marcus, *Relocating Eden: The Image and Politics of Inuit Exile in the Canadian Arctic* (Hanover: University Press of New England, 1995): 163.

The Ihalmiut shaped Rudnicki's ideas of Indigenous rights, compelling him to document the realities of Inuit life, and whenever possible, inform the public of these realities. One high-profile example is found in his relationship with Canada's iconic travel writer and environmental activist Farley Mowat. In 1952, Mowat published his first book, *People of the Deer*, directing national attention to the government's role and complacency in events causing starvation among the Ihalmiut and surrounding communities:

In 1952 the Ihalmiut represented only a very small aspect of a much greater problem, for as everyone connected with the north was by then becoming uncomfortably, if belatedly, aware, the entire economic basis for Eskimo existence throughout the Canadian arctic was disintegrating with frightening rapidity.³⁵

The book's contents were debated in the House of Commons, and doubt was cast on the veracity of Mowat's depictions and implications.³⁶ Jean Lesage, Minister of Northern Affairs and National Resources, accused Mowat of fabricating the existence of the Ihalmiut altogether.³⁷ In response to his critics, Mowat published *The Desperate People* in 1959, where he elaborates on his previous work by:

offering a much more informed rendering of past and current events. Mowat reveals that when the first book was published, 'it was impossible for me to obtain documentary corroboration for much of the story.' This was because the 'Old Empire' of the North – the missions, the Mounties and the government – held the proof, he claims. 'I was therefore forced to be somewhat circumspect.' For readers wanting the story without omissions, changed names or time and space distortions, the version given in *The Desperate People*... 'is the correct one.'³⁸

³⁵ Farley Mowat, *The Desperate People* (Little Brown & Co. Canada, 1959): 131.

³⁶ Tim Querengesser, "Farley Mowat - Liar or saint?" *Up Here Magazine*, September 2009, accessed January 18, 2016, <http://upheremagazine.tumblr.com/post/85033506738/from-the-archives-farley-mowat-liar-or-saint>.

³⁷ Bert Archer, "How We Failed Farley Mowat," *Hazlitt*, May 15, 2014, accessed January 20, 2016, <http://hazlitt.net/feature/how-we-failed-farley-mowat>.

³⁸ Tim Querengesser, "Farley Mowat - Liar or saint?"

Rudnicki is amongst those who provided access to documents necessary to author *The Desperate People* by first supplying records and personal field notes generated from his work alongside the Ihalmiut. He then turned attention to the “dank depths of department files” to give Mowat access to relevant government information, including population statistics dating back to 1948. In a letter from Mowat to Rudnicki, the former begins tongue in cheek, writing “[y]ou are so right. The Ihalmiut seem to be exactly what Lesage said they were- a figment of my imagination.”³⁹ That Rudnicki was able to produce government data on the Ihalmiut gathered ten years prior to the minister’s remarks underscores Mowat’s argument that Canada was unresponsive to the issues affecting northern communities. In an enumerated list, Mowat asks Rudnicki for additional information, including records documenting a polio epidemic, periods of starvation, and early relocation efforts. Mowat stresses “[i]t is imperative, vital, essential, etc. that I get the full story” on Ihalmiut history.⁴⁰ The letter ends with a paragraph detailing future projects designed to bring awareness to the north, including articles, books, and television programs. Mowatt closes by thanking Rudnicki for his continued assistance:

Your point that the Ihalmiut story might serve to demonstrate the plight of a score of similar groups is well taken, and is exactly what I have in mind...An all-but impossible task- but it will be done and must be done. It can be done with the good wishes and support of the Rudnicki’s and their ilk.⁴¹

Rudnicki’s actions jeopardized his career, therefore Mowat never revealed his source. He did however joke about it in correspondence, writing “do tell your wife I’m not trying to

³⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 371, Folder 8, Farley Mowat to Walter Rudnicki, October 15, 1958: 1.

⁴⁰ Ibid., 1.

⁴¹ Ibid., 3, (emphasis in original).

get her husband canned, even if he does deserve it.”⁴² In turn, Rudnicki felt that Mowat’s books brought credibility to his own work, forcing the department to “take his claims more seriously.”⁴³ The final chapter in *The Desperate People* provides a first-hand account of the 1958 trial against Kikkik, an Ihalmiut woman charged with murder and criminal negligence in the deaths of her half-brother and young daughter (Kikkik was acquitted on all charges). The case was explored in a 2001 film using interviews and archival footage that captures the events and attitudes surrounding *R v. Kikkik*.⁴⁴ The film delves into the forced relocation of the Ihalmiut earlier that year, and interviews three bureaucrats including Rudnicki, Gordon Robertson, then Deputy Minister, Department of Northern Affairs, and Bob Phillips, head of the department’s Arctic Division. Phillips justifies the department’s decision to relocate the community based on “good intentions,” while Robertson explains the complexities involved in negotiating issues affecting community survival and well-being.⁴⁵ Rudnicki offers a different position, citing the department’s refusal to consult the Ihalmiut on matters concerning their traditional homeland. He provides “an account of decision-makers operating on the business of incomplete and inaccurate information. Further, he explicitly links the tragedy to broader colonial attitudes of the time, and the government sense that the Inuit are largely a portable people who could be moved without consultation.”⁴⁶

⁴² CBC, “Walter Rudnicki,” “The Late Show with Gordon Pinsent,” June 14, 2010, accessed April 10, 2016, <http://www.cbc.ca/thelateshow/season-two/2010/06/14/episode-1---walter-rudnicki---july-1-and-july-4/>.

⁴³ P.G. Nixon, “Bureaucracy and Innovation,” *Canadian Public Administration*, vol. 30, no. 2 (Summer 1987): 295.

⁴⁴ Ole Gjerstad and Elisapee Karetak, *Kikkik*, 2001, accessed April 12, 2016, <https://vimeo.com/18742945>.

⁴⁵ Rebecca Johnson, “Justice and Colonial Collision: Reflections on Stories of International Encounter in Law, Literature, Sculpture and Film,” 89.

⁴⁶ *Ibid.*, 89.

Rudnicki was known in the North as a “troublemaker” for his opposition to old-fashioned bureaucratic processes that in his view increased human suffering. He assumed a role in the Welfare Division supportive of Indigenous people and challenged his colleagues to do the same, earning him a reputation as a man who, in the words of the Chief of the Arctic Division, “chafes under the restraints of the Civil Service and is impatient of delay and opposition ... defects of this kind are probably part of a personality that is imaginative, enthusiastic and full of drive.”⁴⁷ Rudnicki credits his time in the North for shaping his ideas of Indigenous rights and community development, setting the foundation for his mission to document the conditions under which Inuit and later Métis and First Nations communities live. He fought to make a difference during his time with Indian Affairs and was determined to create awareness of the ways Canada failed northern communities. When he left the Welfare Division in 1963, Rudnicki continued his commitment to challenge administrative systems by moving government policies and practices in new directions, and documenting each step of the way.

⁴⁷ UMA, Rudnicki fonds, B.G. Sivertz to C.J. Harrington, 3.

Chapter One: Government Records as “Agents of Change”

In May 1963, Rudnicki joined the Department of Indian and Northern Affairs as Chief of Social Programs Division. He arrived during the formulation of several federal programs designed to improve services to First Nations peoples in response to their growing mobilization and activism. The department turned its attention to reserve communities to assess the needs for social and organizational assistance. In an effort to reimagine traditional departmental operations, objectives focused on generating program and policy initiatives that support community development, program transfers to provinces, community relocations, First Nations advisory boards, and self-administration grants.¹ This effort marked an end to the “largely undocumented history” of Indigenous administration, characterized by the absence of “conventional policy research or policy-related data by government personnel and academics on Indians...”² Notable among the emerging research is the 1964 Hawthorn-Tremblay Commission, an extensive and in-depth study designed to examine the social, economic, and political wellbeing of First Nations communities across Canada. That same year, the department advanced a “community development” philosophy, whose objectives include developing capacity on reserves through improved social service operations, and supporting grassroots “self-help” efforts and self-administration.

As a senior branch official, Rudnicki was charged with overseeing the community development program by forging relationships between Indian Affairs and First Nations communities in order to “end the ‘cold war’...and to lay the foundation for a true

¹ Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70* (Toronto: University of Toronto Press, 1981).

² *Ibid.*, 18.

partnership between the two.”³ With a World Health Organization fellowship, Rudnicki travelled to Mexico, Puerto Rico, and Peru to explore local community development programs that might apply to reservations in Canada. Following his return, he saw ninety individuals, both First Nations and non-Indigenous, trained according to established community development principles and positioned in reserves alongside Indian agents and superintendents.⁴ With these workers, Rudnicki hoped to inspire a new type of civil servant, one he says “dedicated to a job and a client, not to the department paying his salary.”⁵ Almost immediately traditional operations were shaken, though Rudnicki was not with Indian Affairs long enough to witness that firsthand. In June 1966, he was transferred from the department to the Privy Council Office (PCO). Four months later, Arthur Laing became minister of the newly created Department of Indian Affairs and Northern Development (DIAND). After Laing’s appointment, Rudnicki’s controversial community development program quickly fell out of favour. In the two years since its launch, the program became subject to so many controls it ceased to be effective. Having welcomed the political exchange the program stood to deliver, many First Nations communities strongly opposed its mismanagement. In a letter to the minister, Simon Reece, Chairman of the North Coast District Council expresses his frustration:

One of the assurances we had was provided through the services of Community Development Workers who assisted us in articulating our needs. Now, just when we are most vulnerable, having cast off the protective armour of a social structure in search of a new one, we find that the Department is destroying our only vital support by reducing the numbers of Community Development Workers required

³ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 43, Folder 11, Walter Rudnicki speech, 1968: 14.

⁴ One Community Development worker was a young George Manuel, who went on to become president of the Union of B.C. Indian Chiefs and Chief of the National Indian Brotherhood.

⁵ Doris Shackleton, *Power Town: Democracy Discarded* (Toronto: McClelland and Stewart Ltd., 1977): 159.

and re-assigning existing ones to other duties, thereby completely reducing their effectiveness.⁶

Some “old guard” officials were pleased to see the program stall, going so far as to call it “the stupidest thing we ever did.”⁷ This sentiment, in combination with inadequate resources and administrative structures, contributed to the program’s failure, reinforcing departmental resistance towards meaningful change and reaffirming “the traditions of the bureaucracy rather than the activism of the community development workers.”⁸ Rudnicki echoes this point, saying the community development program was “an attempt to implant a heart in a crusty old body- and the body rejected the heart. This shouldn’t surprise anyone.”⁹ However, Rudnicki hoped the program’s lasting impact would bring change to the paternalistic relationship between the Government of Canada and First Nations peoples.

In the summer of 1966, Rudnicki was hired by the PCO as Deputy-Director of the Special Planning Secretariat. Chief among his responsibilities was assisting the extensive redesign of First Nations federal policy alongside the Prime Minister’s Office (PMO) and DIAND. Recently published findings of the Hawthorn Report recommended DIAND take an “activist role” within the federal bureaucracy on behalf of First Nations interests. Rudnicki labelled this a “philosophy worthy of 1867,” and critiqued the report’s failure to carefully evaluate department resources, policies, and personnel. He took issue with the commission’s reluctance to include the concerns of First Nations peoples throughout the study, using instead an academic approach, “...none of Hawthorne’s [sic]

⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 43, Folder 5, Simon J. Reece, Chairman North Coast District Council to Rt. Hon. Jean Chrétien, Minister of Indian Affairs and Northern Development, n.d.

⁷ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, 27.

⁸ *Ibid.*, 29

⁹ UMA, Rudnicki fonds, Walter Rudnicki speech, 14.

recommendations have been referred to Indian leaders and spokesmen for discussion.

The Indians were simply bystanders in a scene where experts had a conversation among themselves and arrived at their own consensus.”¹⁰ Rudnicki believed that in order make space for productive and meaningful exchange, bureaucratic authority had to change.

Over the next two years, Rudnicki advocated moving beyond the traditional approach by opening processes of policy development to First Nations leadership. His unwavering support of First Nations participation placed him on thin ice with Minister Laing. In a letter dated August 24, 1967, the PCO asks Public Service Commission Chairman John Carson to shuffle Rudnicki to a department “where contact with his former department is limited, but where his very real talents can be brought into play:”

Rudnicki is an unusually able officer with excellent academic background and experience. He is imaginative, resourceful, sensitive and especially talented in developing new organizations... Here is the problem. Rudnicki’s greatest use to us should be in social problems of Indians and Eskimos about which he has as much knowledge as almost anyone in Canada. He cannot operate effectively in this large field (and it is not easy for others to do so in his presence), because the minister of the department concerned has strong views about Rudnicki whom he regards as a source of trouble... I believe Rudnicki has acted with total propriety while on our staff, but he may in part be blamed for problems of the past.¹¹

The letter, approved by Clerk of the Privy Council Gordon Robertson, asked that a future shuffle appear out of need so that Rudnicki not suspect being “eased away.”

¹⁰ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 39, Folder 2, Walter Rudnicki, “Critique and Alternatives: On Policy and Program Proposals for Indian and Eskimo Affairs,” November 12, 1968: 25. In a counter point offered by Rudnicki’s friend and colleague, Sally Weaver writes: “The allegations that researchers had not dealt with Indians in collecting data was simply incorrect, but he (Rudnicki) was right in saying that Indian leaders had not been asked to evaluate the report for the government. However, the implication that Indians would not have supported it can be partially questioned because they subsequently used its philosophy to substantiate their own counter-proposals to the White Paper in 1969 and 1970.”: Sally Weaver, “The Hawthorn Report: Its Use in the Making of Canadian Indian Policy,” in Noel Dyck, James B. Waldram, eds., *Anthropology, Public Policy, and Native Peoples in Canada* (Montreal & Kingston: McGill-Queen’s University Press, 1993): 87.

¹¹UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 6, Folder 6, Bob Phillips to John Carson, August 24, 1967.

Until a transfer was realized, Rudnicki continued to champion First Nations participation in policy formulation. In an effort to generate nation-wide discourse, he spoke publicly on the significance of inclusion and collaboration. Transcripts of speeches he delivered during this period shed light on the role of recordkeeping in his advocacy. The news media was particularly valuable in the development of Rudnicki's archives as he looked to the nation's newspapers to monitor the ways reporters encapsulated Indigenous issues for their audience, and the ways policy-makers, Indigenous organizations, and the Canadian public perceived DIAND's policy reviews. In a speech given at the University of Manitoba, Rudnicki acknowledged the "well-intentioned measures" taken by parliamentary committees, provincial governments, researchers, and private organizations to respond to the expansion of First Nations rights. However, he goes on to read headlines from over a dozen "randomly" selected Canadian reports and newspapers illustrating the persistent "impasse in progress" towards elevating the social well-being of First Nations communities, "I have made a collection of newspaper clippings over the past several months. They provide a kind of Marshal McLuhan [sic] perspective on the problem... If these same headlines were describing the non-Indian sectors of our society, I don't doubt that Canada would be regarded as a disaster area."¹²

Using the Hawthorn Report as a guide, the Pearson government launched a series of consultation meetings to discuss revisions to the Indian Act lasting into the spring of 1969.¹³ From these community meetings came a clearer sense of First Nations wants and needs, including a re-evaluation of the Indian Act, the assertion of treaty rights and

¹² UMA, Rudnicki fonds, Walter Rudnicki speech, 3-4.

¹³ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, 10.

Aboriginal rights, the establishment of a Claims Commission, and the desire to move beyond DIAND by dismantling its functions over time. These discussions indicated an overwhelming need for sustained dialogue between First Nations leadership and the federal government in order to justly negotiate between what was desired and what might be delivered. In a forum discussion at York University, Rudnicki shared his vision of this process, commenting within the context of Confederation, “the key hope is that through communication, the Indian for the first time, will be able to have a say in his own destiny.”¹⁴

The term “participatory democracy” became a popular catch phrase during Pierre Trudeau’s Liberal election campaign, yet a mere six months after his April 1968 victory, DIAND Deputy Minister John A. MacDonald prepared a far-sighted plan that advanced departmental authority while overlooking the issues raised during community consultations. Concerned that the new policy would support assimilation, Rudnicki submitted to the prime minister a critique of the brief, calling it “conceptually unsound, politically dangerous and unrelated to the Prime Minister’s request”:

For reasons best known to Indians, they do not trust IA&ND and simply refuse to mortgage their futures any longer to the deformities of existing policies. They have been saying in public statements that they will not tolerate further any ‘solutions’ which are pile-driven into their midst by a paternalistic ‘White Father.’ They are asserting their rights as Canadians to be heard in the councils of power and to have some influence on decisions which affect their lives.¹⁵

Rudnicki’s assessment was well received, and the PCO and the PMO discredited and quickly set aside MacDonald’s proposal. In early 1969, Rudnicki compiled a set of

¹⁴ “Red Power aims described: Indian panelist calls for return to land, end of white paternalism,” *The Globe and Mail*, October 26, 1968. *Proquest Historical Newspapers*, Web, accessed October 12, 2012. At York University’s Glendon Forum on the Canadian Indian, Rudnicki sat on a panel alongside three First Nations speakers discussing the topic of “Canada’s Cultural Genocide.”

¹⁵ UMA, Rudnicki fonds, “Critique and Alternatives: On Policy and Program Proposals for Indian and Eskimo Affairs,” 3.

policy alternatives prepared by both DIAND Minister Jean Chrétien and DIAND Minister Without Portfolio Robert (Bob) Andras (responsible for consultations with First Nations communities) for submission to the PM. Chrétien's policy favoured a modified departmental program upholding Canada's exclusive authority, while Andras preferred to phase out the department along with its special legislation. Rudnicki also put forward "Option C," his own design recommending a task force outside of the department dedicated to a years-long "process of consultation, negotiation and education" to structure policy according to the views of First Nations, Métis, and Inuit peoples across Canada.¹⁶ Ultimately, Rudnicki saw "Option C" as an opportunity for DIAND to "gradually give up its major functions to other Departments, to Provinces and to Native organizations and communities. Instead of suffering a traumatic end, it would simply fade away like the old soldier it is."¹⁷ Rudnicki pushed for "Option C" by aligning himself with Andras, acting as Andras' policy advisor committed to long-term negotiations with First Nations political organizations. However, in June 1969, Rudnicki took special leave from the PCO to join Andras' new office as chief policy advisor of Central Mortgage and Housing Corporation (CMHC). Both men were shuffled to the Ministry of State for Urban Affairs for their "activist" leanings, therefore losing their influence over policy redesign.

DIAND's policy review ultimately became the Trudeau government's June 1969 *Statement of the Government of Canada on Indian Policy*, commonly referred to as the "White Paper." The White Paper considers Indian status discriminatory, preventing First Nations peoples from effectively participating in modern Canadian society. It proposed

¹⁶ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 43, Folder 4, Walter Rudnicki, "Policy Options - Indian Affairs," January 1969: 9.

¹⁷ UMA, Rudnicki fonds, "Critique and Alternatives: On Policy and Program Proposals for Indian and Eskimo Affairs," 10.

to end First Nations special status within five years without federal guarantees to protect lands or identity. DIAND would be dissolved, the *Indian Act* repealed, special programs terminated, and the provinces expected to treat First Nations peoples the same as other citizens. Senior officials declared the White Paper the product of successful consultations. However, common goals identified by First Nations communities across the country went completely ignored. Community and organization leaders immediately denounced the termination policy and began to lobby Ottawa. The Indian Association of Alberta produced the “Red Paper” in rebuttal, strongly defending treaty obligations, self-determination, rights to lands and resources, and the provision of education and health care. The Red Paper was endorsed by the National Indian Brotherhood, and became the formal response to the White Paper. Working closely with those staging protests, Rudnicki found ways to use the national media in their favour. A recent trip to New Zealand saw Prime Minister Trudeau participating in a Maori ceremony, donning their traditional dress and commending their culture, traditions, and resilience.¹⁸ Rudnicki looked to juxtapose these “very publicly reported statements by Trudeau in the media, the kind of relationship he’s developed with the Maori” with his presumed refusal to meet with First Nations elders and leaders upon his return.¹⁹

With some ministerial support, a public presentation of the Red Paper was arranged at the Railway Committee Room in the Parliament building, staged to include regalia, drumming, and a Cree welcome song. Rudnicki advised participants to “put on a

¹⁸ CBC, “Red Paper/White Paper,” “Ideas with Paul Kennedy,” Episode One, April 19, 2010, accessed April 10, 2016, <http://www.cbc.ca/player/play/1473005172>; Episode Two, April 19, 2010, accessed April 10, 2016, <http://www.cbc.ca/player/play/1473017298>.

¹⁹ Ibid.

show for the guy, like the Maori did.”²⁰ On June 4, 1970, approximately 500 chiefs and band members arrived in Ottawa, presenting the Red Paper to the prime minister and minister Chrétien in a successful demonstration against the policy. The White Paper was viewed as a betrayal, widely considered Chrétien’s attempt to make his name rather than honouring treaty agreements made with the Crown.²¹ Minister Chrétien remained defensive, stating the policy was a product of good faith, designed to achieve legal and political equality, “[i]t seems fair to say that while the Government looked to the day when no special status was necessary, Indian leaders could not conceive of such a day, because of their low economic and social status, and therefore rejected the policy proposals out of hand.”²² Chrétien recommended continuing consultations with First Nations leaders, declaring the time no longer opportune for deciding full-scale policy review.

The White Paper stimulated unprecedented political action from Indigenous peoples across Canada. While First Nations organizations rallied against assimilationist policy, Métis leaders mobilized to protect their history and identity, and to advance their rights as a distinct Aboriginal people. Not considered Indians under section 91(24) of the Constitution Act, 1867,²³ the long-term exclusion of Métis peoples from federal services benefiting First Nations resulted in their living in “worse poverty than most ‘official’

²⁰ Ibid.

²¹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 39, Folder 6, Jeffery Gabriel to The Editor of the Montreal Star, July 8, 1969.

²² UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 41, Folder 7, Confidential Memorandum to Cabinet, Jean Chrétien, Minister of Indian Affairs and Northern Development, “Developments in Indian Affairs Summary,” June 21, 1972: 2.

²³ Traditional arguments against including Métis peoples in federal policy endured well into the 1970s: Sally Weaver refers to Jim Davey’s (who she calls “The most influential PMO figure in Indian Policy”) argument against including Métis people in First Nations Policy. “How do you identify a Métis? To define the Métis would be tantamount to creating a new problem for government.”: Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, 92.

Indians although they usually had as much claim in blood and way of life to the benefits which flow to the status Indians.”²⁴ Slum-like settlements in rural areas, towns, and cities left thousands of Métis communities vulnerable to illness, exposure, and house fires. Ottawa proved unwilling to offer solutions beyond funding ill-designed programs resulting in wasted resources and accusations of handouts. Inadequate Métis housing was an issue for decades before being shaped into a political concern strong enough to attract government attention. The situation changed in August 1969, when Housing Minister Bob Andras wrote a memo directing CMHC president Herb Hignett to establish a Policy Planning Division focused on urban growth with Rudnicki serving as Executive Director.²⁵

The sudden move to make low-income housing programming the number one priority of the socially unresponsive corporation signalled a change in direction. A large portion of CMHC’s budget was re-allocated towards this effort, phasing out existing programs to develop policy planning, urban studies, and task force initiatives. Frank Oberle, Mayor of Chetwynd, B.C., contacted Rudnicki to secure CMHC “rural and native housing” program start-up funds in an “experimental project” to build houses for dozens of Métis families living on Chetwynd’s outskirts in a settlement known as “Moccasin Flats.” Oberle lobbied to make the settlement a subdivision, countering the trend of running town streets “in a direction where the view was easier on the eyes.”²⁶ Moccasin Flats residents formed the Chetwynd Housing Cooperative (CHC), a legally incorporated, non-profit-organization that contributed to the planning and construction of community

²⁴ UMA, Rudnicki fonds, Mss 331 (A.10- 38.1), Box 6, Folder 10, Douglas Fisher, “Why was Rudnicki fired?” *The Toronto Sun*, November 14, 1973: 9.

²⁵ UMA, Rudnicki fonds, Mss 331, (A.10. 38.1), Box 17, Folder 3, Walter Rudnicki, “McDonald Commission Findings and Related Events Relevant to Rudnicki Dismissal from CMHC,” 1977.

²⁶ Shackleton, *Power Town: Democracy Discarded*, 163.

housing.²⁷ The town put up land for \$1 per lot and CMHC provided low cost mortgages. CHC members were promised \$3.50 an hour, of which \$2 went to the cost of their home.²⁸ Despite delays, forty houses were erected in what became the Wabi Crescent subdivision.²⁹ The switch from tar paper shacks to quality housing with access to water, sewage disposal, and heat quickly improved the health and well-being of residents. Rudnicki wanted the Wabi Crescent program to stand as the basis for a federal model and used its success to secure community involvement and the cooperation of his colleagues. One of his first tasks for the federal initiative was to gather information on the state of Métis and non-status Indian housing across Canada. Gene Rhéaume, a Métis and former PC Member of Parliament for the Northwest Territories, was hired to conduct a nationwide review documenting Métis housing needs. Leaving Ottawa to survey Indigenous communities was not CHMC custom, however it was critical in shaping effective housing programs and policies. Rhéaume echoed this imperative in his survey report *Housing for Native People: Low Income Housing Policy for 1971*:

Until recently, the involvement of Native people in their own affairs was seldom considered necessary, and the history of these special housing programs reflects this attitude. This has led, we believe, to the widespread, almost universal rejection by the Native people of these programs, which they consider to be irrelevant to their real needs as they perceive them.³⁰

Ineffective government policies, bureaucratic red tape, lack of opportunity to guide programming, ill-timed release of funds (winter stalls), and poor coordination between Métis residents and the federal and provincial governments traditionally

²⁷ Patrick Watson, *Moccasin Flats* (The Native Council of Canada, 1970), accessed December 14, 2014, <http://vimeo.com/72762172>.

²⁸ Shackleton, *Power Town: Democracy Discarded*, 164.

²⁹ Halfway through the project, the Chetwynd council petitioned to halt construction, however Oberle threatened to resign if the petition succeeded: Watson, *Moccasin Flats*.

³⁰ Herb Belcourt, *Walking in the Woods: A Métis Journey*, (Brindle & Glass, 2006): 53.

hindered efforts to improve housing.³¹ As the Rhéaume study wound down, Rudnicki prepared to challenge the anticipated internal resistance to the Policy Planning Division's recommendations. To agitate against bureaucratic complacency, he looked to deploy the records and information generated from the housing survey. Among his more dramatic ideas was looping film depicting Métis slums against the wall of the Château Laurier hotel convention centre until he was granted a meeting with both the Minister of State for Urban Affairs and the CMHC president.³² Housing policy slowly gained traction within the corporation partly because of the division's commitment to fact-finding and community involvement, and partly because of Rudnicki's innovative use of survey records. In January 1972, Ron Basford took over Urban Affairs Minister Andras' portfolio, when Andras moved on to another ministry. That year, close to a dozen housing policy proposals were produced, however momentum began to wane due to a lack of ministerial approval. A frustrated Rudnicki wrote Herb Hignett a memo outlining his opposition to the ritual delays, suspension of programming, and inefficient communication hierarchies that prohibited CMHC from performing its "essential functions."³³

In June 1973, Hignett retired as CMHC president and was replaced by successful land developer and political newcomer William Teron. The day before his departure, Hignett visited Rudnicki's office to warn "things may not go well for him in the

³¹ Examples are found in UMA, Rudnicki fonds, Mss 331 (A.10- 38.1), Box 63, Folder 2: "House Repairs Hit by some Métis Groups," *Winnipeg Free Press*, May 23, 1973; "Indian housing aid 'not good enough'," *Vancouver Sun*, June 20, 1973; "Métis et indiens estiment a \$300 millions les 30,000 logements dont ils ont besoin," *Le Devoir*, July 11, 1973; "Kenora volunteers get to work on housing development for Indians, Métis and whites," *The Globe and Mail*, August 23, 1973.

³² UMA, "A Celebration of the Walter Rudnicki Collection," accessed September 14, 2012, <http://www.youtube.com/watch?v=cprZCxZJBcU>.

³³ UMA, Rudnicki fonds, Mss 331, (A.10. 38.1), Box 6, Folder 7, Walter Rudnicki to Herb Hignett, March 28, 1973: 1.

succeeding months.”³⁴ This cryptic comment was offered without explanation, making Rudnicki suspicious of new management. In early September 1973, Minister Basford instructed Teron to develop the Métis and non-status Indian housing proposals submitted the previous year by Rudnicki’s Policy Planning Division. The minister was reportedly “upset and irritated” this was not yet complete, and asked that it be in his hands by September 21.³⁵ The decision to make the proposal a high priority was due to the increased politicization of a Métis organization called the Native Council of Canada (NCC).³⁶ Established in 1968, the NCC represented approximately 500,000 Métis and non-status Indians. Paramount to their concerns was developing a federal program to provide 40,000 homes for their people.

A series of meetings was set up with CMHC and the NCC to discuss preparations for a long-range Métis and non-status Indian housing policy. On September 12, representatives of the Policy Program Division met with an executive group composed of NCC members and presidents of provincial Métis associations to review funding for the “Emergency Housing Program,” a five-to-eight year, \$2 million allocation designed to deliver basic repairs to Métis homes. During this meeting, Stan Daniels, member of the Alberta Métis Association, objected to CMHC producing yet another meaningless program. Minister Basford assured everyone this would not be the case, “[y]ou will be consulted – you will have a hand in preparing the programme.” The minister then told Teron, “I want these people plugged into the programme,” to which Teron replied

³⁴ UMA, Rudnicki fonds, Walter Rudnicki, “McDonald Commission Findings and Related Events Relevant to Rudnicki Dismissal from CMHC,” 19.

³⁵ *Rudnicki v. Central Mortgage and Housing Corp.*, [1976] OJ No. 751 at para 73.

³⁶ The NCC emerged largely through grants from the Secretary of State.

“[t]hat’s how it will be - you won’t first read about it in the newspapers.”³⁷ On Minister Basford’s request, Teron came into the meeting at the end of the day to approve the budget allocation. He instructed participants to develop a “native policy paper” and encouraged them to work speedily on the matter.³⁸

At no point in this process were special secrecy regulations established for policy development. On October 5, a follow-up meeting was held among Rudnicki, CMHC staff (Teron was not present), and members of the NCC. Copies of the draft policy paper “draft cabinet document on Housing for Métis and Non-Status Indians” were circulated among attendees, a document already in its sixth revision and likely facing more.³⁹ The first draft had been shown to the NCC executive group on September 19, while subsequent drafts were created based upon NCC recommendations, as well as those made by the CMHC Steering Committee and the minister. Following the October 5 meeting, NCC members expressed their pleasure with the direction of the program. President Tony Belcourt said he felt “delighted,” adding “as a matter of fact we were so happy, that when I was interviewed by the CTV and CBC news right after...it was a bomb-out of an interview, because this was one of the times that we weren’t in a confrontation situation.”⁴⁰ Belcourt contacted Teron by telephone to express his satisfaction, and both agreed the minister should be informed of the progress. On October 10, a hand delivered letter was given to Minister Basford on behalf of the NCC describing their positive experience and understanding of the program thus far:

³⁷ *Rudnicki v. Central Mortgage and Housing Corp.*, at para 83.

³⁸ *Ibid.*, at para 91, 92.

³⁹ This document is described as the product of a “joint venture,” but there was still a “long way to go” before anything was finalized by the minister and the cabinet: *Rudnicki v. Central Mortgage and Housing Corp.*, at para 123.

⁴⁰ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 4, Folder 2, CBC interview Walter Rudnicki, Tony Belcourt, William Teron, transcript, November 9, 1973.

We believe we have a good general understanding of the outlines of the program and we feel that we have been able to contribute substantially to its development. We have been advised that your office will now be reviewing the matter and if you approve will submit the program to Cabinet for a final decision. I thought it timely to let you know that, for our part, we believe the proposals are excellent and they have our full support. We are aware that the additional steps that must now be taken require some time but we hope that this proposed program can be advanced quickly because housing for our people remains our number one priority in our efforts to better the conditions of the Métis and non-status Indian people of Canada.⁴¹

Belcourt could not have known his gesture would bring an end to Rudnicki's position with CMHC. The letter displeased the minister on the grounds that he considered "Housing for Métis and Non-Status Indians" to be a confidential cabinet document not meant for public review. On October 12, Rudnicki was summoned to Teron's office and asked to resign. Following Rudnicki's refusal, Teron handed him a letter of termination.⁴² Rudnicki appeared baffled by his dismissal, saying it was as absurd as "Alice in Wonderland."⁴³ In distributing "Housing for Métis and Non-Status Indians," Rudnicki believed he was carrying out the corporation's express instructions, "[o]ur conversation with the Native Council was open and frank – a style which, in our experience indicates, is the only acceptable and effective one in dealing with native people...what information was to be kept secret...?"⁴⁴ Intent on upholding his reputation, Rudnicki wrote letters to top officials defending his career of "unblemished

⁴¹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 3, Folder 2, Native Council of Canada to William Teron, October 9, 1973.

⁴² Rudnicki's secretary, Dorothy Skarzynski testified that Teron told her he had "no part in this – I was forced to do this by Mr. Basford. The Minister is very angry – it is a resign or firing issue – either he or I have to go over this native housing document": "William Teron vs. Walter Rudnicki: Portrait of a Bureaucracy," in James Lorimer, Evelyn Ross, eds., *The Second City Book: Studies of Urban and Suburban Canada Second City* (Charlottetown Group Publishing Inc, 1977): 168.

⁴³ UMA, Rudnicki fonds, Mss 331 (A.10- 38.1), Box 6, Folder 10, Blakely, Arthur, "When is a secret not a secret?" *Winnipeg Tribune*, November 22, 1973.

⁴⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 5, Folder 1, Walter Rudnicki to William Teron, October 12, 1973.

public service.”⁴⁵ He hoped to settle the matter out of the public eye through either reinstatement at his former level or an impartial inquiry into the circumstances surrounding his dismissal. If neither option was considered, Rudnicki was prepared to take his case to court.

The federal government took the opportunity to fire Rudnicki under the pretense that he leaked a “confidential cabinet document” to the NCC. Traditionally, few federal government records were intended for use by those “outside” of politics in terms of their design and implementation. If records were released, it was done with ministerial or departmental permission, most often for the purpose of extolling the government rather than measuring public response. In the course of Rudnicki’s civil service career, external audiences rarely shaped policy and programming. However by the 1970s, Ottawa was forced to confront the rapidly increasing practice of leaking federal information:

Since 1968, more federal government documents stamped secret or confidential have been leaked into the public domain than during any comparable period in Canadian history. According to one theory...the trend is caused by the career style of a few civil servants. Whenever they encounter a policy they dislike intensely but can’t change, they strike out at the establishment – and at the policy – by leaking the policy paper.⁴⁶

Leaking classified material offered control over access to information by subverting the formal bureaucratic procedures accompanying policy development. For some determined staff, government documents are considered “agents of change,” a reference used in archival theory to describe records as more than “passive, neutral carriers of

⁴⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 3, Folder 7, Walter Rudnicki to Urban Affairs Minister R.S. Basford, October 29, 1973.

⁴⁶ UMA, Rudnicki fonds, Arthur Blakely, “When is a secret not a secret?” In a June 6, 1972 speech to the Royal Society of Canada in St. John’s, Newfoundland, Clerk of the Privy Council Gordon Robertson blamed the increasing frequency of leaks on the “new permissiveness and disrespect for authority in society at large.”: Shackleton, *Power Town: Democracy Discarded*, 161.

information.”⁴⁷ Was Rudnicki part of the new breed of civil servant undermining top officials by leaking government documents? Did he leak a confidential cabinet document as a catalyst to build effective policy? Was his dismissal meant to send a message to others? Generally speaking, firing a long-serving government employee like Rudnicki was not standard procedure. In 1963 Prime Minister Pearson established that officials under scrutiny be informed prior to disciplinary or dismissive action, or else be transferred to an area where access to secret and confidential information is limited:

The first of the new requirements is to inform the person involved when his security or reliability is in doubt and may have to involve his dismissal... The second new requirement is to ensure that a second look is always taken by a separate body before dismissal is finally decided upon. Once the individual is told of security doubts he will have the opportunity to give his side of the case. The employing agency will consider it, consult the staff of the government security panel, and arrive at a conclusion.⁴⁸

Or, more simply put, “[n]ormally a ‘failed’ official is side-tracked into a lonesome slot or rolled upstairs out of the way.”⁴⁹ Neither action was taken in Rudnicki’s case, causing many to speculate a leak controversy created the opportunity to dismiss him in response to the direction he was taking CMHC. While many of Rudnicki’s colleagues refused to acknowledge the social dimensions of programing, he championed client involvement. Under his executive direction, the corporation went from an economic focus to one of policy development, seeing “pinstripe mortgage managers trying to handle social concepts they resent and social programs they don’t fully understand.”⁵⁰ Rudnicki’s policies may have been too responsive, thereby alienating hard liners who objected to

⁴⁷ Terry Cook, "The Archival Legacy of the Department of the Interior," *Archivaria* 25 (Winter 1987-88): 82.

⁴⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 2, Folder 2, House of Commons Debates, Hansard, October 25, 1963: 4044.

⁴⁹ UMA, Rudnicki fonds, Douglas Fisher, "Why was Rudnicki fired?"

⁵⁰ UMA, Rudnicki fonds, Mss 331 (A10-38.1), Box 76, Folder 7, "Special Report: Native Housing Vows Shelved," *Ottawa Journal*, August 17, 1976.

“rewarding” poverty with new housing. Minister Basford likely realized the consultation process between CHMC and the NCC had framed a Métis housing program that would not receive cabinet approval. The minister demanded disciplinary action from Teron and an end to consultations. Allegations of a leak reduced Rudnicki to a rogue agent who operated outside of the government framework. In the end, Rudnicki was fired, Teron’s credibility shaken, and Basford emerged relatively unscathed.

Despite his repeated requests, CMHC refused to reinstate Rudnicki. With no other option available, on February 6, 1974, he sued the corporation for wrongful dismissal. As one of the earliest court tests of government confidentiality in Canada, this effort required a solid defence. Rudnicki needed evidence if he hoped to emerge with his career and reputation intact. In a message to the press, Rudnicki claimed to “have documents and minutes of meetings which demonstrate that in no way did he stray from his duty, or do anything out of the ordinary.”⁵¹ He had close to 150 supporting documents including correspondence, directives, and draft reports authored by CMHC, the NCC, and himself. If not for these records, his actions would appear suspect and the NCC’s contributions to housing policy would be dismissed. During the five-day Examination for Discovery, Rudnicki’s legal team disclosed its evidence. The case was so strong that the Department of Justice proposed a settlement on condition that Rudnicki drop the suit and keep the matter confidential. Rudnicki declined the offer and prepared to use the records to win his case and clear his name.

⁵¹ UMA, Rudnicki fonds, Arthur Blakely, “When is a secret not a secret?”

The trial began on July 5, 1976. The first day, eighty-three documents were listed as exhibits, ranging from correspondence, to briefs, minutes, memos, and expenses.⁵² Included are: the six drafts of “Housing for Métis and Non-Status Indians”; a signed “Oath of Fidelity and Secrecy” binding Rudnicki to “not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Corporation”; a confidential memo from CMHC president H.W. Hignett to executive staff discussing the designation of classified material, noting “secret” is applied “to those Cabinet Submissions which are required to have this designation in accordance with existing P.C.O. directives. It is not envisaged that any other material originated within the Corporation will have this designation”; a paper authored by Clerk of the Privy Council Gordon Robertson addressing government secrecy, confidentiality, and the public’s right to know, and an increase in leaking government information by those who reject established values and attitudes, facilitated by “that versatile friend of professor and student, of bureaucrat and spy, the xerox copying machine.”⁵³ Central to court proceedings was the examination of the government classification system, specifically what content is considered “confidential” and what processes determine the designation. Within government ranks, records of all kinds were subject to questionable treatment. In many departments, protection was an informal and highly subjective process. What was labeled “classified” or “top secret” by one may not merit the label by another. A trial witness testified “in government circles you often put ‘confidential’ on something

⁵² UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 59, Folder 3, The Supreme Court of Ontario, Writ no. 119/74, “List of exhibits put in at trial of this action in Ottawa on the 5 day(s) of July 1976,” July 1976.

⁵³ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 1, CMHC “Oath of Fidelity and Secrecy,” August 24, 1970; UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 3, Folder 6, CHMC President Herb Hignett to CHMC Executives, Directors, Chairmen, PPD., Senior Advisors, Secretary, Board of Directors, November 5, 1971; UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 10, Gordon Robertson, Clerk of the Privy Council to the Royal Society of Canada, “Official Responsibility, Private Conscience and Public Information,” 1972: 5, 16.

because that was the easiest way to get things read.”⁵⁴ In reference to showing a “confidential” document during consultation, one member of the PCO admitted, “[h]ell, we all have done that a thousand times. Obviously there’s something else.”⁵⁵ The “something else” referred to is the true motive behind Rudnicki’s dismissal. A journalist raised this issue in *The Ottawa Journal*:

It’s of interest to me because the area Rudnicki was working in, a social development kind of native housing program, is of very special human significance. I probably wouldn’t have noticed if Rudnicki had been fired because he was working on a new tax formula that fell out of favour with his department, or something equally obtuse...But this one means a lot in terms of human justice and well-being.⁵⁶

The circumstances surrounding Rudnicki’s dismissal were debated on the House floor. There was a joint Conservative/NDP attempt to bring about a full-scale inquiry into the CMHC affair:

Mr. David Orlikow (Winnipeg North): In view of the minister’s expression of sympathy for meeting the needs of the native people in the field of housing, why will he permit the president of Central Mortgage and Housing, who has never demonstrated anything except an ability to make money, to fire the one person in Central Mortgage and Housing who had the confidence of the native people?

Right Hon. P. E. Trudeau (Prime Minister): I think it should be clear to the House and anyone who is not grossly prejudiced in this matter that the firing was not based on the fact that Mr. Rudnicki knew the Indian people and had good relations with them. He was fired after a series of events which are perfectly well known.

Mr. John Diefenbaker: What is the real reason? The Prime Minister knows. This is a cover up.⁵⁷

⁵⁴ *Rudnicki v. Central Mortgage and Housing Corp.*, at para 168.

⁵⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 10, John Gray, “He shook Ottawa’s closed shop – and got fired,” *Toronto Star*, November 29, 1973.

⁵⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1) Box 8, Folder 6, Doris Shackleton, “The Rudnicki affair – amazing!” *Ottawa Journal*, January 25, 1974.

⁵⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 7, Folder 3, House of Commons Debates, November 9, 1973.

The NCC publicly objected to the “confidential” designation of the “Métis and non-status Indian Housing” draft document because it undermined the consultation process agreed upon in earlier meetings with Minister Basford and President Teron. From a NCC perspective, the content of this document symbolized improved working relationships between their people and the federal government. From an archival standpoint, drafting the document opened processes of government records creation to the input of Métis and non-status Indians in ways that would directly benefit their health, safety, and well-being. Belcourt argued the fallout from Rudnicki’s dismissal should not focus on government confidentiality, but on the consultative process:

The issue is an important one raising the whole question of government secrecy as opposed to the democratic rights of the people to know what government is doing and in this case, it hinges around what actually took place during the consultative processes that CMHC and the Minister had ordered Rudnicki to carry out with us. The flat assertion...that we were shown a Cabinet document is offensive and extremely damaging to our cause. It also accuses Mr. Rudnicki of an action that he never took.⁵⁸

That government officials turned the act of consultation into a leak controversy marred the significance of what was really at work: long overdue negotiations between the Government of Canada and Métis leadership. Inclusion in policy planning and a commitment to listen and communicate were vital to shifting traditional power dynamics. The NCC was satisfied with the process, and they understood the program under discussion was a proposal awaiting submission to the minister and the cabinet where it might undergo further revisions.

When Rudnicki’s case went to trial, CMHC was denied privilege under s. 41(1) of the *Federal Court Act* to keep the six drafts of “Housing for Métis and Non-Status

⁵⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 3, Folder 3, A.E. Belcourt to the *Ottawa Citizen*, January 21, 1974.

Indians” from public release. This section protects the disclosure of information considered “injurious or not in the public interest” by prohibiting the court from examining the record.⁵⁹ In his reason for rejecting the restriction, Ontario Supreme Court Justice John O’Driscoll states “[p]ublicity is the very soul of justice.”⁶⁰ The nine-day trial thoroughly examined whether Rudnicki engaged in subversive behavior by leaking a confidential cabinet document. Witness testimony and court records support Rudnicki and his staff’s compliance with procedure throughout the CHMC-sanctioned consultations. Justice O’Driscoll ruled in Rudnicki’s favour, finding “[t]he plaintiff did not ask any of the executive of the defendant corporation for permission to reveal the policy proposals to the Native Council of Canada because he was the one who had been put in charge of the project by Mr. Teron; in my view, the plaintiff was merely doing what he had been authorized to do.”⁶¹ In this circumstance the federal government had an ulterior motive. By claiming misuse of the “Housing for Métis and non-status Indian” document, Minister Basford and Teron were able to do away with a progressive-minded agent and a promising housing program.

Eighteen years of government agitation was bound to catch up with Rudnicki, proving “you can be effective in government if you do the types of things that get you fired.”⁶² As an activist in the bureaucracy, Rudnicki courted controversy as he worked to change the system from the bottom up. His overriding goal was to adopt a consultative approach to Indigenous policy development prior to receiving cabinet approval, yet Ottawa repeatedly failed to implement this objective. Events surrounding his dismissal

⁵⁹ Lorna Rees-Potter, “Freedom of Information-Why Not?” *Archivaria* 6 (Summer 1978): 160.

⁶⁰ UMA, Rudnicki fonds, Mss 331 (A.10- 38.1), Box 6, Folder 10, Brian Gory, “Rudnicki wins major point; papers ordered released,” *The Globe and Mail*, July 9, 1976.

⁶¹ *Rudnicki v. Central Mortgage and Housing Corp.*, at para 178.

⁶² CBC, “The Late Show with Gordon Pinsent.”

capture the magnitude of government complacency, opposition to change, indifference to public wants, and reduced accountability.⁶³ There was entrenched resistance among politicians and senior officials to approach policymaking as a “process” involving community assessment, consultation, and public interpretation, favouring instead closed-door bureaucracy that excludes interest/minority groups from critical decision-making processes. This resistance is what Rudnicki fought against his entire career as he argued for open government and participatory democracy.

In the years following his dismissal, Rudnicki continued to monitor steps taken by CMHC on Métis and non-status Indian housing. The corporation successfully removed the “advocate” from its ranks, and its “Emergency Housing Program” struggled to deliver on its design. Rudnicki’s archives contains dozens of articles from Canadian newspapers reporting CMHC’s failure to meet directives. Some media accounts report injuries and fatalities caused by unsafe shelters, and others report reasons behind the corporation’s delay in supplying housing.⁶⁴ Rudnicki collected these records to bring awareness to a desperate situation sustained by government negligence, and commented publicly on the CMHC’s deceit.⁶⁵ Due to severe mismanagement, the Métis housing program was shelved in 1976, signaling an end to CMHC’s “tentative move toward social housing.”⁶⁶

The program’s dissolution was a blow to the NCC. It occurred despite the existence of

⁶³ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, 41.

⁶⁴ Issues raised include: regulations affect different needs in different parts of the country; a lack of opportunity for communities to guide the programs; releasing funds in winter months stalls repairs; programs are not inclusive enough to meet the proven need; and poor communication between the federal and provincial governments and Métis organizations result in ineffective coordination amongst agencies.

⁶⁵ Rudnicki is quoted in many of the news articles filed in his archival collection. He also contributed to an article documenting the history of the CMHC’s “rural and native housing program”: Jim Robb, the Native Council of Canada, and contributors to the development of Rural and Native Housing at CMHC, “Housing for Métis and Non-status Indians,” *Canadian Council on Social Development*, vol. 7, no. 3 (Fall 1976).

⁶⁶ James Lorimer and Evelyn Ross, eds., *The Second City Book: Studies of Urban and Suburban Canada* *Second City*, 162.

“masses of research data and documentation”⁶⁷ demonstrating the need for improved housing, proving just how difficult it is to innovate within policy programming. The failure of both the “rural and native housing plan” and the “Emergency Housing Program” echoes Rudnicki’s earlier critique of DIAND’s failure to support its community development program: the role of “experts” was emphasized over that of Indigenous peoples; departments were uncomfortable with processes of consultation; the growing strengths of Indigenous organizations were overlooked; and the fundamental problems affecting Indigenous communities were ignored.⁶⁸ These same words can be similarly applied to the interests and actions that produced the Trudeau government’s White Paper.

If policy decisions were to remain behind closed doors, Rudnicki resolved to build an archive based on what went unsaid in Canadian politics by confronting the injustice associated with disenfranchising First Nations, Métis, and Inuit peoples. The contents of his archival collection reflect a man who values open communication and the dissemination of information above all else. As discussed in the following chapter, Rudnicki’s archives was designed to speak against the dominant government narrative rooted in colonialism, exclusivity, and secrecy, while responding to issues of control and access to federal information.

⁶⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 8, Walter Rudnicki, “Profile of a ‘Just’ Society, 1968-75,” n.d.: 29.

⁶⁸ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*.

Chapter Two: A Federal Blacklist and Early Access to Information Laws

Despite his experience and qualifications, Rudnicki found difficulty securing a government position following his trial. He embarked on a letter-writing campaign, looking to former contacts to assist with his reinstatement. Many obliged and combed federal agencies for openings, however the number of sympathetic replies prompted one colleague to label them the “Dear Walter letters.”¹ It was clear that Rudnicki’s falling out with CMHC cemented his reputation as an agitator, leaving Ottawa unable or unwilling to offer him re-entry:

The trouble maker image was carefully cultivated and passed around to every conceivable department where, in the future, I might be employed. If a particularly vitriolic speech was given by a Red Power advocate in Toronto, word was sent that I had written it. If a leak occurred of a sensitive document, the rumour mill suggested that I had done the leaking.²

Each failed inquiry hinted at something larger in operation. In the summer of 1976, Frank Oberle, now a Progressive Conservative MP, informed Rudnicki that government security forces considered him a “revolutionary” with left-wing beliefs. Unbeknownst to Rudnicki, a secret letter from the Solicitor General’s office, circulated in the summer of 1971 to foreign governments and Canadian federal ministers, named him and twenty other government staff on suspicion of engaging in “Extra-Parliamentary Opposition.” This federal “blacklist” charged that “advocates of a New Left in Canada” were working to “organize and radicalize the ‘underclasses’ of society and mold them into a revolutionary force capable of overthrowing the present socio-political system.”³ Chief among Solicitor-General Jean-Pierre Goyer’s concerns was the potential for those

¹ Doris Shackleton, *Power Town: Democracy Discarded* (Toronto: McClelland and Stewart Ltd., 1977): 176.

² UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 27, Folder 8, Walter Rudnicki, “Risk and Influence in a Bureaucracy,” speech ca. 1978: 23.

³ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 6, Solicitor-General Jean-Pierre Goyer to Minister without Portfolio Robert Andras, June 15 1971: 1.

named to unlawfully disseminate government information to other “radical groups” across the country, recommending they be watched with “more than normal care.”⁴ The blacklist was drafted in the early years of Rudnicki’s employment with CMHC. Without his knowledge, he was subjected to RCMP surveillance on the grounds that his “subversive” interests posed a threat to the Government of Canada. Rudnicki presumed his anti-White Paper activity, particularly his assistance in the planning and presentation of the Red Paper in Parliament, placed him on Ottawa’s radar:

... [Giving] advise [sic] and assistance to the Indians was seen as something bordering on the subversive and it is probably this event, more than anything, which precipitated the black-listing. Events were moving too toward the proclamation of the “War Measures Act” and the attention of the government’s security system did not exclude from active consideration the possibility that Indians could be involved in future insurrections or that friends of the Indians should be designated as anything else than potential ‘enemies’ of the state.⁵

Unable to secure employment in Ontario, Rudnicki was hired by the Manitoba Government as Secretary of the Intergovernmental Relations Subcommittee of Cabinet.⁶ While in Winnipeg, he continued to raise questions about the blacklist. Federal officials denied its existence until January 26, 1977, when Oberle revealed a leaked copy of the letter to the House of Commons, and publicly read Rudnicki’s name. The following day Rudnicki was granted a meeting with Gordon Robertson, now Secretary to the Cabinet for Federal-Provincial Relations. Robertson verified the document and informed

⁴ Ibid., 2.

⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1) Box 6, Folder 8, Walter Rudnicki “Profile of a ‘Just’ Society, 1968-75,” n.d.: 24.

⁶ Controversy followed Rudnicki in this role, and he documents the “federal vendetta” influencing his work in Manitoba. In a letter from R.H. Neumann, Secretary Intergovernmental Relations Subcommittee of Cabinet to Hon. E. Schreyer, Premier of Manitoba, Neumann explains that federal officials are “maligining” Rudnicki’s reputation with the Manitoba Indian Brotherhood, which is causing problems with tripartite negotiation processes, “The Federal attitude toward Walter Rudnicki’s participation has been hostile from the beginning of negotiations. It has been presented to myself and others that negotiations would proceed much more smoothly and favourably if he were not involved. They have gone so far as to suggest that you are insulting federal officials by asking them to negotiate with Walter.”: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 16, Folder 4, R.H. Neumann, Secretary Intergovernmental Relations Subcommittee of Cabinet to Hon. E. Schreyer, Premier of Manitoba, July 8, 1977: 1.

Rudnicki that he was labelled a “leftist” and subject to surveillance in 1970-1971.⁷ This admission prompted Rudnicki to write to Prime Minister Trudeau. In his letter, Rudnicki denies being a security risk and asks the prime minister to officially clear his name and redress the injustices he has faced since his dismissal:

On my own behalf, I would like to assert that there is no substance whatsoever to the charges which have been made against me. The consequences of a baseless condemnation, both to me and my family, are serious, and must be obvious to you. Having been vindicated on the specific charge for which I was dismissed, I am compelled now to ask that my name be fully cleared.⁸

The following week, Trudeau came “under fire” from Tory benches about the blacklist, but he “brushed off its importance,” telling the House “there must be thousands if not millions of files with the R.C.M.P. concerning many people in Canada and other countries.”⁹ Official acknowledgement of secret file registries launched profound debate over the powers of government and law enforcement versus the rights of Canadian citizens.

The origin of the blacklist was thought to stem from information provided by the director-general of the security and intelligence Branch of the RCMP. Of the twenty individuals named alongside Rudnicki, most were in the public service (including a number of CMHC colleagues), while other names came from campus surveillance. Also identified in the Goyer letter is Praxis Corporation, an organization accused of being a “radicalizing agent” penetrating citizen groups operating in low income communities. The year before the blacklist’s circulation, Praxis headquarters experienced a break-in, arson, and theft of many of its files. An anonymous phone call placed in February 1971

⁷ UMA, Rudnicki fonds, MSS 331 (A.10-38.1), Box 6, Folder 8, Walter Rudnicki, “Walter Rudnicki Case, Background Summary and Issues,” November 30, 1977: 4.

⁸ UMA, Rudnicki fonds, MSS 331 (A.10-38.1), Box 16, Folder 1, Walter Rudnicki to Prime Minister Pierre Trudeau, February 7, 1977: 1.

⁹ UMA, Rudnicki fonds, MSS 331 (A.10-38.1), Box 10, Folder 1, transcript of CBC Radio “Sunday Morning with Susan Reisler,” February 13, 1977: 1.

led to the discovery of the Praxis files in the Toronto office of the security and intelligence service.¹⁰ Accusations of illegal activity by the RCMP branch came under increased scrutiny in the late 1970s, with the blacklist comprising one piece of a much larger issue.¹¹ RCMP practices, allegations, and scandals received formal attention in the 1979 *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police*, known as the McDonald Commission.¹² The commission's final report not only revealed alarming RCMP conduct, but ruled the "Extra-Parliamentary Opposition" a false construct based on "poor analysis, exaggerated rhetoric, and faulty logic."¹³

Little came from the appeal to the prime minister, so Rudnicki pursued other methods of corrective action. He used Canadian and U.S. access to information laws to gather as many documents as possible in an effort to obtain an accurate record of the government files that named him, and to find out why they named him. Not only was this information essential to clearing his name, Rudnicki felt there was ground for renewed legal action now that allegations against him went beyond leaking a "confidential cabinet document." Where his wrongful dismissal trial challenged the

¹⁰ Steve Hewitt, *Spying 101: The RCMP's Secret Activities at Canadian Universities, 1917-1997* (Toronto: University of Toronto Press, 2002): 193.

¹¹ SIRC, "Reflections: Twenty years of independent external review of security intelligence in Canada" (Ottawa: Security Intelligence Review Committee, 2005), accessed February 23, 2015, <http://www.sirc-csars.gc.ca/opbapb/rfcrfx/sc02a-eng.html>.

¹² Canada, *Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police* (Ottawa: Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police: 1979-1981) accessed April 10, 2016, <http://epe.lac-bac.gc.ca/100/200/301/pco-bcp/commissions-ef/mcdonald1979-81-eng/mcdonald1979-81-eng.htm>.

¹³ Steve Hewitt, *Spying 101: The RCMP's Secret Activities at Canadian Universities, 1917-1997*, 195. In a September 14, 1981 letter from Walter Rudnicki to P.M. Pitfield, Clerk of the Privy Council and Secretary to the Cabinet, Rudnicki writes, "Thanks to the McDonald Commission, I now have a much more complete picture of the interplay of people and events leading to my dismissal. The effect is quite fascinating. As I reviewed the events in their new context, I felt somewhat like Tom Sawyer eavesdropping at his own funeral.": UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 9, Folder 4, Walter Rudnicki to P.M. Pitfield, Clerk of the Privy Council, September 14, 1981: 1.

validity of government document classification systems, Rudnicki's current circumstances could submit the creation and distribution of secret government blacklists to judicial review. Rudnicki was alarmed by the idea that citizens could be "accused, tried and condemned by secret tribunal, denied right to a livelihood in Canada, judged to be guilty until proven innocent, and judged to be guilty according to unspecified and unknown political and ideological criteria."¹⁴ Such implications amounted to a violation of his legal and civil rights, and on June 14, 1977, Rudnicki arranged for a writ to be issued suing Solicitor-General Francis Fox and former Solicitor-General Jean-Pierre Goyer for libel.

In pursuit of his "right to clear my name and correct the records," Rudnicki contacted the U.S. Central Intelligence Agency (CIA) under provisions of the U.S. 1967 *Freedom of Information Act* to inquire whether Canadian authorities had reported his alleged subversive actions.¹⁵ He received confirmation that a "dispatch relevant to the Rudnicki query was transmitted" on November 15, 1971, however he was denied access to this information under the CIA's "Director's obligation to protect intelligence sources, official titles, salaries and numbers of personnel employed by the agency."¹⁶ Subsequent action involved applying to the courts to determine if the records should be rightfully withheld. With this option under consideration, Rudnicki focused on accessing his security files in Canada. This presented a unique challenge because unlike the United States, Canada did not yet have specific freedom of information legislation. Instead, Rudnicki used measures provided in the recently passed *Canadian Human Rights Act* to

¹⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 8, Walter Rudnicki, "Walter Rudnicki Case, Background Summary and Issues," November 30, 1977: 8.

¹⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 9, Folder 3, Walter Rudnicki to Privacy Commissioner Inger Hansen, June 23 1978: 3.

¹⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 20, Folder 1, John Kernaghan "Horror story may be near end: 'Security risk' fights to clear name," *The Hamilton Spectator*, December 1979.

obtain records gathered by government agencies containing personal information.¹⁷ He applied to obtain access to eighteen federal information banks, and was denied access by five: the Privy Council Office's Security and Intelligence files; the National Defence Personnel Security Investigation files and Military Police case files; and the RCMP Criminal Operational Intelligence files and Security Service files.¹⁸ Rudnicki's requests were refused on the grounds of "national interest," and he was limited to viewing files containing routine administrative information. From what he could gather, "the only indications of problems were a couple of letters suggesting that certain individuals in the Department of Indian Affairs regarded me as a 'persona non grata' and a 'source of trouble.'" ¹⁹

Rudnicki's inquiry into his security files was timely. Following decades of often informal controls over disclosure of government-held information, legislating access in Canada was under review. Until the 1960s, federal information was made available on an "ad hoc basis," with the vast majority of records withheld as classified and therefore secret.²⁰ In a 1984 analysis, Public Archives of Canada archivist Robert Hayward writes "[i]n government, and thus in archives of government, secrecy is justified by the belief that the keeping of a secret is beneficial to those who do not know and is ensured by such

¹⁷ Under "Purpose of Act" paragraph 2(b) states, "the privacy of individuals and their right of access to records containing personal information concerning them by any purpose including purpose of ensuring accuracy and completeness should be protected to the greatest extent consistent with the public interest. Section (52(1) a-e) states every individual is entitled to: ascertain what records concerning that individual are contained in federal information banks; ascertain the ways such records have been used; examine such records; request corrections of records; and receive notation where requests for correction were not amended.: *Canadian Human Rights Act*, SC 1977, c 33, ss 2, 52.

¹⁸ UMA, Rudnicki fonds, Walter Rudnicki to Privacy Commissioner Inger Hansen, 1.

¹⁹ *Ibid.*, 1. Records include various memoranda discussing Rudnicki's appointments in the Welfare Division, the Policy and Planning Division, and his candidacy for transfer to government departments and agencies outside of the Department of Indian Affairs: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 6.

²⁰ Robert J. Hayward, "Federal Access and Privacy Legislation and the Public Archives of Canada," *Archivaria* 18 (Summer 1984): 48.

measures as the oath of office and the *Official Secrets Act*.²¹ These measures allowed the federal government to administer sanctions in response to the unauthorized disclosure of government-held information. Sanctions, particularly criminal sanctions, garnered widespread criticism of their potential to violate democratic concepts of freedom of communication because the overwhelming majority of government business was administered in secret. In addition, what constituted “an ‘official secret’ was not helpfully defined.”²² By the end of the decade, a shift towards increasingly open government was promised. Under the banner of “citizen participation,” Prime Minister Trudeau assured Canadians of their right to informed debate and decision-making:

...I confess to the House that in our view information is perhaps the most important single subject which is facing not only this government but all governments in Canada. We intend to do as much as we can to correct the lack of proper information available to the people of Canada.²³

Trudeau established the Task Force on Government Information, which produced the 1970 report *To Know and Be Known*, recommending improved access to information. This report launched Information Canada, the government’s centralized information agency whose mandate was to encourage democratic dialogue between the federal government and the public. However within two years, Information Canada was deemed “a white elephant, a sinking ship, an expensive fifth wheel, a rudderless ship, an accident-prone federal monstrosity, or the operative agency in a diabolical governmental plot to manipulate public opinion,” and ultimately dismantled.²⁴ On March 15, 1973, the

²¹ *Ibid.*, 47.

²² The Information Commissioner of Canada, *The Access to Information Act: 10 Years On* (Ottawa: Minister of Public Works and Government Services Canada, 1994): 3.

²³ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 16, Folder 4, The Ontario Public Interest Research Group, “Freedom of Information vs. Government Secrecy,” October 1977: 3.

²⁴ Arthur Blakely, “Infocan says it with Canadian wildflowers,” *The Montreal Gazette*, April 14, 1973, accessed March 22, 2015,

disclosure policy *Guidelines for the Production of Papers* was tabled in the House of Commons, listing sixteen government information categories exempt from public release. These broadly defined rules allowed the federal government to withhold a wide-range of information including cabinet documents, internal departmental memoranda, records of federal-provincial relations, and consultant reports considered “sensitive” and “classified.”²⁵ Rules regarding response times were not provided, nor was an independent arbitrator identified to monitor fair or proper use of the guidelines. Working around the so-called “paper curtain,” government information was regularly leaked to the media, a development that was “almost unknown in Canada” prior to 1971-1972.²⁶ It is of interest to note that six months after the guidelines’ release, Rudnicki was implicated in the leak controversy that brought his dismissal from CMHC. Under Trudeau’s orders, Donald Wall, assistant secretary in the PCO, prepared *The Provision of Government Information*, a report designed to improve the supply of government information to Parliament, the press, and the public. Though completed in April 1974, the Wall Report remained confidential until June 26, 1975, when its existence was publicly leaked. One of the report’s major recommendations is to establish a precise system of rules to combat the over-classification of government information:

The complaint most often made and most intensely expressed concerning the provision of government information was that the practice of the Canadian government (although enshrined neither in principle nor policy) was to release only that information which was then considered advantageous or harmless, and automatically to withhold the rest. The operative principle seemed to be ‘When in doubt- classify it!’ Virtually all of those interviewed strongly felt that this best practice, and the attitudes of cautious, defensive and often self-righteous

<https://news.google.com/newspapers?nid=1946&dat=19730414&id=WMQqAAAIBAJ&sjid=YLkFAAAIBAJ&pg=5899,3482214&hl=en>. Information Canada was dismantled in 1976.

²⁵ Lorna Rees-Potter, “Freedom of Information-Why Not?” 160.

²⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 10, Gordon Robertson, Clerk of the Privy Council to the Royal Society of Canada, “Official Responsibility, Private Conscience and Public Information,” 1972: 16.

exclusivity which surrounded it, was the primary barrier to the fulfillment of the government's obligation to inform the public as to its intentions, policies and programmes.²⁷

The Wall Report provides several recommendations to improve government information policy. However, its uncritical acceptance of the confidentiality surrounding most policy development processes “in order to ensure candour on the part of public servants and to preserve the conventions of civil service neutrality and anonymity” garnered widespread criticism.²⁸ It was clear government-issued information guidelines were not meeting the demand for legislating access, and in May 1975, Trudeau announced preparations for a freedom of information act. This direction was quickly abandoned due to internal backlash and replaced by a federal Green Paper, *Legislation on Public Access to Government Documents*, released July 1977. The Green Paper promoted the principle of openness as an aid to making government accountable to Canadians on the ground that “assessment of government depends upon a full understanding of the context in which decisions are made.”²⁹ However, glaring discrepancies between the Green Paper's intent and its recommendations raised many concerns. The nine categories under which information could be withheld were so general that it was “difficult to imagine what documents might not be exempted.”³⁰ The Canadian Bar Association referred to the paper as “meaningless,” while the *Globe and*

²⁷ Canada. D.F. Wall. *Provision on Government Information* (Ottawa: Privy Council Office, 1974) in Linda S. Bohnen, “A Reply to Mr. Robertson,” *Archivaria* 6 (Summer 1978): 13.

²⁸ Paul G. Thomas, “Secrecy and publicity in Canadian government,” *Canadian Public Administration*, vol. 19, issue 1 (March 1976): 158.

²⁹ Canada, *Legislation on Public Access to Government Documents* (Ottawa, 1977) in Robert J. Hayward, “Federal Access and Privacy Legislation and the Public Archives of Canada,” 1.

³⁰ Ian McClymont, “Book Reviews: Legislation on Public Access to Government Documents,” *Archivaria* 6 (Summer 1978): 192.

Mail called it “fraudulent.”³¹ Legislative reform proved necessary and debate centred on what Canadian freedom of information legislation should look like. Many worried the 1973 guidelines would serve as its basis, while others defended the guidelines’ broad exemptions as necessary to the government duty to protect national security, national defence, and foreign relations.

Competing visions of access were profiled in the summer 1978 issue of *Archivaria*, the journal of the Association of Canadian Archivists. In an introduction to his article “Confidentiality in Government,” Gordon Robertson confides that he is, post-Watergate, one of few government officials with the “temerity” to publicly defend confidentiality, as secrecy was now considered the “worst offense of the public good.”³² He argues that total openness is not an option in Canada because the parliamentary system of government, with its collective, cabinet responsibility, requires privacy in order to function properly. Ministers and the public servants who advise them depend on confidentiality to deal effectively with decision-making processes, matters affecting state integrity, and actions of interest such as inquiries, investigations, contractual arrangements, and private communications. The endless stream of documents produced from cabinet processes must adhere to a defined classification system in order to assure information security, with confidentiality carefully imposed, or “marked,” by the record creator. Robertson acknowledges the complexity involved in classifying government information, however when done in accordance with a clear set of rules, access would be responsive and accountable to public need. Should issues arise, Parliament, not the judiciary as seen in the U.S. *Freedom of Information Act*, should review decisions. This

³¹ UMA, Rudnicki fonds, The Ontario Public Interest Research Group, “Freedom of Information vs. Government Secrecy,” 3.

³² Gordon Robertson, “Confidentiality in Government,” *Archivaria* 6 (Summer 1978): 3.

reasoning assures judgment is made “by those who bear constitutional responsibility for the consequences of their actions in matters affecting the security and well-being of the state.”³³

It is this last point that Linda S. Bohnen, a lawyer with the Office of the Ombudsman of Ontario, firmly opposes in her article, “A Reply to Mr. Robertson.” Bohnen finds courts of law “ideally equipped” to manage freedom of information disputes because of their experience interpreting legislative intent and their ability to weigh both government and non-government interests. Ultimately, access to government information is “an essential measure of the health of a democracy.”³⁴ With effective legislation, safeguards like the Office of the Ombudsman, national news media, and public interest groups like the Civil Liberties Association³⁵ can assist with processing complex government information to the benefit of Canadians. If inquiring individuals are refused access to certain records, the government must thoroughly justify decisions for non-disclosure. This point is advanced in a third *Archivaria* piece written by Lorna Rees-Potter, Corresponding Secretary for ACCESS, a freedom of information lobby group. Rees-Potter advocates legislating consistent and open access to government records, arguing “exemptions to the norm that is free access should be as narrow in scope as possible.”³⁶ Where Robertson considers access to information a “fundamentally” political decision, Rees-Potter views it as a basic right. The Canadian government holds a wealth of information produced from large-scale, in-depth political, economic, social,

³³ *Ibid.*, 8.

³⁴ Linda S. Bohnen, “A Reply to Mr. Robertson,” 12.

³⁵ In December, 1978, Rudnicki was contacted by the Canadian Federation of Civil Liberties and Human Rights Association asking for his involvement in efforts to “ensure the protection of the basic right to privacy by restricting, as much as possible, the gathering and usage of personal information.”: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 16, Folder 3, Marianne Roy, President of Civil Liberties Association to Walter Rudnicki, December, 1978: 1.

³⁶ Lorna Rees-Potter, “Freedom of Information-Why Not?” 160.

and environmental research. Such information is integral to the public interest, therefore outdated and overly general security guidelines that adversely affect access must be revised. In addition, Rees-Potter argues legislation cannot continue to provide exemptions that, in a reference to the McDonald commission then underway, enable the masking of recent “illegal operations of police forces.”³⁷

Rudnicki firmly believed the confidential restrictions placed on his intelligence files were not made to protect the interests of “national security.” In a 1978 letter to Privacy Commissioner Inger Hansen, he argues that denying him access is less an issue of protecting the integrity of the state and more an unwillingness to redact sensitive government data:

Information about investigative techniques and procedures, the names of informants, and all the other elements which apparently have to be kept secret in the national interest, are of no concern to me. The implication is that someone may have to invest time and effort in sorting out the specific data which is relevant to me from its more general security context. I suggest to you that in the interests of justice, the government should be prepared to undertake this task.³⁸

Rudnicki was asking for the right to view personal government-held information containing evidential value for potential legal proceedings. Without access to these records, Rudnicki’s case was compromised. Veteran Conservative MP Gerald “Ged” Baldwin, known as the “father of access to information”³⁹ and described by Robertson as “the man who has done most to advance serious consideration of this [government secrecy] problem in Canada,”⁴⁰ acknowledged the ways Rudnicki’s circumstances continue to challenge government information systems. Baldwin ranked Justice

³⁷ Ibid., 161.

³⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 16, Folder 4, Walter Rudnicki to Inger Hansen, June 23, 1978: 3.

³⁹ The Information Commissioner of Canada, *The Access to Information Act: 10 Years On*, 5.

⁴⁰ Gordon Robertson, “Confidentiality in Government,” 4.

O'Driscoll's decision to make the "Housing for Métis and non-status Indians" drafts public in Rudnicki's trial "as important as U.S. Justice Warren Burger's decision to hear the Nixon tapes and a famous British court ruling in which a minister's cabinet diaries were viewed by a judge."⁴¹ In 1974, Baldwin's private member's bill, Bill C-225 titled the *Right to Information Act* was referred for study to the Standing Joint Committee on Regulations and Other Statutory Instruments. The principle of the bill states "that the citizen's right to know the public business is fundamental to a participatory democracy."⁴² It provides exceptions for eight information categories, including the protection of records affecting national security, records produced out of investigations, legal proceedings, confidential exchanges, and records relating to private interests upon a balance against public interests.⁴³ Bill C-225 did not proceed and was withdrawn following debate at Second Reading, however the bill's subject matter was referred to the Regulations and other Statutory Instruments (Joint) Committee on April 8, 1976. In light of Rudnicki's renewed legal action, Baldwin used the blacklist controversy as "the symbol" of his push for freedom of information.⁴⁴ Following Joe Clark's victory in the May 1979 federal election, the new minority Progressive Conservative government

⁴¹ UMA, Rudnicki fonds, John Kernaghan "Horror story may be near end: 'Security risk' fights to clear name." Note: The second of Baldwin's comparisons refers to Lord Widgery's 1975 decision on the publication of the *Crossman Diaries*. Richard Crossman was a cabinet minister in the Labour governments in Britain from 1964 to 1970. He kept detailed tape-recorded diaries on government processes and ordered them published in the London *Sunday Times* upon his death, which occurred in 1974. After the publication of a series of installments, the attorney general sought an injunction claiming the cabinet had "absolute powers of censorship over any discussion, past or present, that involved the formation or execution of policy..." Charges were brought against the *Sunday Times* under the *Official Secrets Act*, however Lord Widgery refused to ban the release of the diaries, stating, "I can find no ground for saying that either the Crown or the individual civil servant has an enforceable right to have the advice he gives treated as confidential for all time.": Jonathon Green, *Encyclopedia of Censorship* (New York: Facts on File Inc., 1990): 131-132.

⁴² Bill C-225, *An Act respecting the right of the public to information concerning the public business*, 1st sess., 30th Parliament, 1974: Explanatory note.

⁴³ Note: Linda S. Bohnen, "A Reply to Mr. Robertson," 14, Bill C-225 is incorrectly cited as Bill C-255.

⁴⁴ UMA, Rudnicki fonds, John Kernaghan, "Horror story may be near end: 'Security risk' fights to clear name."

introduced Bill C-15, *The Right to Information Act*, in the House of Commons. This legislation, along with its recommendations to repeal section 41 of the *Federal Court Act* and reform the *Official Secrets Act*, would “make Canada one of the more open of the world’s democracies.”⁴⁵ However the bill died on the order paper in February 1980 when Trudeau’s Liberals regained power.

Rudnicki’s actions in the aftermath of the blacklist revelation show him to be a pioneering user of early access to information laws. Gaining access to his security files went beyond “mere curiosity”.⁴⁶ Rudnicki considered the release of this information essential to demonstration of government accountability. After examining the records approved for release from select federal information banks, Rudnicki concludes, “[t]he evidence is compelling that my black-listing in 1971 is ‘political’ in nature and has nothing to do with subversion.”⁴⁷ Despite having one court victory to his name, Rudnicki ultimately felt renewed legal action would be too lengthy and too costly. The burden of proof in a federal court remained on the applicant, not the government, and the appeal process to gain access to restricted government information was a task “tailored for Sisyphus.”⁴⁸ In 1981, two years before Canada’s *Access to Information Act* and companion legislation the *Privacy Act* came into force, Rudnicki abandoned his plans to sue. Reflecting on the events that brought his dismissal from CMHC, he writes:

It is generally recognized that I have a significant knowledge and expertise in matters which have to do with Indians, Inuit and Métis and have considered myself free to express my views whenever anyone was interested in them. The

⁴⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 20, Folder 7, Geoffrey Stevens, “Evidence of change,” *The Globe and Mail*, October 26, 1979.

⁴⁶ Rudnicki uses this term in a letter written to Inger Hansen. Earlier that year, Robertson uses the same term dismissively in his *Archivaria* article, which is critiqued in Linda Bohnen’s reply.

⁴⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 6, Folder 8, Walter Rudnicki, “Summary of Enclosed Documentation,” n.d.: 1.

⁴⁸ The Information Commissioner of Canada, *The Access to Information Act: 10 Years On*, 4.

scope which apparently can be exercised in expressing one's views is much more limited than I ever dreamed. I have certainly been punished for it.⁴⁹

Though Rudnicki's case never saw the courtroom, his plight retained national interest. In his archives are media reports that explore the larger meanings behind his dismissal, addressing major socio-political processes under scrutiny in the late 1970s: the implementation of federal consultations with Indigenous organizations; the conduct and credibility of high ranking government officials; the state of government secrecy and information policy; and the creation and use of federal blacklists. In January 1983, CTV's investigative program "W5" turned Rudnicki's story into a feature episode.⁵⁰ Its interview with Union of B.C. Indian Chiefs president George Manuel reveals that Indigenous organizations were pressured to shun Rudnicki's services for fear of losing government funding. When asked if Rudnicki was "dealt an injustice," Walter Luyendyk, who in 1973 was the head of the prime minister's secretariat on intelligence, replied "yes," and that Canada has "an obligation to this man. I think there is an obligation to clear his status. You know, you're dealing with a bureaucratic complex that ah [sic] sometimes is beyond the individual to do anything about and ah if in solving this particular issue it means simply a clash with a bureaucratic machine, it may be a long way yet."⁵¹

In a 1983 call for archivists' support for freedom of information legislation and researchers' rights, Public Archives of Canada archivist John Smart points out that existing "universal freedoms" enshrined in the 1982 Charter of Rights and Freedoms are

⁴⁹ UMA, Rudnicki fonds, Walter Rudnicki, "Summary of Enclosed Documentation," n.d.: 3.

⁵⁰ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 21, Folder 2, CTV, transcript of "W5" episode, January 1983.

⁵¹ *Ibid.*, 5, 10.

troubled when examining Rudnicki's circumstances.⁵² Referencing discussion surrounding the evolution of access to information legislation, the McDonald Commission, and open public research, Smart concludes, "[i]nformation 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."⁵³ Using Rudnicki's example to develop his point is fitting on multiple levels. Having experienced first-hand the culture of bureaucratic secrecy as well as efforts to expand and define freedom of information laws in Canada, Rudnicki could uniquely appreciate Smart's message. His own approach to record creation and recordkeeping was shaped by his relationship to the production of and access to government information. When a leaked document controversy and a secret blacklist threatened his public service career, Rudnicki responded by acquiring a wide variety of documents to defend his actions and advance his rights. Thereafter, Rudnicki viewed access to records as critical not only to his needs, but to the needs of others. His archive is designed to speak against restrictive access, containing thousands of documents from as many sources addressing issues of confidentiality and the public's right to know. He became custodian to copies of official government records, security directives, briefs, and background papers, as well as records from civil liberty associations, public rights advocates, and various Indigenous groups and organizations, including the Native Council of Canada, the Union of B.C. Indian Chiefs, the Lubicon Lake Indian Band, the Manitoba Métis Federation, the Indian-Eskimo Association of Canada, the Federation of Saskatchewan Indian Nations, and many, many more. These

⁵² John Smart, "The Professional Archivist's Responsibility as an Advocate of Public Research," *Archivaria* 16 (Summer 1983):144. Smart also references the dismissal of two other government employees, Peter Treu and Neil Fraser, over issues of information security.

⁵³ *Ibid.*

records were not only gathered to reflect community and national dialogue, but to shape it through public dissemination and use.

On many occasions throughout his career, Rudnicki supplied information to trusted academics, legal professionals, Indigenous organizations, and allies in an effort to bring transparency to government procedure. An example relevant to the scope of this thesis is found in correspondence between Rudnicki and University of Waterloo political anthropologist Sally Weaver. The letters reveal a years-long dialogue concerning the writing of Weaver's 1981 book *Making Canadian Indian Policy: The Hidden Agenda 1968-70*.⁵⁴ Key to their discussions is what Rudnicki terms the "irrational processes" of what became the White Paper policy.⁵⁵ Over the course of Weaver's research, Rudnicki provided detailed commentary and documents depicting the history, philosophies, and interests that shaped DIAND's First Nations policy redesign. Such specialized content raised concerns over protecting his identity. Their exchanges not only risked Rudnicki's eligibility for reinstatement, but they also risked government surveillance. In a good-natured note, Rudnicki recounts to Weaver a mutual colleague's recent questioning by the RCMP:

On further probing, he went on to inform me that he had been visited by the RCMP, who wanted to know where you had got all your information. Apparently the experience was so traumatic that Norbert is making as much distance as possible between himself and your works. I have had no such friendly visit. In my case, the encounter will probably take the form of a midnight raid. I have booby-trapped my files with stink bombs to make such a sortie more interesting!⁵⁶

⁵⁴ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*.

⁵⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 44, Folder 5, Walter Rudnicki to Sally Weaver, October 8, 1976.

⁵⁶ Ibid.

Weaver wonders if the book should be published using Rudnicki's real name, a pseudonym, or keeping the term "maverick officer" used throughout the draft manuscript.⁵⁷ His distinct contributions rendered a pseudonym ineffective, therefore Rudnicki agreed to have his identity used when and where appropriate. Weaver acknowledges his efforts in the book's foreword, writing "the interviews and file material allowed me to construct a detailed picture of how the White Paper on Indian policy was developed."⁵⁸ Ultimately Weaver hoped that capturing this period in DIAND's history would "contribute to a corporate memory in government about Indian policy."⁵⁹ Her book was designed to offer "constructive lessons" for ongoing government-Indigenous relationships. This effort is aligned with Rudnicki's own in the design of his archival collection, namely to bring awareness and accountability to a "federal administration with such a long, venerable and unbroken history."⁶⁰ His archives represents an attempt to create "corporate memory" by linking the formation and implementation of contemporary policy to the department's colonial roots. Grouped together, these records bring evidential strength and support to growing calls for change. Keenly aware of bureaucratic administration, Rudnicki created, managed, and shared government documents on levels outside of their technical functions: for purposes of social justice. This issue will be explored further in the third and fourth chapters.

By the close of the 1970s, the collection and distribution of contemporary documents proved critical to Rudnicki's career and prospects. A victory in court and his subsequent efforts to obtain government files confirmed the importance of recordkeeping

⁵⁷ Ibid., Sally Weaver to Walter Rudnicki, June 5 1978.

⁵⁸ Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, xi.

⁵⁹ Ibid., xiii.

⁶⁰ UMA, Rudnicki fonds, Walter Rudnicki speech, 9.

and access. From this personal experience, Rudnicki focused on using archives and archival records to support the advancement of Indigenous rights. Over the next three decades, Rudnicki collected in earnest, capturing the longstanding failures of government to respond to the mounting concerns of First Nations, Métis, and Inuit peoples across Canada. Rudnicki brought recordkeeping into his consulting practice Policy Development Group Ltd., where he served a wide variety of individual and collective interests by connecting historical information to issues of national significance, including Indigenous community relocation histories, the assertion of Métis land rights, and the legacy of the White Paper policy.

Chapter Three: Establishing Archival Links: Colonial Policy and Modern Rights

In 1977, Rudnicki established the consulting office Policy Development Group Ltd. (PDG) to help “define in depth the alternative ways in which native political, institutional, jurisdictional, and other relevant issues could be rationalized within Canada’s federated system of government.”¹ He worked under contract as a policy analyst for Indigenous groups exploring inter-governmental relations, policy development, social programs, urbanization, and more. Rudnicki’s career as a consultant contrasts with his career as a civil servant, where he was not only discouraged, but disciplined for championing Indigenous interests during policy and program formulation. Journalist Doris Shackleton speaks to this in her discussion of Rudnicki and the public service:

(Public servants’) objective is to prevent any meaningful influence on their activities by the public they are employed to serve. The adversary system has sharpened since Trudeau came to power with his promise of participatory democracy. The “client” groups – like the native people – are actually funded to permit them to draw up positions from which to confront *government* positions. It’s not even-handed justice. The dribble of researchers and legal services thus made available to the “client” is massively outweighed by the department (plus Privy Council) with which he must deal.²

Private consulting offered Rudnicki reprieve from this course by using his knowledge of the bureaucracy to lobby provincial and federal governments, develop strategy, and facilitate projects and workshops. PDG supported the mobilization of Indigenous groups through funding, research, and program development, generating reports and recommendations to submit to government departments and agencies. Under the approach that “a unique set of problems should evoke an appropriately designed policy

¹ UMA, Rudnicki fonds, Mss 331 (A.10.38.1), Box 20, Folder 5, Walter Rudnicki to W.R. Teschke, Secretary, Ministry of State for Economic Development, June 10 1982, (emphasis in original).

² Doris Shackleton, *Power Town: Democracy Discarded*, 62.

response,” PDG reports document in detail the history of a specific issue and provide design and delivery alternatives. Report methodologies and appendices list the records used to execute project goals, adding to Rudnicki’s growing archival collection as he located and copied historical material during their research stage. For example, the PDG’s 1978 proposal for land claims research on behalf of the Métis Association of Alberta references: church records from various missions, the Anglican Diocese of Athabasca, Oblate papers, and Bishops papers; federal and provincial records, including Department of Interior records and Department of Indian Affairs records; miscellaneous correspondence; private collections, including the Sir John A. Macdonald Papers and Edgar Dewdney Papers; manuscripts; media; audiotape interviews; and maps.³ These records are found in repositories across the country, including the Hudson’s Bay Company Archives, the Glenbow Archives, the City of Edmonton Archives, the University of Alberta Archives, the Provincial Archives of Alberta, and the Public Archives of Canada. The range of archival records and archival repositories used in PDG’s research proved Rudnicki an expert navigator and user of archival sources.

In 1993, PDG was selected by the Royal Commission on Aboriginal Peoples (RCAP) to author the chapter examining relocation histories of Indigenous communities in Canada. Key to the study was research on colonial processes behind relocations, identifying the implications relocations had and continue to have on federal-Indigenous relationships, and exploring grounds for reparations for communities moved without consent.⁴ A six-week contract between PDG and RCAP was signed in September, with

³ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 255, Folder 3, PDG, “Land Claims Budget” Memorandum of Agreement, 1978-1979.

⁴ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 130, Folder 3, Walter Rudnicki to John Crump, “Project Outline: Inuit, Indian and Community Relocations: Policies, Practices and Impacts,” June 1, 1993.

the chapter's final submission due November 30. The project proved to be a huge undertaking. Rudnicki's archives contains over one hundred files of archival and contemporary records documenting the subject, sourced from: DIAND and various regional offices; the National Archives of Canada and various provincial archives; elders' histories; schedules of Indian reserves from 1900; and assorted publications, including Indian Affairs reports dating back to 1867, books, magazines, and newspapers.⁵

Rudnicki and his team endeavoured to assemble a comprehensive history to examine the reasons behind sanctioning or opposing community relocations. Early in the research stage, it became apparent the study's scope demanded additional investments in time, administrative effort, and cost. In order to deliver on PDG's proposal, Rudnicki requested an extension. The commission not only upheld its timeline, but also found fundamental flaws in PDG's draft submissions. RCAP dissolved the contract by September's end. A frustrated Rudnicki looked to distance PDG from the project, questioning the commission's willingness to support not only thorough, but innovative and meaningful examinations into the history of the Indigenous experience in Canada:

Commission staff (including its professional talent) demonstrated little interest in a serious discussion about the implications and resources needed to do an unprecedented and ground-breaking survey and study... To subscribe to the Commission's "modus operandi," insofar as the relocation project was concerned, was to produce a quick result comparable to a "paint-by-numbers" landscape.⁶

Through a contact on the reader review board, Rudnicki continued to receive a variety of documents addressing a number of RCAP studies underway.⁷ Records produced from these studies, including reports, workshops, commissioners meetings, conferences,

⁵ Ibid., 2.

⁶ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 130, Folder 3, Walter Rudnicki to John Crump, RCAP researcher, policy analyst and writer, 1994: 5.

⁷ Rosalee Tizya is a First Nations advocate and former RCAP Urban Research Coordinator: Kunuwanimano Child and Family Services, accessed June 1, 2016, <http://www.kunuwanimano.com/Rosalee.htm>.

presentations, working groups, and correspondence comprise a large portion of his archival collection. As the project moved forward, so did PDG's relationship with the commission. Rudnicki was again asked for consultation services in preparing a background paper for a different area under RCAP's review "Urban Perspectives."⁸ The final *Report of the Royal Commission on Aboriginal Peoples* does reference one of Rudnicki's early contributions to the study of community relocations. His 1979 paper "Land, Identity and Survival: The Dislocation of Aboriginal Nations in Canada" is cited in Volume 5 "Renewal: A Twenty Year Commitment," Appendix D: Research Studies Prepared for the Commission.⁹

For two decades PDG foregrounded historical and contemporary records in its reports on a diverse range of topics, including options, implications, and developments in Indigenous self-government, detailed proposals for the National Indian Brotherhood on national housing policy, formulating land claims strategy for the Union of B.C. Indian Chiefs, and Métis economic and employment development. Of particular interest to this thesis is one of PDG's earliest studies on access to archival government records in support of Métis land claims research. The 1979 report titled "Métis Land Claims Study: Destruction of Records" examines how recordkeeping affects the pursuit of Métis rights in courts of law, and how processes of government file destruction between 1830 and 1959 affect the modern special rights and claims of the Métis people of the Red River Settlement.¹⁰ Loss of land is an enduring issue in the history of Indigenous rights in Canada. What makes the experience of the French Métis and the English and Scottish

⁸ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 127, Folder 5, PDG, "Aboriginal People in Urban Areas," December 1994.

⁹ Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: The Commission, October 1996): 288.

¹⁰ UMA, Rudnicki fonds, Mss 331 (A10-38), Box 82, Folder 15, PDG, "Métis Land Claims Study: Destruction of Records," 1979.

Métis unique is that it occurred despite existing legislation protecting their homeland.

Created immediately following the 1869-70 Red River Resistance, Section 31 of the

Manitoba Act, 1870 appropriates 1.4 million acres for Métis land grants:

And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.¹¹

Section 31 enacts a multigenerational contract guaranteeing a trust relationship between the federal government and the Métis people. It also stands as a symbol of nation building, the result of direct talks between delegates of the Government of Canada and Louis Riel's provisional government. Riel presented Prime Minister John A. Macdonald with a list of conditions protecting the legal rights of the Red River Settlement Métis, including political status, language, and land.¹² These negotiations produced the Manitoba Act, 1870 in May and brought the province of Manitoba into Confederation on July 15. However by summer's end, so was Riel's presidency, and with it the Métis provisional government and the Red River Resistance. The federal guarantee to safeguard Métis lands was neglected, and processes of dispossession began immediately. In November 1881, a commission of inquiry was launched to investigate issues of delays in distribution and sales to speculators:

¹¹ Manitoba Act, 1870, s.31.

¹² Kelly L. Saunders, "No Other Weapon: Métis Political Organization and Governance in Canada," in Christopher Adams, Gregg Dahl, and Ian Peach, eds., *Métis in Canada: History, Identity, Law, & Politics* (Edmonton: University of Alberta Press, 2013).

Speculators included government officials, lawyers and even, as the commission found, the chief justice of the court and his family. The scheme of dispossession has been called “the most highly placed extortion racket in Canadian history.” The facts shocked the conscience of contemporaries. William Leggo, a court clerk from Ontario who worked in Manitoba's courts at the time, testified before the commission: “I never suspected for a moment that a system that turned out to be so vicious could possibly exist in any civilized country.”¹³

While the commission “turned up a mass of incriminating evidence,” it was not tasked with “remedying the errors of the court or enquiring into the behaviour of any particular judge. It was regarded by the commissioners as an inquiry to determine what irregularities had taken place so as to inform legislation, if needed, to prevent litigation.”¹⁴ Essentially, the judicial system sanctioned opening the region to settlers from central Canada for development by weakening the Métis case for land rights, thereby neglecting the government’s special relationship with the Red River Métis. Historians identify 1882 as the year that marks both the close of the land dispersal issue and the largest exodus of Manitobans westward towards Saskatchewan.¹⁵ However debate remains over the extent to which “land-loss was a prelude to migration.”¹⁶

A decade before authoring the PDG land claims report, Rudnicki publicly addressed the dispossession of Métis land in the Red River Settlement. In 1968, one year following the formation of the Manitoba Métis Federation (MMF), he delivered a speech at the University of Manitoba, stating:

Most Métis people today are landless and, I understand, are now exploring in Manitoba what happened to around 1.5 million acres that were supposed to have been granted to them under the Manitoba Act of 1870. Apparently only one

¹³ Paul Chartrand, “The other side of the story,” *Winnipeg Free Press*, March 12, 2013, accessed February 17, 2016, <http://www.winnipegfreepress.com/opinion/westview/the-other-side-of-the--story-197265771.html>.

¹⁴ Gerhard Ens, “Métis Lands in Manitoba,” *Manitoba History*, no. 5 (Spring 1983)..

¹⁵ Brad Milne, “The Historiography of Métis Land Dispersal, 1870-1890,” *Manitoba History*, no. 30 (Fall 1995).

¹⁶ *Ibid.*

Métis family is known to have received a land grant and most, it's been alleged, didn't even know the Act existed.¹⁷

These early “explorations” became official in 1977 when the MMF established the Métis Land Claims Commission, a four-year research program funded by the federal government to “explore the claims of Métis people to the land that once belonged to them.”¹⁸ The land claims proposal was submitted to the Minister of National Health & Welfare, listing the MMF’s archival “Sources of Research Materials”: scrip, grants, family allotments, commissions, and Red River Rebellion records from the National Archives of Canada; court records of Assiniboia; Hudson’s Bay Company Archives records; personal papers involving scrip and land trade, including from Sir John Christian Schultz and Sir Adams G. Archibald, Lieutenant Governor of Manitoba, at the Provincial Archives of Manitoba; as well as records from religious orders and Manitoba Land Titles Offices.¹⁹ These records were essential to articulating the case for Métis land claims. Hired counsel and researchers spent months in the archives, while Rudnicki was enlisted to examine a specific aspect of Métis recorded history: its perceived absence. “Métis Land Claims Study: The Destruction of Records” examines Métis-government records generated in the decades pre-and post-Confederation, a span covering what should be a diverse range of archival representation. However, Rudnicki found the estimated volume of records absent from institutional holdings. The prospect of missing records and gaps in existing records prompted Rudnicki to take a closer look at processes of file

¹⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 43, Folder 11, Walter Rudnicki speech, 1968: 14.

¹⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 225, Folder 6, Manitoba Métis Federation, “The Métis Land Question: A Provincial Survey,” 1977: 6.

¹⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 255, Folder 6, Manitoba Métis Federation, “Aboriginal Rights Research Proposal,” submitted to the Hon. Marc Lalonde, Minister of National Health & Welfare. October 1976: 12-15.

management and destruction in government agency offices and the National Archives of Canada.

To create this report, Rudnicki relied on archival records, legislative histories, and interviews with civil servants to shed light on record retention policies into the 1950s.²⁰ His report's appendices include a summary of relevant legislation and administrative practices for recordkeeping, and correspondence and directives for the National Archives' destruction of records in 1954.²¹ Rudnicki concludes that Métis records were frequently weeded, neglected, or destroyed by those without archival training. His conclusion raises the following questions: Why were Métis records viewed as disposable? Were they vulnerable to department transfers, storage issues, or waste paper drives? Or did they "fall victim" to the value systems and priorities that prevailed at the time?²² Rudnicki suggests the latter: in order to overlook a people, you discount their history. This idea is well documented in archival literature as archives and records have been frequent targets to "show that 'those people' never lived here."²³ Land records and similar documents become "inconvenient truths, best destroyed to erase a people."²⁴ Rudnicki's report argues this occurred with the Red River Métis, "[b]y 1951, all mention of 'half-breeds' had disappeared from Federal laws. By the turn of the century, Métis had been relegated to a mere historical foot-note in Federal affairs."²⁵ He argues Métis

²⁰ The interviews are with former DIAND employees Marion Gilchrist and Cy Fairholm. The former was "responsible for records management and was involved in the last major destruction of files in the early 1950s," and the latter "is thoroughly familiar with the history of the Department and has a detailed knowledge of the policies and practices of succeeding Indian administration.": UMA, Rudnicki fonds, "Land Claims Study: Destruction of Records," 5-6.

²¹ UMA, Rudnicki fonds, "Land Claims Study: Destruction of Records," Appendix I and Appendix II.

²² *Ibid.*, 30.

²³ Ian E. Wilson, "Peace, order and good government: archives in society," *Archival Science*, vol. 12, no. 2, (2012): 237.

²⁴ *Ibid.*

²⁵ UMA, Rudnicki fonds, "Métis Land Claims Study: Destruction of Records," 4.

government records were included as “artifacts” among larger bodies of administrative records, regularly shuffled, or destroyed. References made in existing documents suggested to Rudnicki that reports, briefs, petitions, and related correspondence were created despite their absence from institutional holdings. He addresses the significance of identifying missing records:

The implications for Métis land claims research are significant. It is necessary to assume that much relevant and valuable evidence for the period after 1872 has been lost, and that the case for both specific and general claims will have to be rebuilt painstakingly from surviving records. To some extent, gaps in these records may be filled by materials which survive in various provincial centres, in church basements and perhaps in private hands. The work of tracking such records and isolating them from what could be masses of irrelevant material greatly adds to the time needed for research and to its costs. This is a factor which the federal government will need to take into account in funding work on Métis land claims.²⁶

Knowing the Métis Land Claims Commission’s findings were destined for the courtroom, this passage sheds valuable light on the role Rudnicki envisioned for records as evidence in litigation.

Since the 1960s, affirmations of existing Indigenous rights have depended largely on federal recordkeeping. “Proof” is traditionally recognized in written form, therefore without a documented history Rudnicki notes, the descendants of the Red River Métis faced a legal disadvantage:

Succeeding Indian Affairs’ administrations, both before and following Confederation, were responsible for the safekeeping of documents affecting persons and property of native people. This was a form of trust responsibility because the government’s file rooms, both in the Agency offices and in Ottawa, often contained the only written records of the innumerable transactions that were conducted with native people.²⁷

²⁶ Ibid., 28.

²⁷ Ibid., 26.

In recent decades, archivists, historians, legal researchers, and activists have identified strong relationships between archives and Indigenous rights. Some have focused on the administrative history of Indigenous and Northern Affairs Canada and processes of record transfer to Library and Archives Canada, including Terry Cook, Bill Russell, and Sean Darcy. These archivists study the ways officials in the Department of Indian Affairs conceived and carried out their mandated duties, and the direct implications administrative operations had on recordkeeping and record transfers.²⁸ By examining processes of department recordkeeping, the authors examine how the federal government managed its relationships with First Nations peoples at different periods throughout its history, all while integrating, relocating, and destroying records as file systems changed over time. What is absent from their analyses are DIA records missing from LAC's holdings, as well as record sets that failed to receive archival treatment. Missing administrative files have profound implications for legal rights and social justice initiatives, demonstrated most visibly by Residential Schools redress efforts in Canada.

One study that raised awareness of the issue of missing documents is the 2006 *Preliminary Report on the Investigation into Missing School Files for the Shingwauk Indian Residential School*.²⁹ This report explores the concerns raised by members of the Children of Shingwauk Alumni Association and former students of neighboring Residential Schools, repeatedly frustrated in their attempts to obtain attendance records

²⁸ Terry Cook, "Paper Trails: A Study in Northern Records and Records Administration, 1898-1958" in W. R. Morrison and Ken Coates, eds., *For Purposes of Dominion: Essays in Honour of Morris Zaslow* (North York: Captus University Publications, 1988): 123-134; Bill Russell, "The White Man's Paper Burden: Aspects of Records Keeping in the Department of Indian Affairs, 1860-1914," *Archivaria* 19 (Winter 1984-85): 50-72.; Bill Russell, "Indian Department Headquarters Records, 1844-1861: A Case Study in Recordkeeping and Archival Custody," *Archivaria* 75 (Spring 2013): 188-223; Sean Darcy, "The Evolution of the Department of Indian Affairs' Central Registry Record-Keeping Systems, 1872-1984," *Archivaria* 58 (Summer 2004): 161-171.

²⁹ Edward G. Sadowski, *Preliminary Report on the Investigation into Missing School Files for the Shingwauk Indian Residential School*, Shingwauk Project Archive (Algoma University College, 2006).

necessary for compensation under Indian Residential Schools Resolutions Canada. Similar to the “Métis Land Claims” report, the Shingwauk research team investigates three major efforts to manage and dispose of federal records in 1936, 1944, and 1954. The report examines the history of government records management, processes contributing to record gaps, and the types of records missing from archival holdings:

Indian Residential Schools Resolutions Canada (IRSRC) has confirmed that it has ‘gaps’ in student records...Many of the missing documents of concern, which are those of primary choice required for verification of residence at an Indian Residential School, are School Quarterly Returns, Admission and Discharge Forms, Student Lists, and Applications for Admissions.³⁰

These missing records burdened survivors’ claims and denied them access to redress as it was provided in the mid-2000s. Like the Shingwauk research team, Rudnicki looked at what is missing from government archives, almost thirty years earlier, making recommendations on a separate matter with similar results. Key to the conclusions of “Métis Land Claims” and the Shingwauk report is the government’s lasting obligation to make cohesive record sets accessible to those seeking legal and social justice. In Rudnicki’s words, “[w]ithout recourse to such records, native persons and groups are at a clear disadvantage in producing evidence to support various rights and claims.”³¹ The year Rudnicki completed the land claims report, *Archivaria* published an article by treaty research consultant James Morrison examining the ways government archives support the advancement of Indigenous rights.³² Morrison attributes the “modern era” of First Nations grievance and claims research to the 1969 rejection of the White Paper policy and subsequent mobilization to defend treaty obligations and rights to lands and resources. First Nations bands and organizations sent lawyers and researchers to scour

³⁰ Ibid., 12.

³¹ UMA, Rudnicki fonds, “Métis Land Claims Study: Destruction of Records,” 26.

³² James Morrison, “Archives and Native Claims,” *Archivaria* 9 (Winter 1979): 15-32.

archival institutions across the country in an effort to “clearly define their relationship to the federal government and to the other inhabitants of this country.”³³ Where Rudnicki and the Shingwauk team question what is missing from the archives, Morrison questions what is accessible. He identifies prohibitive restrictions on government file groups, saying some records are “so thoroughly screened as to be almost valueless.”³⁴ Conditions of access, heavy redactions, record gaps, and missing records have a profound impact on modern claims. By the end of the 1970s, Rudnicki was a part of a larger effort to explore the role and value of archives and archival information in the courtroom. In the years that followed, archival research proved fundamental to several court victories deciding Indigenous rights. From the 1973 *Calder v. The Attorney General of British Columbia* decision to the 2007 Indian Residential School Settlement Agreement, records as evidence are critical to affirming legal rights and determining solutions for justice and healing.³⁵

The MMF and individual Métis plaintiffs launched legal proceedings against the Crown in 1981, asserting that the Métis people of Manitoba suffered an historic injustice by losing the land base they were promised under the Manitoba Act, 1870. In response, the Government of Canada deemed the lawsuit “inappropriate for present day consideration” as “too many documents had been lost or destroyed to form an accurate picture of the era.”³⁶ The Supreme Court of Canada (SCC) disagreed, allowing the action

³³ Ibid., 15.

³⁴ Examples used in this article are the records of the Royal Northwest Mounted Police (RG 18) and the Records of the Department of Justice at the Public Archives of Canada: Ibid., 25.

³⁵ Predating the *Calder* case is the 1963 *R. v. White and Bob* case that decided treaty rights, explored in depth by Anne Lindsay: “Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada”; “Archives and Justice: Willard Ireland’s Contribution to the Changing Legal Framework of Aboriginal Rights in Canada, 1963–1973.”

³⁶ Brad Milne, “The Historiography of Métis Land Dispersal, 1870-1890.”

to proceed. The MMF's case was before the courts for over thirty years, establishing "the most extensive review of the history of the Red River Métis community and its relationship with the government."³⁷ On March 8, 2013, the SCC found that an historic wrong was committed by the Crown's failure to fulfill its obligations to the Métis peoples of the Red River Settlement.³⁸ Central to the court's considerations were over 2,000 volumes of historical documents collected by the MMF to support its declarations of land ownership.³⁹ Had Rudnicki lived to see it, the valuable role records played in the MMF case would have satisfied him. Two years before the case was first brought to court, he argued the archival record would decide Métis land rights in Manitoba:

In the final analysis, in the event that Métis land claims become a matter of litigation, the Courts will need to keep in mind the Federal Government's trust responsibilities vis a vis the Métis was poorly fulfilled indeed, when it came to safeguarding documents. Given this fact, the benefit of the doubt should go to the plaintiffs.⁴⁰

Rudnicki thought Canada committed an historic wrong by neglecting Métis records just as it had failed to safeguard Métis lands. The Crown neglected the trust relationship in place for both land rights and rights to recorded Métis history. The SCC ruling does not

³⁷ Ian Peach, "The Long, Slow Road to Recognizing Métis Rights," in Christopher Adams, Gregg Dahl, and Ian Peach, eds., *Métis in Canada: History, Identity, Law, & Politics* (Edmonton: The University of Alberta Press, 2013): 282.

³⁸ *Manitoba Métis Federation v. Canada (Attorney General)*, [2013] SCC 14.

³⁹ Gloria Galloway, "After 140 years and a review of 2000 volumes of documents, Métis win land claim," *The Globe and Mail*, March 8, 2013, accessed April 11, 2016, <http://www.theglobeandmail.com/news/politics/after-140-years-and-a-review-of-2000-volumes-of-documents-mtis-win-land-claim/article9505274/>. On the CBC Radio program *Ideas with Paul Kennedy*, Manitoba Métis Federation lawyer Thomas Berger said co-counsel Jim Aldridge spent one year in the National Archives to find relevant records. The dispossession of Métis land was not a sudden abrogation of rights, rather the archival record shows it occurred over decades. Berger says the case would not have been won without Aldridge's work in finding the materials on which the SCC judgment is based: CBC, "Riel's Revenge," "Ideas with Paul Kennedy," July 11, 2013, accessed April 10, 2016, <http://www.cbc.ca/radio/ideas/riel-s-revenge-1.2913516>.

⁴⁰ UMA, Rudnicki fonds, "Métis Land Claims Study: Destruction of Records," 28.

provide a remedy, nor was it asked to by the MMF.⁴¹ The decision stands as a declaration that the Red River Métis did not receive the land to which they were rightfully entitled.⁴² While a negotiated settlement has yet to be determined, the MMF accepted the ruling as a necessary step towards reconciliation:

Only time will tell “when” and “how” these required negotiations will ultimately take place. However, regardless of any future delays, excuses or avoidance tactics that may be used by the federal government, the Supreme Court’s declaration and conclusions with respect to the need for this outstanding constitutional grievance to be resolved in order to bring constitutional harmony to Canada will remain. In the words of MMF President David Chartrand, the Manitoba Métis Community is “waiting for its partner in confederation to come back to the negotiating table.”⁴³

Through his work with PDG, Rudnicki demonstrates ways recordkeeping (or lack thereof) affect contemporary efforts to establish legal rights and redress for Indigenous peoples in Canada. He endeavoured to move past a time when the perceived value of “records for future generations of native people would not have been appreciated nor understood.”⁴⁴ The records created and consulted during research stages for both the “Métis Land Claims” report and PDG land claims reports produced with other provincial Métis organizations are located in Rudnicki’s archival collection. Filed alongside this material is the research and writing of commissions, associations, organizations, historical researchers, and advocates exploring not only Métis land claims, but Métis

⁴¹ The decision states: “...the Métis seek no personal relief and make no claim for damages or for land. Nor do they seek restoration of the title their descendants might have inherited had the Crown acted honourably. Rather, they seek a declaration that a specific obligation set out in the Constitution was not fulfilled in the manner demanded by the Crown’s honour. They seek this declaratory relief in order to assist them in extra-judicial negotiations with the Crown in pursuit of the overarching constitutional goal of reconciliation that is reflected in s. 35 of the Constitution.”: *Manitoba Métis Federation Inc. v. Canada (Attorney General)*, at para. 137.

⁴² The decision states: “[t]he Métis were promised implementation of s. 31 land grants ‘in the most effectual and equitable manner.’ Instead, the implementation was ineffectual and inequitable.”: *Manitoba Métis Federation Inc. v. Canada (Attorney General)*, at para. 128.

⁴³ Jason Madden and Jean Teillet, “Unfinished Business in Confederation: Understanding the Supreme Court of Canada’s Decision in the Manitoba Métis Federation Case,” *Manitoba Métis Federation*: 14, accessed April 11, 2016, http://www.mmf.mb.ca/wcm-docs/docs/aga_land_claims_brochure.pdf.

⁴⁴ UMA, Rudnicki fonds, “Métis Land Claims Study: Destruction of Records,” 8.

history and identity.⁴⁵ Bringing together these records marks an effort to centralize the recorded history of Métis rights by someone who did appreciate and understand their value.

As PDG continued its work, Rudnicki's archives grew. This is due largely to his mounting connections with Indigenous activists, organizers, and leaders, and his lasting connections with government insiders, resulting in an assembly of archival and contemporary information representing a diverse range of creators, content, and agendas. In the background to Rudnicki's consulting practice was his sustained pursuit of reinstatement and restitution within the federal government. Since his court victory in 1976, Rudnicki maintained a years-long letter-writing campaign with Ottawa contacts, outlining his current efforts with PDG and his willingness to offer his services to the government as it navigated comprehensive land claims settlements, constitutional reform, and visions of Indigenous self-government. Intimately aware of Canada's mishandling these issues, Rudnicki hoped for a return to the civil service so that he might assist effective policy development. Raising his concerns in a September 1981 letter to Clerk of the Privy Council Michael Pitfield, Rudnicki writes, "[t]he dearth of creative responses to a totally new and challenging phenomenon of political awareness in Indian society is appalling. No amount of increased budgets will compensate for an absence of

⁴⁵ Additional research filed in Rudnicki's collection are newspaper articles, working papers, and reports documenting the case for land claims, including: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 255, Folder 9, John Taylor "Historical Introduction to Métis Claims in Canada," Indian Claims Commission, June 1975; UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 259, Folder 4, Sanford M. Bartlett "Unfinished Business: Land Claims of the Manitoba Métis in 1870," The Pacific Métis Federation Legal Perspective, n.d.; UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 261, Folder 1, "Métis Land Claims Research Report," Métis Association of Alberta, 1978. There is also a comprehensive finding aid on Métis resources: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 261, Folder 3, Dennis Madill, "An Archival Finding Aid for Primary Source Material on the Métis," Treaties and Historical Research Centre, October 1979.

imagination.”⁴⁶ Rudnicki urged critical change was needed in the working relationships between government departments and Indigenous community organizations.

In September 1983, Ottawa responded by offering Rudnicki the position of Director-General, Program Planning and Policy Coordination for the Department of Indian & Northern Affairs. The offer was accepted on the understanding that he was to play a major role in developing First Nations self-government policy and chair a Treaty Renovation Task Force. These initiatives were interrupted two years later in 1985 when the Nielsen Task Force on Native Programs put forth policy Rudnicki believed to be influenced by the 1969 White Paper. He felt the policy being considered was flawed by the “isolated preparation of proposals at the cabinet level and its recommendations to dismantle DIAND and transfer Indian programs to the provinces.”⁴⁷ A leak of confidential information relating to the Native Programs report revealed a contrast between the “up front and open approach” assured the previous year by Deputy Prime Minister Jean Chrétien, and the reality of cabinet thinking, thereby exposing “the public duplicity” in Canada’s approach to First Nations concerns.⁴⁸ Such routine duplicity gave Rudnicki cause to re-evaluate his role within the department.

Unable to support devolution-designed policy, Rudnicki offered his resignation in 1986, writing “[t]he situation is an unhappy one for me, because I clearly have the choice of remaining with the Department promoting a policy to which I cannot relate and am unable to support, or getting out while I can do so with a clear conscience. After careful

⁴⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 9, Folder 4, Walter Rudnicki to P.M. Pitfield, September 14, 1981: 2.

⁴⁷ Sally Weaver, “Indian Policy in the New Conservative Government, Part I: The Nielsen Task Force of 1985,” *Native Studies Review*, 2, no. 1 (1986): 4.

⁴⁸ Chrétien’s comments were delivered at the 1985 First Ministers Conference: *Ibid.*, 4.

consideration, I have decided to leave.”⁴⁹ From this point forward, Rudnicki transitioned from government insider to outsider. His career in the civil service was brought to a close and he committed himself fully to his role as private consultant, Indigenous advocate, government observer, and recordkeeper. Rudnicki spent the next few decades scrutinizing the federal bureaucracy, which he vividly refers to as “a large, sprawling, complex organism which consumes whole forests of paper and professionals by the droves.”⁵⁰ However, Rudnicki’s cemented “outsider” status did not render him a hard-line government adversary. His consulting practice continued to engage both provincial and federal governments to provide effective response and solutions to Indigenous issues. As demonstrated in the RCAP and Métis land rights examples, Rudnicki made this work deeply archival. Not only did he access the holdings of archival repositories across the country, but he developed holdings of his own, observing what Verne Harris labels the “call to justice” in his discussion of the power and politics inherent to the formation of archives:

Politics is necessary to achieve a convergence of principle (what is right) with the pragmatic (what is possible) and the popular (what is supported). The call to justice is not to eschew politics – to keep one’s hands clean – for that would be to abandon terrain, any terrain to power... The call is to dirty one’s hands in the mess of the political, reaching always for a politics which is just. Politics, then, is always already at play in the archives.⁵¹

Rudnicki’s collection grew from his tireless engagement in politics and advocacy. Projects outside of PDG brought additional opportunities to develop and deploy his research knowledge, skills, and abilities in ways that support ongoing rights issues.

⁴⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 20, Folder 7, Walter Rudnicki to Bruce Rawson, Deputy Minister of Indian and Northern Affairs Canada, May 31 1986.

⁵⁰ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 27, Folder 8, “Risk and Influence in a Bureaucracy,” Walter Rudnicki speech, ca. 1978: 2-3.

⁵¹ Verne Harris, “Archons, aliens, and angels: power and politics in the archive,” in Jennie Hill, ed., *The Future of Archives and Recordkeeping: A Reader* (London: Facet, 2011): 112.

Energy was not focused on one or two problematic policies. Rudnicki was invested in countless efforts to expand Indigenous rights. His archives documents the movements behind a variety of events and initiatives, including the Kelowna Accord, the Mackenzie Valley pipeline, the Oka Crisis, the Sechelt Indian Band self-government model, Lubicon Lake land claims, 1985 amendments to the Indian Act (Bill C-31), treaty research including oral histories, Indigenous health programming, international Indigenous rights, legal opinions, and four decades of Canadian constitutional reform. Grouped together, these records capture the evolving discourse relevant to Indigenous relationships and rights.

The remainder of this chapter examines an overarching theme in Rudnicki's advocacy, namely the fight against Canada's effort to terminate the special status of First Nations peoples. Much of his attention lands on the history of the Department of Indian Affairs and its succeeding incarnations. Looking back to the 1860s, Rudnicki delved into the DIA, noting it is "by Canadian standards, an ancient institution."⁵² Moving towards the latter half of the 20th Century, his arguments made against the department's aim in 1969 align with those he made in 2010. The common thread throughout is the refusal to break from Indian Affairs and Northern Development's firmly rooted approach to policy and programming, thereby allowing a devolution strategy to endure. The White Paper's continued influence over department objectives makes Rudnicki's 1968 critique relevant almost fifty years later, "[i]n a very real sense, a philosophical break-through is difficult for departmental planners who are circumscribed by long-established policies and procedures. Policies and procedures are not made to be broken but neither should they be

⁵² UMA, Rudnicki fonds, Walter Rudnicki, "Risk and Influence in a Bureaucracy," 10.

protected simply because they are venerable.”⁵³ An inability to innovate policy services is exacerbated by a lack of departmental memory, explained by Rudnicki’s colleague

Sally Weaver:

When ministers and civil servants leave their portfolio, they often take with them their individual experiences. As a result, the collective experience is not synthesized and lessons from even the recent past remain unlearned. Thus, policies promoted as innovative often arouse a strong sense of déjà vu in Indians and longstanding government employees.⁵⁴

A clear administrative history should be available in order to recognize current expressions of tired or failed policies and procedures. Looking at DIA activities over time, Rudnicki’s archives provides support for Weaver’s statement. For First Nations peoples and First Nations policy, what began as the White Paper in the 1960s was reoffered in various ways in succeeding decades. For example, the devolution strategy shaping forty years of policy proposals invariably sidesteps the rights of Indigenous nations to govern themselves according to their own traditions. Rudnicki’s archives contains a 1971 letter from DIAND Minister Jean Chrétien to Prime Minister Pierre Trudeau referring to a “process of disengagement,” writing, “[i]n essence, then we are deliberately furthering an evolutionary process of provincial and Indian inter-involvement by promoting contacts at every opportunity at all levels of government, at the same time recognizing the truth of the matter- that progress will take place in different areas in different ways at a different pace.”⁵⁵ This letter establishes Canada’s commitment to pursue the heart of the White Paper, by phasing out treaty-governed federal responsibilities to First Nations peoples. This is visible in the 1980s, when the

⁵³ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 39, Folder 2, Walter Rudnicki, “Critique of MacDonald’s New Policy,” November 12, 1968: 10.

⁵⁴ Sally Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-70*, xiii.

⁵⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 40, Folder 7, Jean Chrétien to Pierre Trudeau, April 30, 1971: 2-3.

Mulroney government ordered the federal cost-cutting Nielsen Task Force on Native Programs (marking Rudnicki's exit from the civil service), as well as a band-by-band push towards municipal-style self-government with powers delegated by an act of Parliament and the provinces.⁵⁶ Though widely opposed, this model of self-government continued with Liberal Indian Affairs Minister Ron Irwin's 1995 "Federal Policy Guide on Aboriginal Self-Government," a policy statement that dismisses the inherent right of self-government and sovereignty, proposing instead amendments to the *Indian Act* that would result "in the devolution of municipal-like powers, a strategy that had already been rejected by First Nations."⁵⁷ First Nations leadership denounced the guide; however, in 2001 it reappeared in the form of the *Governance Act*, designed as a "non-optional statute to impose municipal local government on First Nations communities."⁵⁸ None of these self-government programs, Rudnicki argues, are the products of honest, agreed-upon negotiations, and their development, proposal, and response capture the ways Canada continues to offer visions of assimilation and integration while ignoring the organized response to their previous forms. Rudnicki's writings and archives identify and contain multiple examples of like-minded initiatives,⁵⁹ proving the extinguishment of Indigenous rights is in fact, in the words of Jean Chrétien, taking "place in different ways at a different pace."⁶⁰ Like Weaver's reference to "déjà vu," these attempts amount to what Rudnicki calls a "re-run of an old show that is now being presented in technicolor."⁶¹

⁵⁶ One example is the 1986 *Sechelt Indian Band Self-Government Act*.

⁵⁷ Blair Stonechild, *The New Buffalo: The Struggle for Aboriginal Post-Secondary Education* (Winnipeg, University of Manitoba Press, 2006): 76.

⁵⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 324, Folder 3, Eagle Shield/Walter Rudnicki, "Made in Ottawa 'Governance (and other related initiatives)," 8 May 2001:1.

⁵⁹ Additional failures include appropriately addressing treaty rights and land claims.

⁶⁰ UMA, Rudnicki fonds, Jean Chrétien to Pierre Trudeau, 2.

⁶¹ UMA, Rudnicki fonds, Eagle Shield/Walter Rudnicki, "Made in Ottawa 'Governance (and other related initiatives)," 1. Note: In the early 1980s Rudnicki was invited by the Stoney Indian Band to collaborate on

Establishing links between archival and contemporary records is a critical tactic in Rudnicki's advocacy. His commitment to portray the DIA's "continuity of thought" evokes the Duff et al. article referenced in the thesis introduction.⁶² The authors argue that identifying clear links between past and current policies is necessary to demonstrating a history of oppression, response, and resistance, and essential to government accountability. The analyses and recommendations Rudnicki shared with Indigenous groups, leadership, and the general public are informed by decades-old departmental records. For example, a 2001 *Windspeaker* article quotes Rudnicki throughout its discussion of Aboriginal rights under Section 35 of the *Constitution Act*, 1982, citing a paper he submitted to the publication along with "copies of government memos and letters, some dating back to the 1970s to show government officials have not abandoned the idea of the White Paper... 'They've just taken it underground.'"⁶³ In other writings Rudnicki looks much farther into Canadian history to expose the colonial influence on modern governance, referencing documents dating as far back as 1670.⁶⁴ He explains their archival value in the introduction to his two-part critique of 20th century government policy titled "Canada's Dirty Little Secret":

a paper upholding sacred treaty rights titled "The Right to Be Indian." This paper was tabled by Chief John Snow at the 1983 First Ministers' Conference on Aboriginal Constitutional Matters in Ottawa. From this effort, Rudnicki was honored with a Chief's Headdress and given the Stoney Nakoda name Wanbli-Waha Cunka which translates in English to "Eagle Shield." Rudnicki used Eagle Shield to author future reports, articles, and papers, including "Made in Ottawa 'Governance'" and "Canada's Dirty Little Secret."

⁶² Wendy Duff, Andrew Flinn, Karen Emily Suurtamm, and David Wallace, "Social Justice Impact of Archives: A Preliminary Investigation."

⁶³ Paul Barnsley, "Analysts say Indian Affairs has hidden agenda," *Windspeaker*, vol. 19, issue 3, 2001, accessed April 11, 2016: 2, <http://www.ammsa.com/publications/windspeaker/analysts-say-indian-affairs-has-hidden-agenda-0>.

⁶⁴ In his report "Canada's Dirty Little Secret," Rudnicki refers to the wording in the Royal Charter of the Hudson's Bay Company of 1670, saying this document is based on "the ideology of earlier Papal decrees and Cabot's fifteenth-century mandate to 'subdue, occupy and possess' non-Christian lands and bring their Indigenous people under British rule.": UMA, Rudnicki fonds, MSS 331 (A10-38), Box 84, Folder 1, "Canada's Dirty Little Secret: A Race-Based Policy to Extinguish Aboriginal Nations with Finality," Eagle Shield/Walter Rudnicki, 2000: 19.

This paper is based on a review of colonial records as well as federal policy documents from the time of Confederation to the present day. What is revealed is a remarkable consistency in the thinking of former colonial powers and contemporary Canadian governments about Aboriginal issues....What has changed is the lengths to which Canada now goes to disguise its continuing dedication to race-based policy....Federal propagandists have invented a special language designed to anesthetize [sic] Aboriginal peoples to the reality that time is running out for them.⁶⁵

Employing “special language,” what Rudnicki calls “bafflegab about the government honouring its commitments, respecting Treaties, playing fair, etc.,” is part of larger federal efforts to control dialogue by deliberately misleading First Nations, Métis, and Inuit peoples on issues affecting their policy options.⁶⁶ He explores this discursive strategy in his 2001 paper “Made in Ottawa Governance,” describing its use to: influence media portrayals; win public support; promote federal-designed initiatives; portray First Nations leaders as corrupt; and exploit divisions among First Nations groups to the benefit of government.⁶⁷ The following year Rudnicki’s concerns were confirmed when it leaked that Indian Affairs Minister Bob Nault employed a SWAT-team (special words and tactics) in its handling of public relations.⁶⁸ As a government critic, Rudnicki shone a spotlight on misinformation, secrecy, and the disregard for public accountability:

Mainstream Canada, including most historians, journalists and educators have little if any understanding of an extinguishment concept that has always shaped colonial and Canadian policy. The real story is known only to a privileged few who decide the fate of Aboriginal Nations within the sound-proofed room of the federal Cabinet. The classified documents and other secret records of Cabinet discussions that emerge are not readily available either to the public or Aboriginal

⁶⁵ UMA, Rudnicki fonds, Eagle Shield/Walter Rudnicki, “Canada’s Dirty Little Secret: A Race-Based Policy to Extinguish Aboriginal Nations with Finality”; UMA, Rudnicki fonds, MSS 331 (A10-38), Box 84, Folder 1, Eagle Shield/Walter Rudnicki, “Canada’s Dirty Little Secret: Canada’s Post-Confederation Genocide Machine,” 2000: 2-3.

⁶⁶ UMA, Rudnicki fonds, Eagle Shield/Walter Rudnicki, “Made in Ottawa ‘Governance (and other related initiatives),” 17.

⁶⁷ *Ibid.*, 17.

⁶⁸ Shiri Pasternak, “On Jurisdiction and Settler Colonialism: The Algonquins of Barriere Lake Against the Federal Land Claims Policy,” (PhD Dissertation, University of Toronto, 2013).

peoples. What federal Ministers decide in secret is vastly different than what they say in public.⁶⁹

Since Confederation, federal strategists have deployed false language and suppressed information to protect Canada's "hidden agendas." In response, Rudnicki built his archive to expose processes of policymaking, build relationships with Indigenous communities and leadership, and encourage public discussion. His diverse connections secured records that advance and challenge dominant narratives, resulting in an archival collection specifically designed to provide what the federal bureaucracy restricts: openness, access, and accountability.

Over the latter half of the 20th century Rudnicki engaged directly with issues affecting the assertion and protection of Indigenous rights. While Prime Minister Pierre Trudeau and succeeding federal administrations extolled the value of Indigenous participation in policy development, Rudnicki's work and archives reveal limits to this offer. Both the White Paper policy and the "Emergency Housing Program" examined in Chapter One show that information gathered by First Nations, Métis, and non-status Indian communities during policy development was regularly sidelined upon implementation.⁷⁰ These examples, and the examples of countless others, demonstrate a lack of government accountability. Inhibiting decision-making from those protecting their political, legal, economic, and social well-being in favour of closed-door governance allows colonial interests to endure. The frequency with which this occurs is what Rudnicki fought hard to document and bring to light using historical and contemporary records. His critique of government bureaucracy comes from a clear

⁶⁹ UMA, Rudnicki fonds, Eagle Shield/Walter Rudnicki, "Canada's Dirty Little Secret: A Race-Based Policy to Extinguish Aboriginal Nations with Finality," 31-32.

⁷⁰ This is seen again in Chapter Four's discussion of Residential Schools redress.

understanding of Canada's colonial roots, and his ability to effectively serve as an advocate is supported by his ability to associate archival records with contemporary issues. Chapter Four examines one of Rudnicki's largest undertakings as he used archival and contemporary government records to connect the painful history of the Residential Schools with modern calls for justice and redress for survivors and their families.

Chapter Four: Archives and the Road to Residential Schools Redress

Rudnicki's archival collection contains a large variety of records addressing the history of one of Canada's most visible colonial projects, the Residential Schools system. There are three "Residential Schools" subseries listed in the Walter Rudnicki fonds: "Residential Schools- Research- National Archives, 1845-2004"; "Residential Schools- Abuse, Healing, Resolution, 1983-2005"; and "Residential Schools- Newspaper Clippings, Publications, 1993-2006."¹ These subseries contain records created, copied, and gathered by Rudnicki during efforts to bring national attention to the experience of Residential Schools survivors, and justice to those living with the lasting effects of institutionalized abuse. Spanning three centuries, the records capture Canada's evolving response to the Residential Schools legacy, giving particular attention to the mid-1990s to early 2000s, a period that saw the release of RCAP's recommendations, the unveiling of *Gathering Strength: Canada's Aboriginal Action Plan*, and the Alternative Dispute Resolution program. Federal efforts at reconciliation with Indigenous peoples proved inadequate, and Rudnicki carefully documented each failed step. By 1999, the lack of resolution inspired him to advance a unique solution to the problems of redress, reconciliation, and healing: a grassroots national survivor group formed from an alliance between survivors, Indigenous organizations, and church representatives.

The story behind the Organization of United Reborn Survivors (OURS) is intrinsically archival, based on "comprehensive archival research and analysis" that put forward "a very different picture about responsibility and liabilities for the residential

¹ UMA, Walter Rudnicki Fonds.

school program.”² OURS held the Government of Canada legally responsible for creating the policies directing Residential Schools, and argued against naming churches as co-defendants in lawsuits because they operated under federal authority. Canada created and maintained the institutions where students were forced to endure sustained assaults on their culture, language, and traditions, as well as their physical and emotional well-being. The organization urged survivors and Indigenous leaders to work alongside churches to hold government accountable, and address longstanding grievances through a public apology, financial compensation, and the establishment of a national independent tribunal. Though including churches as allies was undoubtedly controversial, Rudnicki felt it was the only way to expedite justice to an aging survivor population.

At the turn of the millennium, there were approximately 100,000 former Residential Schools students alive in Canada, representing a significant number of those who attended the schools since their establishment in the 1870s.³ For over 100 years, Residential Schools operated across the country, admitting “Indians” into dominant Euro-Canadian, Christian society using laws enacted by early federal assimilationist policy. These laws were founded on inherently racist philosophy, the spirit of which is revealed by Sir John A. Macdonald in comments delivered to the House of Commons in 1883:

When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central

² UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 3, Walter Rudnicki and Alvin Tolley to Matthew Coon Come, National Chief, Assembly of First Nations, August 11 2000: 1.

³ “In a news release issued on December 20, 2002, the Government of Canada said that there were approximately 90,000 students of Indian Residential Schools still alive”: Canadian Bar Association, *The Logical Next Step: Reconciliation Payments for All Indian Residential School Survivors* (Toronto: Canadian Bar Association, February 2005): 3, accessed May 14, 2015, <http://www.cba.org/CBA/Sections/pdf/residential.pdf>.

training industrial schools where they will acquire the habits and modes of thought of white men.⁴

Removing generations of children from their families had a tremendous impact on Indigenous community and culture. The Truth and Reconciliation Commission of Canada (TRC) identifies the effects of trauma on generations of “victims of a system intent on destroying intergenerational links of memory to their families, communities, and nations,” citing loss of language, parental guidance, disrupted traditional and spiritual teachings, and over-incarceration of Indigenous peoples in Canada’s correctional system.⁵ The TRC events and findings brought national and international attention to the lasting effects of Residential Schools, allowing intergenerational trauma to be better recognized and understood. Prior to the commission’s work, public awareness lagged, and for decades the Residential Schools legacy remained largely outside of the Canadian consciousness.

Into the 1990s, opportunities for discourse grew as testimony heard during early RCAP proceedings foregrounded survivors’ voices and stories. Their stories were further amplified with the release of the Assembly of First Nations’ 1994 report *Breaking the Silence, An Interpretive Study of Residential School Impact and Healing as Illustrated by First Nations Individuals*. Drawing from Indigenous-led research and community studies, psychologists Wilma Spearchief and Louise Million identify long-term effects of Residential Schools trauma. The report puts forward self-examination and open dialogue as a means to communal healing and resolution, and recommends government expand

⁴ Truth and Reconciliation Canada, *Honouring the truth, reconciling for the future: Summary of the final report of the Truth and Reconciliation Commission of Canada* (Toronto: James Lorimer and Company, 2015): 2, accessed, March 19, 2016, http://www.myrobust.com/websites/trcinstitution/File/Reports/Executive_Summary_English_Web.pdf.

⁵ *Ibid.*, 271.

treatment programs as well as access to counselling and support for survivors and their families.⁶ In the month following its release, DIAND sent out a fax marked “secret” to select government offices outlining current responses to “the Residential School issue,” a copy of which is in Rudnicki’s collection.⁷ Titled “Status Report on Indian Residential Schools,” the document offers *Breaking the Silence* limited recognition, saying “[i]n general, no department is impressed with the report and all believe no further formal response, beyond acknowledging a contribution to understanding the issue, should be made.”⁸ The document goes on to review the department’s Senior Policy Committee’s recommendation to continue its “reactive strategy, limited response” approach to redress:

Under this strategy the government responds to any specific allegations by reporting these to law enforcement agencies, and cooperating fully with any subsequent police investigations. The strategy emphasizes existing programs accessible by communities and former residential school students to address health and social symptoms.... The advantage is this strategy responds to individual cases while not entailing new programs. There are no additional costs, at least in the present [except for specific cases where the government may be found partially liable]. Liability is not increased by formal apology. It requires the local leadership to make priority decisions amongst competing service demands. However, this option does not meet First Nations’ demands and could lead to negative public and media attention.⁹

The “Status Report” advises no further government action pending RCAP’s final report. Released almost two years later, RCAP’s detailed Residential Schools study ushered in a new era of redress. Citing archival sources throughout, the report recommends the federal government establish a public inquiry in order to “investigate and document” the

⁶ Dian Million, “Trauma, Power, and the Therapeutic: Speaking Psychotherapeutic Narratives in an Era of Indigenous Rights,” in Jennifer Henderson and Pauline Wakeham, *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013).

⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 279, Folder 1, Fax to B. Chapman- HRD, Sharon McCue- Sol Gen, C. Nixon- PCO, N. Jordan- HC, Roy Jacobs- CH from Glenn Bloodworth, Senior Advisor, Indian and Northern Affairs Canada Finance Branch, Indian Programming and Funding Allocations, January 19, 1995.

⁸ *Ibid.*, 6.

⁹ *Ibid.*, 6-7.

operation and legacy of Residential Schools to help “relieve the conditions created by the residential school experience.”¹⁰ Reconciliation required compensation and funding for necessary treatments to survivors and their families, as well as public apologies offered on behalf of the Government of Canada, and the Catholic, Anglican, United, Methodist, and Presbyterian churches.¹¹ Several churches had already apologized for their role in administering the schools, however few specifically addressed the cultural, physical, and sexual abuse committed by former staff.¹² The federal government remained largely silent, waiting until 1998 to officially “acknowledge the mistakes and injustices of the past.”¹³

Soon after RCAP’s release, Rosalee Tizya, a close colleague of Rudnicki’s from the RCAP Urban Research team, directed his attention to alarming rates of sexual assault occurring in reserve communities across the country. Tizya is an Elder, traditional therapist, and Residential Schools survivor who studies the effects of historical trauma on Indigenous health. Throughout her work, she recognized links between abusers, Residential Schools, and unresolved physical, emotional, and spiritual injury. Convinced the criminal justice system was not the solution, she asked Rudnicki to use his government contacts to set up meetings with federal agencies to address what she called a problem “endemic in scale.”¹⁴ To prepare, Rudnicki looked for resources exploring

¹⁰ Canada, Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples*. 1.10.1, (Ottawa: The Commission, October 1996): 686, accessed April 13, 2016, https://qspace.library.queensu.ca/bitstream/1974/6874/5/RRCAP1_combined.pdf.

¹¹ Ibid.

¹² In direct reference to the legacy of Residential Schools, apologies were made by: The Anglican Church of Canada, 1993; Presbyterian Church in Canada, 1994; The United Church of Canada, 1986 and 1998; various Catholic organizations of Canada made apologies on separate occasions dating back to 1991.

¹³ Canada, “Statement of Reconciliation,” *Gathering Strength: Canada’s Aboriginal Action Plan* (Ottawa: Minister of Indian Affairs and Northern Development, 1997).

¹⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 275, Fd 10, Walter Rudnicki to Minister of Health Alan Rock, July 18, 1997.

Residential Schools' lasting effects on former students, families, and their communities. This was a difficult task as few studies, academic, government, or otherwise, clearly established such connections. Native Studies professor and activist Roland Chrisjohn and co-author Sherri Young recognize this in their RCAP report covering Indigenous schooling:

When it comes to providing details of individuals' experiences in Residential Schools, or drawing generalizations about the form and function of the institution, there is... official silence. The churches and federal/provincial governments have produced no histories, incident reports, legal opinions, psychologies, or sociologies of Indian Residential Schooling. There is a uniform inattention to these particular details.¹⁵

Rudnicki managed to assemble a modest collection of Canadian and U.S. commentary linking abuse, addiction, and family breakdown in Indigenous communities to unresolved trauma. One early record is a 1989 memo distributed by Indian and Northern Affairs Canada's Communications Branch Media Monitoring Unit, outlining the content of a recently televised episode of the CBC program "Man Alive." The episode examines high incidences of sexual abuse on reserve communities, giving particular focus to the Alkali Lake Band.¹⁶ Host Roy Bonisteel traces the roots of the abuse to Residential Schools:

One of the unspoken secrets of our society is that the rate of sexual abuse in the native community is staggering, and that much of the blame for this problem can be traced directly back to our main churches, ministers and nuns in the residential schools system that was set up to teach the native peoples our culture.¹⁷

¹⁵ Roland Chrisjohn and Sherri Young, *The Circle Game: Shadows and Substance in the Indian Residential School Experience in Canada. A Report to the Royal Commission on Aboriginal Peoples* (Penticton: Theytus Books, 1995): 19. Rudnicki's collection contains one report prepared in 1967 for DIAND by George Caldwell titled "Indian Residential Schools Study": UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 275, Folder 5.

¹⁶ CBC, "A circle of healing," "Man Alive," 1989.

¹⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 4, "The case against the mission," Virginia Byfield, Rene Mauthe, Communications Branch Media Monitoring Unit of Indian and Northern Affairs Canada, February 13, 1989.

The INAC memo demonstrates that both the federal government and Canada's national public broadcaster were aware of the "unspoken secret" perpetuating abuse in Indigenous families and communities. Yet redress in the late 1980s was in very early days, and public concern and government response proceeded slowly. The situation remained critical by the summer of 1997, when Tizya reached out to Rudnicki to secure her meeting. That July, he wrote a letter to Minister of Health Alan Rock, explaining that "...a problem that is endemic in scale is not something to be relegated to the in-baskets of officials." He continued, "[s]he (Tizya) believes, rightly I think, that the weight of Ministerial authority is needed to mobilize whatever resources and referrals are required to address a major problem of children at risk."¹⁸ Rudnicki approached the Department of Health rather than DIAND because he believed the latter to be the "author of the problem," more "interested in cover-up than in addressing [the] issue in some constructive manner."¹⁹ A meeting was granted and on October 3, 1997 Tizya and another frontline worker Kathy Absolom met with Minister Rock. Rock quickly proved unable to assist, citing "lack of funding" among what Rudnicki deems "other excuses."²⁰ Months later, Rudnicki contacted DIAND, asking Acting Assistant Deputy Minister Mary Quinn if the reason behind Rock's hesitation was due to the Department of Health's inability "to pre-empt what might have been in the works in your department," making reference to the just-released federal government response to RCAP, *Gathering Strength: Canada's Aboriginal Action Plan*.²¹ Heralded as a "first step" towards improving

¹⁸ UMA, Rudnicki fonds, Walter Rudnicki to Minister of Health Alan Rock.

¹⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 275, Folder 10, Walter Rudnicki, "Re: Meeting with Rock," Draft Notes, October 3, 1997.

²⁰ Ibid.

²¹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 275, Folder 10, Walter Rudnicki to Mary Quinn, February 2, 1998: 1.

services and relationships with Indigenous peoples, the policy, along with its apology and healing program, sought to reconcile Canada.

Minister of Indian Affairs and Northern Development Jane Stewart introduced *Gathering Strength* on January 7, 1998. In addition to supporting four key objectives,²² the plan offered a “Statement of Reconciliation” and a one-time grant of \$350 million to be disbursed by the Aboriginal Healing Foundation (AHF), whose mission was to “promote reconciliation and encourage and support Aboriginal people and their communities in building and reinforcing sustainable healing processes that address the legacy of physical, sexual, mental, cultural, and spiritual abuses in the residential school system, including intergenerational impacts.”²³ Rudnicki’s archive contains a small number of confidential documents created during the development stage of *Gathering Strength*, which provide a glimpse into both government and First Nations interests. For example, in a letter from AFN National Chief Phil Fontaine to Liberal MP Lloyd Axworthy, Fontaine identifies four “priority areas” required to receive his organization’s public endorsement: an apology from the federal government for Residential Schools operations; official recognition of First Nations rights; official recognition of the sacred nature of treaties; and the implementation of RCAP’s recommendations.²⁴ Chief Fontaine went on to become a main proponent of *Gathering Strength*, standing alongside Minister Stewart as they promoted the plan in cities and communities across Canada. While concessions were made in the months between the correspondence and the announcement, Fontaine insisted he protected First Nations interests throughout

²² The four key objectives are: partnerships, Aboriginal governance, fiscal relationships, and community: Canada, *Gathering Strength: Canada’s Aboriginal Action Plan*.

²³ Aboriginal Healing Foundation, “Mission,” online: Aboriginal Healing Foundation Website, accessed July 25, 2015, <http://www.ahf.ca/about-us/mission>.

²⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 326, Folder 18, “Letter: Fontaine to Axworthy,” (draft notes taken by Walter Rudnicki describing the contents of this letter), October 7, 1997.

government negotiations, “[w]e come to meetings and present an image that is all sugar and spice between the minister and I. But that’s not true. We fight behind closed doors. We wage mighty battles.”²⁵

Despite the AFN’s assurances, debate focused on what *Gathering Strength* was designed to achieve, and who it stood to benefit. Rudnicki is among those who criticized the action plan, saying it is “short on details” and rejecting its broadly termed “apology.”²⁶ While the “Statement of Reconciliation” employs apologetic language, “we are deeply sorry,” “profound regret,” “learn from our past,” it falls short of a genuine apology. Had Minister Stewart offered the latter, the Government of Canada would not only acknowledge the painful legacy of the Residential Schools program, but also take responsibility for its unjust administration and assimilative design. In a prepared media response, Rudnicki warns the statement’s cautious wording is a strategy to “get off the liability hook for residential school atrocities” by discharging legal responsibility and associated costs.²⁷ He argues this strategy is visible throughout *Gathering Strength*, including the independent, Indigenous-directed AHF. Established as a long-term investment towards individual and community well-being, Rudnicki suggests the healing program is designed to appease survivors and mitigate future lawsuits. The \$350 million could not adequately fund the resources needed to address intergenerational trauma. With its initial four-year mandate, the figure broke down to \$87 million annually for approximately “1.2 million Indians, Inuit, and Métis,” or \$73 each, meaning “healing

²⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 238, Folder 6, Erin Anderson, “Ottawa, native chief trade conflict for co-operation,” *The Globe and Mail*, January 23, 1998.

²⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 326, Folder 1, “Rudnicki’s draft notes,” n.d.

²⁷ *Ibid.*, 1.

works out to payment for dinner for two with dessert but no wine.”²⁸ Despite its pledge to “renew the relationship with the Aboriginal people of Canada,” *Gathering Strength* largely served government interests by preserving the traditional, paternalistic approach to Indigenous property rights, political rights, and reconciliation. For many former students, families, Indigenous organizations, and Indigenous rights activists, the initiative failed to deliver.²⁹

As Residential Schools claims continued to mount, so did the promise of lengthy and costly litigation. In an effort to move outside of the court system, Ottawa invited select groups of survivors, legal counsel, Indigenous leaders, healers, and church representatives to evaluate potential dispute resolution models.³⁰ Between September 1998 and May 1999, the federal government and the AFN held a series of “Exploratory Dialogues” to set the basis for an Alternative Dispute Resolution (ADR) initiative. Held in nine cities across Canada, the dialogues welcomed the abovementioned groups into discussions of the impact of Residential Schools and negotiations over claims settlement processes. Key among the “guiding principles” identified in the June 1999 Wrap-Up Dialogue are, “Building Relationships through Mutual Respect and Understanding,” “Self-Design,” and “Voluntary” participation.³¹ The emerging ADR framework vowed to build a safe, collaborative, culturally-sensitive “process for plaintiffs,” different from

²⁸ *Ibid.*, 3.

²⁹ Paul Barnsely, “‘Gathering Strength’ not strong enough,” *Windspeaker*, vol. 2, issue 5, 1998:2, accessed April 13, 2016, <http://www.ammsa.com/publications/saskatchewan-sage/gathering-strength-not-strong-enough>.

³⁰ The “Invitation List” was “Identified via names submitted to AHF & Survivors Meetings by AFN/Vice Chiefs and from representatives of Residential school survivor groups.”: UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 278, Folder 8, “Briefing Note: ADR Alternative Dispute Resolution,” to Maggie Hodgson, Assembly of First Nations, August 12, 1998: 2.

³¹ The United Church of Canada, “Background Statements Principles to Guide Our Response in Resolving the Legacy,” May 8, 2004, accessed April 12, 2016, <http://develop.united-church.ca/aboriginal/schools/statements/principles>.

the adversarial Western civil litigation tradition that risks re-victimizing survivors.³²

Through participant contacts, Rudnicki was able to access numerous documents associated with the ADR's development, leading him to label the dialogues as "pretend consultations," designed to serve federal interests above others. Though reported to be shaped by Indigenous input, Rudnicki likened survivor participation to corporate "focus groups," structured around "the predetermined aims of Company facilitators," and labeled the ADR a "made-in-Ottawa product."³³ Ultimately, Rudnicki wondered, who is controlling the process?³⁴

With the support of a small group of Residential Schools survivors, Rudnicki and his colleague Alvin Tolley, a member of the Kitigan Zibi Anishinabeg First Nation and survivor of the Garnier School in Spanish, Ontario, launched the "Organization of United Reborn Survivors" (OURS) to challenge the expected ADR program. OURS was a non-profit national survivor organization whose aim was squarely at federal responsibility for the Residential Schools system in Canada. It looked to transcend the territorial, cultural, and political differences among Indigenous communities and leadership to collectively oppose the ADR as the government solution to resolution and reconciliation. OURS said "[b]y working together in our own national organization we shall cease being survivors and become people with a common cause."³⁵ OURS set out to: document and expose the role and conduct of federal authorities; disclose tactics employed by the federal government to evade liabilities; monitor and evaluate various healing initiatives

³² UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 278, Folder 8, Maggie Hodgson, "Building Bridges: Developing a process together in Alternative Dispute Resolution," July 1999: 1.

³³ UMA, Rudnicki fonds, MSS 331 (A10-38), Box 277, Folder 10, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," June 2000: 15.

³⁴ Ibid.

³⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 280, Folder 2, Walter Rudnicki, OURS "Conference proposal," Draft, 2000.

introduced by government; obtain a public apology from the prime minister; receive full compensation for survivors; lobby for the creation of independent tribunals to address the physical, sexual, emotional, and cultural abuse that took place in the schools; and address the legacy of intergenerational trauma.³⁶ In order to build widespread support, OURS membership was open to both survivors and their descendants:

The federal government perceives survivors as voiceless and powerless and incapable as isolated individuals to protect their own interests. (OURS) offers a way for survivors to empower themselves by joining together in their own organization to gain the leverage needed to fully expose the crimes and bring the guilty parties to account.³⁷

In June 2000, OURS released a two-part position paper entitled “Federal Rules of Engagement: The Government’s War Against Survivors and the Churches.”³⁸ This paper identifies Canada’s ongoing colonial policies, critiques the ADR process, and outlines OURS aims. To write “Federal Rules of Engagement,” Rudnicki consulted hundreds of archival records produced by Residential Schools’ administration. Contemporary documents were also used, including three unpublished federal policy papers “extracted with great difficulty” by a nameless source(s).³⁹ The first of these documents is “clearly incomplete,” titled “Guiding Principles for Working Together to Build Restoration and Reconciliation.”⁴⁰ This draft lists the Exploratory Dialogue participants and outlines the processes that established the dialogue’s stated principles. “Guiding Principles” was later published as a government-authorized report titled *Reconciliation and Healing*:

³⁶ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 15.

³⁷ Ibid., 1.

³⁸ Ibid.

³⁹ Ibid., 12.

⁴⁰ Ibid., 13. “Guiding Principles for Working Together to Build Restoration and Reconciliation” is dated September 14, 1999.

*Alternative Resolution Strategies for Dealing with Residential School Claims.*⁴¹ The second smuggled document outlines the selection criteria for participant survivor groups in the ADR “pilot projects.” Rudnicki considered the pilot process to be nothing more than a “tactic” allowing the “federal government to refine its strategy for drawing increasing numbers of survivors away from court action and into a government managed ADR exercise.”⁴² The third document is a twenty-page internal paper “prepared in the latter days of Ron Irwin’s term as Indian Affairs Minister” and leaked to the press, recommending that government encourage out-of-court settlements as “cheaper” alternatives to litigation.⁴³ The common thread in these records, Rudnicki argues, is that Ottawa viewed survivors as “poor,” “uninformed,” and lacking in “bargaining power.”⁴⁴ The documents show how instrumental the federal government was in shaping and promoting the ADR as the optimal method of redress, making it a “federal initiative” instead of a collaborative remedy.

OURS drafted “Federal Rules of Engagement” to counter the looming ADR, requiring timely, yet in-depth archival research. Examining volumes of records in archival repositories all over the country, each subject to a range of access restrictions, required a strategic approach. Rudnicki decided to focus attention on Saskatchewan, believing the “lines of authority” between local schools and government would have Canada-wide applications. The paper was based on federal records created between 1895-1966, including RG-10 files, administrative records, cabinet documents, the *Indian*

⁴¹ “Guiding Principles for Working Together to Build Restoration and Reconciliation,” in *Reconciliation and Healing: Alternative Resolution Strategies for Dealing with Residential School Claims* (Ottawa: Indian Affairs and Northern Development, March 2000): 107-116.

⁴² UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 13.

⁴³ *Ibid.*, 12.

⁴⁴ *Ibid.*, 13.

Act, annual DIA reports, and minutes from the Joint Committee of Senate and the House of Commons. From these records, Rudnicki identified three general categories of correspondence: between church authorities and the DIA; between school principals and the DIA; and reports from nurses, doctors, school inspectors, and federal agents.⁴⁵ Reading through hundreds of government archival records, Rudnicki underlined key content, tagging many with subject terms including “pupilage,” “conditions,” “death,” “inquest,” “complaints,” “federal policy,” and “departmental response.”⁴⁶ The arguments in “Federal Rules of Engagement” are framed according to the “archival record,” whose repeated mention informs readers that archival content determined the whole of OURS’ position. In addition to “Federal Rules of Engagement,” archival records offering “as complete a picture as possible” were to be incorporated into a publicly available Annex.⁴⁷

It is necessary to acknowledge that Rudnicki researched and wrote “Federal Rules of Engagement,” however he kept his authorship discreet, recommending instead that Tolley stand as the public face of OURS. In personal correspondence he reveals:

Although this paper is entirely my effort, I thought it would be more appropriate if it went out over a survivor’s name rather than someone who has no such claim. Alvin Tolley spent his childhood in a residential school and is a Chief-in-waiting in the Kitigan Zibi reserve. He also says that the substance of the paper will be endorsed by survivors with whom he is in contact. On the strength of this, I’ve noted in the paper that the paper is a group effort.⁴⁸

This detail is important. OURS not only advanced the contentious position that churches should be left out of survivor claims, but also solicited church funding and support.

⁴⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 272, Folder 5, Walter Rudnicki, “Draft Notes,” n.d.: 5.

⁴⁶ An example is: UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 273, Folder 3, “Schools – Round Lake Residential School,” RG 10, Vol. 6332, File 661-1, vol. 2.

⁴⁷ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 2. Records to include: “archival policy, exchanges of letters, minutes of parliamentary committees, 1966 Hawthorne report, and annual reports,” comprising two bankers boxes.

⁴⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 1, Walter Rudnicki to Roger Obonsawin, May 11, 2000: 1.

Rudnicki worried that OURS would be judged for promoting non-Indigenous interests, assembled to protect churches from costly litigation under the guise of survivor redress.

To refute this argument, “Federal Rules of Engagement” clearly states that archival analysis determined its agenda:

An archaeological dig in the National Archives reveals much about responsibility and potential liabilities for damages arising out of the operation of residential institutions. The record shows that decision-making powers for all aspects of the residential program were exercised exclusively by the Department of Indian Affairs. It was federal officials who had the final say about facilities, staffing, salary levels, and standards of care in institutions which they trusted as their own instruments of a Cabinet approved assimilation policy.⁴⁹

The government’s “final say” meant that church authority was superseded by law, therefore participant churches should not be held legally responsible for the harmful conditions experienced in Residential Schools. Sections 113 and 114 of the *Indian Act* placed a statutory duty on the Crown to ensure student safety and well-being.⁵⁰ For decades federal authorities had knowledge of the malnutrition, disease, and abuse endemic to the schools, however archival records show regular failure to intervene.⁵¹ OURS interpreted a lack of intervention as consent, meaning the DIA willingly neglected its responsibility as legal guardian:

It is arguable that a federal statutory power to remove aboriginal children from their homes by force in pursuance of a racist assimilation goal is questionable in itself. A legal power to detain such children in federal institutions and to supervise their care clearly cast the federal government in the role of legal

⁴⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 272, Folder 5, Walter Rudnicki, “Annex to study entitled ‘Federal Rules of Engagement,’ Draft, n.d.: 1.

⁵⁰ S. 113(a) addresses the establishment, operation, and maintenance of “schools for Indian children,” and s. 114(a) provides for and makes regulations with respect to “standards for buildings, equipment, teaching, education, inspection, and discipline in connection with the schools.”: *Indian Act*, RSC 1952, c 149, ss 113-114.

⁵¹ This is supported by RCAP: “The avalanche of reports on the condition of children – hungry, malnourished, ill clothed, dying of tuberculosis, overworked – failed to move either the churches or successive governments past the point of intention and on to concerted and effective remedial action.”: Carla M. McGrath, “Using Alternative Dispute Resolution to Respond to Indian Residential School Abuse,” April 28, 2000:3 , accessed April 11, 2016, http://cfcj-fcjc.org/sites/default/files/docs/hosted/17421-adr_residential_schools.pdf.

guardian. In failing to fulfill their legal duty, federal authorities at the very least are guilty of gross incompetence. In not intervening in reported instances of physical and mental abuse and in institutional living conditions that were causing deaths, the federal government in effect seems to have been conveying its approval to institutional staff. If such proves to be the case, it amounts to a federal Minister's cavalier disregard for the law for which the federal government must be held entirely accountable.⁵²

During the research stage of OURS' position, other legal-historical analyses of government responsibility in the Residential Schools system came to the fore. Published in 1999, historian John S. Milloy used previously unreleased archival government records to write *A National Crime: The Canadian Government and the Residential School System*, one of the earliest and most comprehensive studies of Residential Schools operations.⁵³ Rudnicki refers to the book in "Federal Rules of Engagement," saying Milloy's detailed examination demonstrates that, despite a legal obligation to ensure student care, "federal officials chose to turn a deaf ear to the many disturbing reports about conditions in their institutions."⁵⁴ In draft notes made from his analysis of the Saskatchewan Residential Schools records, Rudnicki finds that reports written by nurses, doctors, and federal agents indicate the "government knew about conditions, mortality rates, abuses, and other problems in institutions- did not act."⁵⁵ This inaction was brought to light in an April 26, 2000 article published in both the *Ottawa Citizen* and the *National Post*.⁵⁶ "Archival findings" revealed a nutritional study conducted in six

⁵² UMA, Rudnicki fonds, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," 6-7.

⁵³ John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879-1986* (Winnipeg: The University of Manitoba Press, 1999).

⁵⁴ UMA, Rudnicki fonds, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," 5.

⁵⁵ UMA, Rudnicki fonds, Walter Rudnicki, "Annex to study entitled 'Federal Rules of Engagement,' Draft, n.d., 5.

⁵⁶ Colin Grey, "Aboriginal Children Experimented upon without Parents' Consent: Documents," *National Post*, April 26, 2000: A5. *Canadian Newsstand*, Web, accessed April 12, 2016; Colin Grey, "Aboriginal Pupils used in Medical Experiments: Federal Health Study Lacked Parents' Consent," *The Ottawa Citizen*, April 26, 2000: A5. *Canadian Newsstand*, Web, accessed April 12, 2016.

Residential Schools by the Department of Health and Welfare between 1948 and 1952. Without parents' knowledge or consent, government researchers "experimented" with students' diet and interfered with dental services. "Federal Rules of Engagement" summarizes the article, saying that in order "to demonstrate the relation between poor nutrition and health," the medical researchers "introduced a number of measures. They denied preventative dental care and reduced the nutritional value of diets even further."⁵⁷ Fourteen years later, the same records formed the basis of historian Ian Mosby's internationally recognized article "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942–1952."⁵⁸ Mosby explores student health in Residential Schools, concluding that "Canada's leading nutrition experts... in cooperation with the Indian Health Services Branch of the Department of National Health and Welfare" exploited their "'discovery' of malnutrition in Aboriginal communities and residential schools to further their own professional and political interests rather than to address the root causes of these problems or, for that matter, the Canadian government's complicity in them."⁵⁹ In "Federal Rules of Engagement," Rudnicki reached a similar conclusion, writing that information gleaned from the unethical studies was placed above the government duty to safeguard students' health and safety, "[t]he results of experimentation on a captive population of Aboriginal children had useful applications in educating the white population about the benefits of good nutrition," while students in Residential Schools

⁵⁷ UMA, Rudnicki fonds, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," 8.

⁵⁸ Ian Mosby, "Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942–1952," *Histoire sociale/Social history*, vol. 46, no. 91 (Mai/May 2013): 145-172.

⁵⁹ *Ibid.*, 4, 171.

continued to be underfed and underfunded.⁶⁰ Also released in 2000 is the Law Commission of Canada's examination of the physical and sexual abuse of students in government-operated facilities.⁶¹ The report recognizes the "profound and long-lasting effects" of abuse, and singles out Residential Schools from other institutions including training schools, schools for the deaf and blind, and mental health care facilities because Indigenous students were subject to a "policy of assimilation sustained for several decades by the federal government" that left them isolated, devalued, and exploited.⁶² Inhumane treatment and lack of intervention are the foundation of "Federal Rules of Engagement," and while the studies cited above implicate the churches, OURS argued that assigning legal responsibility to religious organizations is misguided.

Rudnicki's archival research uncovered no examples of Residential Schools independently governing and financing their own operations. Instead, the records show a general adherence to the policies and procedures mandated by the Government of Canada. Residential School staff, the principals, supervisors, and teachers, whom Rudnicki labels "federal contract employees," were expected to fulfill the colonial project:

It's been shown that their primary mandate was assimilation which, in effect, made them extensions of the Department of Indian Affairs and brought them under federal law as agents. Their legal duty was to employ whatever measures they invented to purge Aboriginal children of their language, cultures, identity and ties to their parents and their communities.⁶³

⁶⁰ UMA, Rudnicki fonds, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," 8.

⁶¹ Law Commission of Canada, *Restoring Dignity: Responding to Child Abuse in Canadian Institutions, Executive Summary* (Ottawa: Minister of Public Works and Government Services, March 2000), accessed April 12, 2016, https://www.attorneygeneral.jus.gov.on.ca/inquiries/cornwall/en/hearings/exhibits/Peter_Jaffe/pdf/Restoring_Dignity.pdf.

⁶² *Ibid.*, 2.

⁶³ Paul Barnsley, "Who's really to blame?" *Windspeaker*, vol. 8, issue 12, 2001:9, accessed April 12, 2016, <http://www.ammsa.com/publications/windspeaker/whos-really-blame-0>.

The federal government, through its Indian agents and the Minister of Indian Affairs, was ultimately responsible for evaluating staff and ensuring student care. However, remote locations, arms-length administration, chronic underfunding, low salaries, and inexperienced staff engendered abusive environments. OURS maintained that the government failed to take necessary precautions to monitor employees, “[t]he churches could rightly argue that it was the government that fostered and sustained conditions over which they had no control. The fact that these institutions attracted pedophiles and sadists could also be attributed to a lax federal role ensuring proper screening procedures were followed and supervisory functions were performed.”⁶⁴ This loaded statement is not designed to absolve individual accountability. “Federal Rules of Engagement” recommends prosecuting individual perpetrators, however OURS’ legal argument does not name the Church “entity” as co-defendant. The organization disagreed with judgments finding churches “vicariously liable” for sexual assaults committed by religious staff. Canada established Residential Schools as part of its policy of forced assimilation and its legal responsibility for students was not delegable. Therefore, the physical and sexual abuse that occurred after removing Indigenous children from parental care was not the fault of the religious organization. One unnamed ruling referenced throughout Rudnicki’s draft notes assigns vicarious liability to the Catholic Church for the acts of Residential School staff, even though “the church had no knowledge of them.”⁶⁵ Rudnicki disagrees with the judgment, saying, “there’s a very good possibility that if the case had been argued on the basis of documentation I have assembled the

⁶⁴ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 9.

⁶⁵ UMA, Rudnicki fonds, Walter Rudnicki, “Annex to study entitled ‘Federal Rules of Engagement,’” Draft, n.d., 6.

outcome may have been very different- should be appealed because judges do not have real story.”⁶⁶ OURS maintained that naming churches as co-defendants risked complicating an already slow justice system, which could be used to the government’s advantage as delays would intimidate claimants and usher their pursuit of justice towards the ADR process.

OURS looked to build a united stance against the resolution program. “Federal Rules of Engagement” critiques the ADR’s unbalanced approach to participation, compensation, and healing, finding, “[a] review of available ADR documents reveals highly restrictive conditions that are clearly biased against survivors.”⁶⁷ Paramount to these “highly restrictive conditions” is access to government information. As in the PDG “Métis Land Claims” report discussed in Chapter Three, Rudnicki turns his attention to access to records. The ADR model requires former students to substantiate individual claims, a disadvantage that reinforces traditional colonial power relationships and re-victimizes survivors by questioning their credibility and requiring they “prove” their historical physical and/or sexual abuse. Rudnicki underscores the risk of re-victimization by raising the issue alongside reference to those who died in school care, “[t]he large number of children who were ‘civilized’ to premature deaths do not need proof. Their fate is on the record. Survivors, however, now face the burden of proving that they are casualties of enforced exposure to a barbaric federal assimilation policy.”⁶⁸ As “defendants,” survivors were expected to provide documentary evidence including

⁶⁶ Ibid., 6.

⁶⁷ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 19.

⁶⁸ Ibid., 21.

photographs, report cards, diplomas, newspaper clippings, statements to police, and medical records to validate their student experience and hold perpetrators accountable.⁶⁹

Much of the evidence considered pertinent to the ADR lay in government archives, a major barrier recognized by OURS, “the government’s track record in sharing information about its role and practices in the administration of its residential program has been dismal.”⁷⁰ The access to information regime that Rudnicki rallied against in the 1970s and 1980s remained firmly in place when writing “Federal Rules of Engagement.” Quoting federal Information Commissioner John Reid’s sober 2000 assessment of public access, Rudnicki anticipated a reluctance to release necessary government information, understanding that “for the most part, officials love secrecy because it is a tool of power and control.”⁷¹ These tools of power and control lie in paper form in government archives. The ADR required survivors to locate and submit documents traditionally used for and produced from processes designed to oppress. Being at the mercy of federally controlled terms of access reinforced the existing power imbalance between the Canadian government and Residential Schools survivors. This imbalance weighs more heavily on survivors when geographical and language barriers are also considered.

The situation is further complicated in OURS’ argument against the ADR’s ability to consider reasons behind the absence of records, gaps in record sets, and processes preventing record creation. In reference to the latter, Rudnicki notes that “[i]ndications that children were being sexually exploited were not even recorded and

⁶⁹ Neil Funk-Unrau, Anna Snyder, “Indian Residential School Survivors and State-Designed ADR: A Strategy for Co-Optation?” *Conflict Resolution Quarterly*, v. 24, no. 3 (Spring 2007): 293.

⁷⁰ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 24.

⁷¹ *Ibid.*, 25.

[were] attributed to their own ‘immoral backgrounds.’”⁷² Plainly stated, archival government records do not capture the extent of institutional abuse. The ADR claims settlement was not prepared to recognize layers of context inherent to Residential Schools records. It provided remedy only where victims could prove severe physical and sexual abuse, meaning the thousands of archival documents depicting instances of cultural abuse, “recorded as a necessary means to assimilation,” did not offer financial award.⁷³ OURS wanted the compensation framework to include cultural abuse, cultural genocide,⁷⁴ and, continuing Rudnicki’s work with Rosalee Tizya, the intergenerational trauma caused by survivors “importing abusive behavior into communities.”⁷⁵

Issues of access were not the only obstacles in place for claimants. Not only were they responsible for supplying their recorded student history, but they were also made to take great pains to complete detailed paperwork. This was addressed years later in a report released by the Canadian Bar Association, saying applicants had to fill out “a daunting 40-page application form and provide intimate details of every act of abuse that happened to them as a child.”⁷⁶ The ADR’s application, interview, and investigation process placed a great burden on survivors to supply and defend proof of their childhood trauma. Following the ADR’s investigation into individual claims, former Residential Schools students whose allegations were verified saw their “cases proceed by way of

⁷² Ibid., 5.

⁷³ Ibid.

⁷⁴ Rudnicki is on record addressing “cultural genocide” in the October 1968 York University Glendon Forum (and likely earlier). “Federal Rules of Engagement” pp. 16-18 discusses “cultural abuse or genocide,” citing the established terms of the 1951 Convention on the Prevention and Punishment of the Crime of Genocide. The paper argues that federal authorities “deny the fact that (Residential Schools’) enforced assimilation policy was genocidal in effect not only on children in residential institutions but also on the Aboriginal population as a whole.”: UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 18.

⁷⁵ Ibid., 17.

⁷⁶ Canadian Bar Association, *The Logical Next Step: Reconciliation Payments for All Indian Residential School Survivors*, 1-2.

private negotiations and settlement.”⁷⁷ This step required claimants and alleged perpetrators to sign a confidentiality agreement, giving OURS cause to conclude the “problem with ADR as it is now designed is that it is not intended to administer justice,” but rather sees “the federal government manage a process that will keep any settlements cheap and from public view.”⁷⁸ The ADR would not only fail to offer equitable compensation, but would silence survivors. Individual experiences would be concealed and forgotten, while the associated pain would continue to harm claimants, their families, and their communities. OURS evocatively describes this effect in “Tolley’s Paper,” the companion piece to “Federal Rules of Engagement”:

...a federal version of mediation seems designed to operate somewhat like an assembly line in a fish cannery. Survivors in groups of 50-60 are supposed to be “processed” and reduced to a digestible consistency at the lowest possible cost. They are then to be delivered to their communities for final processing by whatever “healing” means is available. Any further avenues for going back to the courts is closed. In the end, survivors will find themselves canned and labelled “case closed” whether they are healed or not. In addition, the lid will have been firmly nailed down on the whole sad history and consequences of Canada’s crime will be hidden forever from public view.⁷⁹

OURS warned the ADR was designed to censor survivors and prevent national discussions of how and why the Residential Schools system operated for over a century.

If the ADR succeeded, OURS thought that other components of redress would be threatened, including the presentation of apologies. Throughout the short history of Residential Schools redress, public apologies and recognition have been critical to concepts of reconciliation. A transcript in Rudnicki’s collection from a 1993 workshop

⁷⁷ Jennifer Llewellyn, “Dealing with the Legacy of Residential Schools Abuse, in Canada: Litigation, ADR, and Restorative Justice,” *University of Toronto Law Journal* 53, issue 3 (2002): 267.

⁷⁸ UMA, Rudnicki fonds, Walter Rudnicki, “Federal Rules of Engagement: the Government’s war against survivors and churches,” 16.

⁷⁹ This paper was authored by Walter Rudnicki: UMA, Rudnicki fonds, MSS 331 (A10-38), Box 277, Folder 10, Walter Rudnicki and Alvin Tolley, “Federal Rules of Engagement: Canada’s war against survivors and churches Part II (aka. Tolley’s Paper),” 11.

hosted by RCAP Commissioners George Erasmus and Mary Sillett records the latter stating “[f]irst thing we want are apologies, recognition that it really happened, from the people that abused them. Individual and collective apologies.”⁸⁰ However, little would compel the Government of Canada to present an official public apology if individual injustices were considered settled and remedied under the ADR. Therefore creating opportunities for Residential Schools survivors to share their personal histories and communicate their diverse interests was critical for healing. According to OURS, appropriate action would prioritize survivor needs while engaging Canadian society in conversations about truth-telling, redress, and reconciliation. Ours was not the only proponent of this view. The Law Commission of Canada also discussed redress for victims of institutional abuse. Its 2000 report recommends the establishment of a safe and respectful space that would welcome survivor communities, document their stories, and gather records and materials relevant to Residential Schools operations.⁸¹ If the ADR were to proceed, none of this would be possible. The program’s confidentiality agreements would impede efforts to build a comprehensive and permanent record of the history and legacy of Canada’s Residential Schools.

“Federal Rules of Engagement” ends with a section titled “Evaluating Alternatives.” Here, OURS weighed options for justice and compensation, including litigation, mediation, and resolution by tribunal. While OURS stood against the ADR program, the organization was not quick to recommend litigation as an alternative. The imbalance in power between the federal government and Residential Schools claimants

⁸⁰ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 275, Folder 7, “Workshop on Historic Meeting of Churches,” n.d.: 1. This workshop was part of the “Special Consultation with the Historic Mission Churches” held in November 1993 during the research stages of the RCAP report.

⁸¹ Law Commission of Canada, *Restoring Dignity: Responding to Child Abuse in Canadian Institutions, Executive Summary*.

was too great, with Ottawa's defence lawyers and legal experts better equipped to navigate a costly court system in which criminal and civil trials might be delayed, diverted, or thrown out. As for mediation, OURS had little faith in the ability of third party mediators to resolve conflicts between survivors, churches, and government. The organization called into question the "art of mediation," saying it is "undeveloped," with mediators lacking the "background to appreciate the legal and administrative context which defined federal responsibility for residential institutions."⁸² OURS finds a "resolution by tribunal," paired with cross-country sub-panels, offers the most "promising" option for redress. Key to its endorsement is a tribunal's ability to consider a "wider range" of information. In press comments, OURS explained that a tribunal "would not be bound by the same rules of evidence and protocols as a court and could consider Canadian as well as aboriginal and international law."⁸³ An essential feature of a tribunal committed to resolution and healing would welcome, acknowledge, and implement diverse visions of justice and healing. Central to this approach are non-adversarial processes that neutralize longstanding relationships between government, churches, and survivors.

As it stood in 2000, the government controlled the process, casting aside the interests and concerns expressed in the Exploratory Dialogues. OURS argued "a federal design for 'dispute resolution' treats abuses as matters to be 'disputed' rather than resolved and compensated. The implication seems to be that survivors are to be cast in the role of defendants while the guilty party assumes the role of judge and jury. There is

⁸² UMA, Rudnicki fonds, Walter Rudnicki, "Federal Rules of Engagement: the Government's war against survivors and churches," 30.

⁸³ Kathy Blair, "Fledgling survivors' group to lobby for tribunal," *Anglican Journal*, October 1, 2000, accessed April 12, 2016, <http://www.anglicanjournal.com/articles/fledgling-survivors-group-to-lobby-for-tribunal-1013#sthash.da651B3B.dpuf>.

little possibility of fairness or justice in such an exercise.”⁸⁴ In “Federal Rules of Engagement,” archival records expose the devastating legacy of a government-controlled assimilation policy. To extend government control into justice solutions is harmful to survivors and their families. OURS distributed its report to empower informed decision-making and to galvanize action against the state-sponsored ADR.

In May 2000, the report was circulated among survivors, AFN members, Indian Affairs Minister Bob Nault, church representatives, media outlets, and other potential allies with the goal of securing widespread public and financial support. OURS hoped to raise \$50,000 by 2001 to help fund daily operations and hold a national conference where its Board of Directors would be elected and the OURS mandate given. The draft conference program reveals ambitious plans for speakers and panels. One session entitled “Federal Party Positions - Liability and Compensation” looked to welcome Deputy Prime Minister Herb Gray and MPs Philip Mayfield, Pat Martin, Rick Burotsik, and Douglas Roche to present their positions on Residential Schools redress. Other sessions invited Indigenous healers Rosalie Tizya and Kathie Absolom, academic and activist Roland Chrisjohn, church leaders, mediators, lawyers, consultants, and a special panel reporting on South Africa’s Truth and Reconciliation Commission.⁸⁵ Toward the end of the conference, survivors would complete surveys measuring their opinions of current healing processes, the results of which would “serve as an initial survey of federal and other kinds of healing initiatives.”⁸⁶ Rudnicki wanted to ensure the concerns and suggestions of survivors were recorded and available for use in future discussions and

⁸⁴ UMA, Rudnicki fonds, Walter Rudnicki and Alvin Tolley, “Federal Rules of Engagement: Canada’s war against survivors and churches Part II (aka. Tolley’s Paper),” 10.

⁸⁵ UMA, Rudnicki fonds, Walter Rudnicki, OURS “Conference proposal,” 3.

⁸⁶ *Ibid.*, 5.

negotiations between the AFN, the Canadian government, and OURS. To close the conference, OURS imagined a presentation delivered by AFN National Chief Phil Fontaine on truth and reconciliation in Canada. Rudnicki and Tolley hoped for a close working relationship with the AFN and designed “Federal Rules of Engagement” to influence the organization’s official position.

In a May 2000 letter to Chief Fontaine, Tolley solicited his public support, cautioning “survivors will end up the main losers if they (AFN) fail to produce a strong advocacy for their collective cause.”⁸⁷ Almost two months passed without reply. On July 12, the AFN elected a new National Chief, Matthew Coon Come, and OURS sent another letter, which was again met with silence. A follow-up phone call in August proved “uncooperative,” leaving Tolley “profoundly disappointed,” prompting him and Rudnicki to question the likelihood of support.⁸⁸ That same month, the two met with representatives of the United Church of Canada and the Anglican Church of Canada to discuss their support for OURS. The *Anglican Journal* notes the organization’s potential as a “powerful new ally,” and commends OURS’ push for a national tribunal.⁸⁹ However, Ellie Johnson, Director of Partnerships for the Anglican Church, expressed reservations about official endorsement because it might “hinder (OURS) from attracting members.”⁹⁰ Johnson recommends Tolley and Rudnicki focus on building membership in order to assess how closely survivors wish to organize alongside churches. Though her position surprised Rudnicki, Johnson’s concern is valid. Later that year, Tolley informed Rudnicki that OURS was dismissed during the AFN’s Confederacy of Nations

⁸⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 3, Walter Rudnicki and Alvin Tolley to Phil Fontaine, National Chief, Assembly of First Nations, May, 2000: 1.

⁸⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 3, Walter Rudnicki and Alvin Tolley to Matthew Coon Come, National Chief, Assembly of First Nations, August 11, 2000: 2.

⁸⁹ Kathy Blair, “Fledgling survivors’ group to lobby for tribunal.”

⁹⁰ *Ibid.*

meeting, where Chief Coon Come allegedly censured “Federal Rules of Engagement” for being “solicited by the churches.”⁹¹ Rudnicki brushed it off, assuming the AFN felt “threatened by an emerging OURS organization which neither he (Coon Come) nor the feds can influence or control.”⁹² However, objections to OURS’ agenda extended beyond the AFN. Though “Federal Rules of Engagement” claims to have Residential Schools survivors’ “broad support,” letters in Rudnicki’s collection reveal strong opposition towards assigning full legal responsibility to the Government of Canada. Finding fault only for churches’ “tacit and sometimes overt endorsement of the government’s assimilation doctrine” was unacceptable, no matter the archival interpretation.⁹³ Donald H. Sands, survivor and member of the Children of Shingwauk Alumni Association, wrote to Tolley that while he agreed with OURS on many points, “[t]he one thing I do disagree with you is on the Church’s [sic] not being included. It WAS not the government people who beat me and abused me and made me forget my language, and it was the same for the rest of us boys and girls. It was the so-called Christian Church Missionaries who worked the schools.”⁹⁴ Sands closes his letter stating, “I repeat you have to include the Church’s [sic] along with the Canadian Government, it’s useless to do otherwise.”⁹⁵ By the fall of 2002, nearly a year and a half after OURS was formed, its membership was still limited, the AFN was out of the picture, the churches were silent, and survivors

⁹¹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 9, Walter Rudnicki notes, January 10, 2001: 1. Tolley attended the meeting, Rudnicki notes, January 10, 2001.

⁹² Ibid.

⁹³ UMA, Rudnicki fonds, UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 276, Folder 8, Walter Rudnicki and Alvin Tolley, “A Diseased Brand of Justice: Residential School Update,” 9.

⁹⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 277, Folder 3, Donald H. Sands to Alvin Tolley, January 15, 2001: 1, (emphasis in original).

⁹⁵ Ibid.

expressed legitimate concerns.⁹⁶ Tolley and Rudnicki were forced to revisit OURS' official position on where the churches enter the picture.⁹⁷

On October 15, 2002, Tolley presented an updated paper entitled "A Diseased Brand of Justice: Residential School Update" to the General Assembly of Algonquin Anishinabeg Tribal Council. The paper examines details behind recently proposed legislative reforms to the Indian Act, referred to by Tolley as "Ottawa's latest crime in progress," and unveiled OURS' renewed position on church responsibility.⁹⁸ Rudnicki and Tolley agreed to include participant churches alongside government by assigning liability to school "principals and individual staff who practised abuse," as well as "any bishops or other church officials who knew about the abuse and did nothing."⁹⁹ OURS' main focus became exposing the harm caused by the Residential Schools system, taking care to mention church and government together. As Rudnicki and Tolley wrote, "[t]ill just a few years ago, the role of government and the churches in operating residential institutions was kept hidden in filing cabinets. And even now, they are working hard to keep this history hidden from public view."¹⁰⁰ In the month leading up to the release of "A Diseased Brand of Justice," Rudnicki wrote to the national offices of the Anglican Church, United Church, and Catholic Church expressing disappointment for their lack of

⁹⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 276, Folder 8, Rick Motina, "Ottawa has plan to settle abuse claims," *Calgary Herald*, October 13, 2002.

⁹⁷ UMA, Rudnicki fonds, Walter Rudnicki and Alvin Tolley, "A Diseased Brand of Justice: Residential School Update."

⁹⁸ The "First Nations Governance Act," was proposed by Minister of Indian Affairs Bob Nault in 2002. It met with opposition from First Nations groups who said the government had failed to consult them. Tolley said the process "continued the long and sad experience with Ottawa's make-believe consultation methods." Paul Martin discarded the legislation when he became PM in 2003: UMA, Rudnicki fonds, Walter Rudnicki and Alvin Tolley, "A Diseased Brand of Justice: Residential School Update," 14.

⁹⁹ UMA, Rudnicki fonds, Walter Rudnicki and Alvin Tolley, "A Diseased Brand of Justice: Residential School Update," 8.

¹⁰⁰ *Ibid.*, 8.

“interest or encouragement.”¹⁰¹ Rudnicki and Tolley suspected the government not only warned the churches away from OURS because OURS would reveal the horrors that occurred under both authorities, but also because its agenda threatened private bilateral dealings and capped ADR settlements.¹⁰² Tolley spoke at the Algonquin Anishinabeg Tribal Council assembly in a last push to increase membership; however despite both his and Rudnicki’s best efforts, OURS proved short-lived. This is partly due to its initial assignment of full legal liability to the Government of Canada, and partly because the churches, whose expected financial contributions were to fund a substantial portion of operating costs, failed to offer their support.

For two years, OURS endeavoured to steer discussion of Residential School redress, but its platform proved too contentious to inspire a national movement. However, its work needs to be recognized: survivors, families, and allies were encouraged to come together as a united voice to address a difficult legacy. This underlying position is expressed in OURS’ draft media notes, explaining the use of “reborn” in the name “Organization of United Reborn Survivors”:

The term was chosen for a good reason. As individuals we are powerless, frustrated, and unable to cope with the government’s machinations. As things are now developing, we are likely to be victimized again. By joining together and working together, we are empowered with one voice that no longer can be ignored. This is a big first step towards healing. In this sense, as activists standing together for justice, redress, and a genuine apology from the federal government, we are “reborn.”¹⁰³

¹⁰¹ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 280, Folder 9, Walter Rudnicki to (various recipients), September 19, 2002: Copies of this letter were sent from Walter Rudnicki to: Esther Wesley, Indigenous Healing Fund Coordinator, Anglican Church of Canada; Choice Okoro, Human Rights and Reconciliation Initiatives, United Church of Canada; Gerry Kelly, Canadian Catholic Conference of Bishops.

¹⁰² UMA, Rudnicki fonds, Walter Rudnicki and Alvin Tolley, “A Diseased Brand of Justice: Residential School Update,” 18-19.

¹⁰³ UMA, Rudnicki fonds, Mss 331 (A.10-38), Box 268, Folder 10, Walter Rudnicki, Draft Notes, n.d.

OURS hoped to provide a “way for survivors to empower themselves in their quest for justice.”¹⁰⁴

Under a newly created federal agency -- Indian Residential Schools Resolution Canada -- the National Resolution Framework launched the ADR in 2003. While its goal was to “handle and resolve unprecedented numbers” of claims, the program quickly proved ineffective.¹⁰⁵ By mid-2005, 147 claims out of approximately 2000 applications were resolved.¹⁰⁶ The ADR failed to offer a desirable alternative to litigation, and by the close of that year, court proceedings were in full swing with 12,455 tort claims filed and a number of class action suits developing.¹⁰⁷ Residential Schools survivors were winning in court, with some cases finding both Canada and the Churches vicariously liable for sexual assaults committed by Residential School staff.¹⁰⁸ In November 2004, the AFN released a public report outlining the ADR’s failure to effectively address survivor needs.¹⁰⁹ While acknowledging the benefits of an out-of-court settlement model, the AFN argued that a “First Nations perspective” is “largely missing” from the ADR framework and its compensation grid places unequal weight on former students’

¹⁰⁴ UMA, Rudnicki fonds, Walter Rudnicki to Roger Obonsawin, 2.

¹⁰⁵ Reuters, “Canada looks to fast-track native abuse claims,” *Network 54*, December 20, 2002, accessed April 12, 2016, <http://www.network54.com/Search/view/84302/1040628283/Canada+Admits+to+its+Native+abuse?term=%22100T%22&page=99448>. Quote from Ralph Goodale, Minister responsible for Indian Residential School Resolution Canada.

¹⁰⁶ Margaret Anne Lindsay, “Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada,” 95.

¹⁰⁷ *Ibid.*

¹⁰⁸ Precedent setting cases: *Mowatt v. Clarke and Canada and the Anglican Church of Canada*, [2000] BCSC 96 found the Government of Canada 60 percent liable and the Anglican Church of Canada 40 percent liable. *Blackwater v. Plint*, [2005] 3 SCR 3 found the Government of Canada 75 percent liable and the United Church of Canada 25 percent liable.

¹⁰⁹ Assembly of First Nations, *Report on Canada’s Dispute Resolution Plan to Compensate for Abuses in Indian Residential Schools*, (Ottawa: Assembly of First Nations, November 2004), accessed April 12, 2016, http://epub.sub.uni-hamburg.de/epub/volltexte/2009/2889/pdf/Indian_Residential_Schools_Report.pdf.

claims.¹¹⁰ The ADR's settlement process was based on narrow principles of tort law rather than a process that is culturally appropriate, holistic, and restorative. The AFN found it "has not been well received in First Nation communities across the country or by a large number of residential school survivors."¹¹¹ In the months and years following the ADR's implementation, survivors, allies, organizations, and researchers added their voices to its critique. In her book *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada*, Paulette Regan, former Director of Research for the Truth and Reconciliation Commission of Canada echoes OURS' indictment: "Rather than promoting healing and reconciliation, the ADR actually replicated colonial power relations, in which the more powerful party ultimately controlled the framework, scope, design, and substance of the claims settlement process."¹¹² The arguments made in "Federal Rules of Engagement" capture the reasons for the program's end. And while neither OURS nor any other survivor organization resolved the Residential Schools issue, the federal government's plan to treat survivors individually, according to its terms, was ultimately unsuccessful. The ADR program was discontinued in 2007.

The ADR's failure brought about the definitive response to the Residential Schools legacy. Following the largest class action settlement in Canada's history, the 2007 Indian Residential School Settlement Agreement (IRSSA) was signed by survivors, Indigenous organizations, the Government of Canada, and the churches, providing former students with a "common experience payment" and additional compensation through the

¹¹⁰ Ibid., 16.

¹¹¹ Ibid.

¹¹² Paulette Regan, *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada* (Vancouver: UBC Press, 2011): 134.

“independent assessment process.” Additionally, IRSSA allocated funding for various health supports and commemoration plans and established the Truth and Reconciliation Commission of Canada (TRC).

The role archives and archival records have in reconciliation efforts around the world are well studied. They are instrumental to processes of truth-telling and truth-sharing and provide support for healing and justice initiatives. Rudnicki’s archival collection offers a unique contribution to the subject by documenting the history of Residential Schools, the events leading up to IRSSA, and its immediate response. It contains records on early compliance with the IRSSA, notably the content of the Prime Minister’s official apology. On June 11, 2008, Stephen Harper delivered a “Statement of Apology,” in which he acknowledges survivors’ experience and the legacy’s “lasting and damaging impact on Aboriginal culture, heritage and language.”¹¹³ While regret is expressed for the “profound consequences” of a forced assimilation policy, the prime minister failed to address the wider contexts that facilitated the Residential Schools system, nor how these contexts continue to frustrate recognition of contemporary Indigenous legal, political, and social rights. Associate professor of anthropology Eva Mackey considers the apology “a one-way communication that was not part of a dialogic exchange requiring response.”¹¹⁴ Words alone cannot overcome both a history of colonization and a demonstrated need for change. Therefore an apology must be offered and used as an opening. The “Statement of Apology” is lacking what archival studies

¹¹³ Canada, “Statement of apology to former students of Indian Residential Schools” (Ottawa: June 11, 2008), accessed March 24, 2016, <https://www.aadnc-aandc.gc.ca/eng/1100100015644/1100100015649>.

¹¹⁴ Eva Mackey, “The Apologizers’ Apology” in Pauline Wakeham and Jennifer Henderson, eds., *Reconciling Canada: Critical Perspectives on the Culture of Redress* (Toronto: University of Toronto Press, 2013): 55.

professor Michelle Caswell calls the “renunciation element of colonial authority.”¹¹⁵ The prime minister’s apology was compelled by the courts, and unlike South Africa’s truth and reconciliation process, there is no substantive change to Canada’s authority.

Rudnicki was among the many who challenged the apology’s underlying meaning. He expressed his concerns in a set of talking points sent to Paul Barnsley, executive producer at Aboriginal Peoples Television Network:

An apology offered out of context that does not provide for a change in policy direction is meaningless. This government, much as all previous ones, remains deaf to fundamental issues related to land, a share of resource wealth, governance rights, the fulfillment of treaty promises, and full reparations for the damages inflicted on our First Nation societies which includes the deliberate breakup of families and communities.¹¹⁶

Rudnicki’s vision of reconciliation has the Government of Canada recognizing Aboriginal land rights, treaty rights, and self-determination. Without this recognition, the colonial legacy endures. Having documented comparable language and sentiment used throughout DIAND’s 1998 “Statement of Reconciliation” Rudnicki had little faith in Ottawa’s willingness to shift modern governance away from its established roots. How can reconciliatory relationships emerge from deeply entrenched policies and perceptions? Rudnicki’s position touches on the TRC’s definition of reconciliation, a process that includes both apologies and “following through with concrete actions that demonstrate real societal change.”¹¹⁷ A commitment to “real societal change” is consistently absent from government apologies, demonstrating in Rudnicki’s view, the continuity of the White Paper policy. Implicit in the apology of 2008 is an offer to continue the same

¹¹⁵ Michelle Caswell, “Rethinking inalienability: trusting nongovernmental archives in transitional societies,” *The American Archivist*, vol. 76, no. 1, (Spring/Summer 2013):113-134.

¹¹⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 19, Walter Rudnicki to Paul Barnsley, Aboriginal Peoples Television Network Executive Producer, June 9 2008.

¹¹⁷ Truth and Reconciliation Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, 16.

colonial relationship. The colonial structures that shaped centuries of Indigenous and non-Indigenous relationships are not a thing of the past. Their ongoing implications make what make archival links relevant to supporting continued calls for government accountability and justice for Indigenous peoples and nations.

A major component of IRSSA is the Truth and Reconciliation Commission of Canada. At its heart are the stories and testimonies of Residential Schools survivors as well as a huge array of archival and contemporary records. One of the TRC's mandated goals is to "[i]dentify sources and create as complete an historical record as possible of the IRS system and legacy. The record shall be preserved and made accessible to the public for future study and use."¹¹⁸ Creating a "legacy" involved collecting private and public survivor statements, sacred objects, records from TRC public events, artistic submissions, and copies of government and church documents. Canada's commitment to reconciliation was tested through its collaborative effort to gather and contribute information. Specifically, the federal government's commitment to honour its apology is measured by its compliance with the provision to make relevant records in its custody available. The TRC placed a unique demand on government and church archives, described by archivist Anne Lindsay as both "sources of hegemonic power and as resources to challenge that power."¹¹⁹ The TRC's work ushered in Canada's largest reimagining of state archives by turning them into spaces where Indigenous rights are not suppressed or disputed, but advanced and supported.

¹¹⁸ Indian Residential Schools Settlement, "Schedule N: Mandate for the Truth and Reconciliation Commission," *Indian Residential Schools Settlement Agreement*, May 8, 2006: 1, accessed April 12, 2016, http://www.trc.ca/websites/trcinstitution/File/pdfs/SCHEDULE_N_EN.pdf.

¹¹⁹ Margaret Anne Lindsay, "Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada," 100.

The Government of Canada proved a reluctant partner in this critical step, and halfway through its mandate, the TRC took legal action to gain access to records in LAC and those still in government departments' hands. In a factum submitted to the Ontario Superior Court of Justice, the commission writes, “[i]f the parties, through incompetence, delays or deliberate stonewalling (or a combination thereof) sabotage the work of the commission, then Canadians are certain to forget (and never fully learn) what has happened.”¹²⁰ The “increasingly acrimonious” efforts to obtain relevant files from government archives prompted commission chair Justice Murray Sinclair to call for a “significant shift in attitude on the part of Canada and those parties who have been reluctant to co-operate.”¹²¹ On January 30, 2013, Justice Stephen Goudge made clear that the government had a responsibility to produce all relevant records to the TRC.¹²² The commission extended its mandate in order to process the arrival of millions of documents, including administrative files, school admissions, and student records. The need for legal intervention exposed the federal government’s unwillingness to reimagine relationships with Indigenous peoples, marking an early blow to the work of the TRC and visions of national reconciliation.

The obstructions the TRC faced in the construction of its archive are not to be replicated in its management. The “guiding principle” of the TRC archives is trust. Standards for building and maintaining a trusted repository are identified in Michelle Caswell’s study of the Documentation Centre of Cambodia (DC-Cam), a non-

¹²⁰ Christopher Curtis, “Federal government prepared to release millions of records on residential schools,” *Postmedia News*, December 3, 2012, accessed August 17, 2015, <http://media.knet.ca/node/22187>.

¹²¹ Tamara Baluja, “Ottawa, churches withholding documents, residential-school commission says,” *The Globe and Mail*, February 24, 2012, accessed March 26, 2016, <http://www.theglobeandmail.com/news/politics/ottawa-churches-withholding-documents-residential-school-commission-says/article549066/>.

¹²² Julian Falconer, “TRC Welcomes Court’s Clarification of its Mandate,” *NationTalk*, January 30, 2013, accessed March 26, 2016, <http://nationtalk.ca/story/trc-welcomes-courts-clarification-of-its-mandate>.

governmental, survivor-led Cambodian archives.¹²³ Integral to stewarding trust in post-regime/post-colonial archives is respect for survivors, transparency, access, accountability, participation, and relationship building. The TRC's collection contains millions of copies of state documents, yet foregrounds survivor experience through a new "archival conception of provenance" explained by Caswell, "[i]n this new reconceptualization, provenance is an ever-changing, infinitely evolving process of recontextualization, encompassing not only the initial creators of the records, but the subjects of the records themselves; the archivists who acquired, described, and digitized them (among other interventions); and the users who constantly reinterpret them."¹²⁴ Both the TRC and its archive are designed as a safe and trusted space where diverse voices actively share and discuss the experience and legacy of Residential Schools. Since completing its mandate in 2015, the millions of records gathered from regional events, national events, day-to-day operations, and government and church holdings have been transferred to the National Centre for Truth and Reconciliation (NCTR) located at the University of Manitoba. Officially launched in November 2015, the NCTR continues in the spirit of the commission, identifying dynamic ways to "preserve the memory of Canada's Residential School system and legacy. Not just for a few years, but forever."¹²⁵ The NCTR seeks to enhance our understanding of the history of Residential Schools and the stories of generations of survivors, as well as welcome and accommodate additional Indigenous collections, serving as "Canada's Indigenous Archive."¹²⁶

¹²³ Michelle Caswell, "Rethinking inalienability: trusting nongovernmental archives in transitional societies."

¹²⁴ *Ibid.*, 129.

¹²⁵ National Centre for Truth and Reconciliation, "Our Mandate," online: National Centre for Truth and Reconciliation Website, accessed March 25 2016, <http://umanitoba.ca/centres/nctr/mandate.html>.

¹²⁶ *Ibid.*, "About."

At first glance, connections between Rudnicki's "Residential Schools" series and the enormous scale of the TRC/NCTR holdings may not be apparent. However the series echoes the TRC archives' overall aim, as identified by Anne Lindsay: "to support social justice, to bear witness to human rights, and to actively participate in its own creation."¹²⁷ Lindsay argues the TRC/NCTR archives' power and potential lies in its ability to welcome multiple creators, each with the capacity to provide multiple contexts to the records and materials gathered over the course of its work. The TRC was tasked with not only documenting, but also foregrounding the human experience of the Residential Schools system. Similarly, Rudnicki looked to his relationships with Rosalee Tizya, Alvin Tolley, and the survivor community at large to mobilize an organization capable of directing effective and culturally appropriate responses to questions redress and reconciliation. In doing so, a large variety of records was acquired, used, created, copied, and preserved in the development and advancement of the OURS agenda. In the late 1990s, OURS endeavoured to achieve goals similarly attached to the mission of the TRC and the NCTR: social justice, human rights, participation, and memory. From this effort, Rudnicki assembled a working archival collection that captures important aspects of the history of Residential Schools and the history of Residential Schools redress by highlighting the experience and expectations of survivors, activists, Indigenous organizations and leadership, and the church and government reaction and response.

On March 7, 2010, three months before the TRC's first scheduled National Event, Walter Rudnicki passed away in Ottawa at the age of 84. It is impossible to know how his archival collection would reflect the TRC's six-year mandate, however his approach

¹²⁷ Margaret Anne Lindsay, "Archives, Willard Ireland, *Regina v. White and Bob* and *Calder v. The Attorney General of British Columbia*, 1963-1973, and the Expansion of Aboriginal Rights in Canada," 100.

to recordkeeping and accountability suggests close attention would be paid to survivor participation and the government's compliance with the commission's instructions, particularly concerning access to and provision of records. The motivations behind the "Residential Schools" series described in this chapter match the motivations behind the entire Walter Rudnicki fonds. Having identified living relationships between history and the present, Rudnicki understood the significance of archives for current and future knowledge. Rudnicki created and gathered records out of lasting concern for transparency, accountability, access, use, advocacy, and remembrance.

Conclusion

One of the most noteworthy qualities of the Walter Rudnicki fonds is that it is assembled out of private efforts rather than institutional ones. Without formal archival education or training, Rudnicki respects the key principles that govern archival practice in the functions of acquisition, arrangement, description, and access. The enormous collection arrived at the University of Manitoba Archives & Special Collections with an unusual degree of order and structure, including dozens of handwritten file lists and hundreds of newspaper clippings clearly dated and titled for ease of reference. In an effort to impose arrangement, Rudnicki drafted a finding aid to order thousands of documents under the following series: Pre-Confederation; Indian Act Tyranny; Indian Act Dismantling (1961-1968); White Paper Policy (1969-1972); Canada's Constitution Evolution (1979-1990); Assimilation by Legislation (2000); Alternative to Assimilation; Canada Justice System; Players and Spoilers; Métis Rights; Inuit; and Rudnicki Papers.¹ While some might consider "packrat" the appropriate term for the hundreds of bankers boxes that originally housed his working collection, the fonds cannot be reduced to a vast accumulation of records. Rather, Rudnicki recognized the lasting potential of everyday documents, and approached recordkeeping through an archival lens by acquiring and contextualizing a wide variety of Indigenous and non-Indigenous documentary material. He was an expert user of primary sources, possessing high "artifactual literacy," a term recognized by archivist Elizabeth Yakel to describe those with the ability to "interpret records and assess their value as evidence."² Keenly aware of processes of record

¹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 317, Folder 4, Walter Rudnicki, Draft Finding Aid, n.d.

² Elizabeth, Yakel, "AI: Archival Intelligence and User Expertise," *The American Archivist*, vol. 66, no. 1, (Spring/Summer 2003): 52.

creation, Rudnicki was able to interpret reasons for their fragmentation and absence, including why some records are never created, while others are lost or destroyed.

How then does Rudnicki's role of recordkeeper contribute to current discussions of archives and archivists? How does archival literature acknowledge individuals outside of the professional archival community who make valuable contributions to the development and use of archives? In recent years, archivists, archival educators, and archival institutions have begun to publicly acknowledge those who build collections in pursuit of their private or professional endeavours.³ On her blog "ArchivesNext," archivist Kate Theimer welcomed debate on this subject with a series of posts examining the term "citizen archivist."⁴ From these discussions, Theimer offers archivist Rick Prelinger's working definition of "'citizen archivist': people working outside established institutions who are doing archival-quality work (not simply collecting), typically in an area that is neglected or inadequately addressed by established collections. Citizen archivists collect and add value to records of significance, many of which ultimately find their ways into institutions."⁵ This definition perfectly captures Rudnicki's example. Early in his collecting, Rudnicki reached out to persons, groups, and organizations not yet considered fully realized archival subjects. He gathered and deployed records in a time when the majority of Canadians had little real knowledge of Inuit, Métis, and First

³ Another Canadian example of an "activist archivist" is Arlee McGee, an award-winning nurse consultant and educator who established a community archives in New Brunswick dedicated to providing access to contemporary and historical representations of the nursing profession: Barbara Sibald, "New Brunswick's Activist Archivist," *Canadian Nursing* 94(5) 1998: 59-60.

⁴ Kate Theimer, "Why we need to find a term to replace 'citizen archivist,'" *ArchivesNext*, April 9, 2010, accessed January 31, 2016, <http://www.archivesnext.com/?p=1214>; "A seeming consensus about a definition for 'citizen archivist' and the continued need for a different term (also, a brief discussion of one of the next big challenges facing archives)," *ArchivesNext*, April 12, 2010, accessed January 31, 2016, <http://www.archivesnext.com/?p=1227>; "Celebrating real 'citizen archivists,'" *ArchivesNext*, May 20, 2010, accessed January 31, 2016, <http://www.archivesnext.com/?p=1365>.

⁵ Kate Theimer, "Celebrating real 'citizen archivists.'"

Nations peoples, nor the complex issues affecting their individual communities and nations. Through a variety of methods Rudnicki obtained government documents, many of them languishing quietly in department storage, and placed them with those produced outside of bureaucratic processes to present the array of voices involved in social justice dialogues. As a result, the collection not only shows Ottawa's point of view, but the views of those affected by and working against decades of misguided government policy.

In the spirit of "citizen archiving," gender and women studies professor emerita Margaret Strobel champions archival awareness among grassroots activists.⁶ Strobel's teachings are personal, as early in her activism she failed to document the significant strides made in the beginnings of second-wave feminism. Her oversights are mitigated by the fact that many of her peers took efforts to safeguard the oral and written information produced from the movement. Strobel now counsels activists to preserve records "that tell their side of the story," saying "[i]n our organizations and activities, we are making history. We need to save both official records and our more private, personal documents."⁷ She self-identifies as an "historical actor" within the feminist movement, whose records are worthy of archival treatment. Rudnicki too occupies a notable position within the history of the Indigenous rights movement in Canada, from his early days in the Department of Indian Affairs to his supportive position as a consultant and advocate. Rarihokwats, elder of the Mohawk Nation at Akwesasne and part-time professor in the Institute of Canadian and Aboriginal Studies at the University of Ottawa, affirms Rudnicki's role as an historical actor, noting "[t]he events of the mid-1960s through to the present day have their roots in Rudnicki's revolutionary community development

⁶ Margaret Strobel, "Becoming a historian, being an activist, and thinking archivally: documents and memory as sources," *Journal of Women's History* 11, no. 1 (Spring 1999): 181-92.

⁷ *Ibid.*, 182, 190.

program which unleashes energies and ideas which had been forced underground since Confederation.”⁸ As these energies and ideas spread across the country, manifesting in countless ways throughout various departments, groups, and communities, Rudnicki did his best to document the movement and build the archives envisioned by Strobel.

In Rudnicki’s hands history was preserved at the time it was made, and his archive is the physical extension of his advocacy. There is a personal element to Rudnicki’s collection, the backbone of which are his journals, notes, papers, speeches, and correspondence that provide valuable insight into the evolution of his arguments and his signature turns of phrase. His career history is very well documented (including unfavourable depictions) and his voice stands among other voices seeking to challenge or defend the dominant political, legal, and social narratives in Canada. Studying the complex relationships Rudnicki had with those who figure prominently throughout his fonds offers a sense of how he was able to develop this extensive collection. A simple glance at its over-300 page finding aid makes it clear that relationships form its core. It would have been impossible to obtain such a variety of records without outside contributions, as many documents were neither written by nor addressed to Rudnicki. From Residential Schools survivors to government officials, at the heart of these socio-political relationships is trust: trust that Rudnicki would not only protect and preserve the record, but that he would use its contents justly. Rudnicki was sought as a resource by Indigenous communities and organizations throughout his career. As a result, he made countless short-term and life-long connections with people. The Rudnicki fonds was

⁸ Walter Rudnicki, “Reveille for First Nations: A First Nations Wake-Up Call by Walter Rudnicki, Its Historical Context and Current Relevance,” January 15, 1987, A Four Arrows Summary, May 20, 2010: 1, accessed April 12, 2016, <http://www.chebucto.ns.ca/Culture/Richardrudnicki/eagleshield/pdf/files/reveilleforfirstnationswakeupcall.pdf>.

built on these relationships. He was a trusted ally for his staunch refusal to view First Nations, Métis, and Inuit as peoples to be managed, but rather, as equal partners in consultation. The records generated from these working relationships foreground the Indigenous voices mobilizing rights initiatives. In the collection, one can follow First Nations leader George Manuel's career from his early days in the DIA's community development program to his organizing the Constitutional Express, or lawyer and educator Harold Cardinal's role as the principal author of the Red Paper, or activist Kahn-Tineta Horn's work in the United States. Rudnicki was able to collaborate with and document those working on the frontlines. He acquired records generated from community-based efforts, records that capture how activists and organizations engaged with provincial and federal agencies to explore Indigenous rights.

Gwich'in historian Crystal Fraser and Métis writer and lecturer Zoe Todd, both PhD candidates, co-authored an article about the ways state, academic, corporate, church, and private archives serve Indigenous research and interests.⁹ They found that “[i]f Indigenous people are present in historical records, they are often depicted as passive bystanders, rarely free agents in their own rights and far removed from narratives that highlight agency or sophistication.”¹⁰ Rudnicki worked hard to ensure that his archives did not replicate the holdings of the archives listed by Fraser and Zoe. Instead, his stands as one specifically designed to document the organized response to the colonial legacy in Canada. This concept was innovative in the 1960s and remains so today as issues of Indigenous representation, access, and use persist in institutional archives:

⁹ Crystal Fraser, Zoe Todd, “Decolonial Sensibilities: Indigenous Research and Engaging with Archives in Contemporary Colonial Canada,” in *Decolonizing Archives*, L’Internationale Online, February 15, 2016: 36-43, accessed March 6, 2016, http://www.internationaleonline.org/media/files/decolonisingarchives_pdf_def.pdf.

¹⁰ *Ibid.*, 41.

The history of First Nations peoples in Canada... is heavily influenced by the holdings of archival institutions – particularly as they work through treaty negotiations, land claims, and processes related to the Truth and Reconciliation Commission on residential schools. Yet ongoing cultural divides inhibit First Nations peoples from actively shaping archival holdings, rather than being passive recipients of decisions about acquisition and preservation made by institutions with mandates that are very different from the First Nations historical experience in Canada.¹¹

As an ally, Rudnicki worked to assemble a post-colonial collection designed to support longstanding Indigenous interests. The intention was to mitigate levels of distrust for institutional archives by carrying records that demonstrate community organization alongside government decision-making. Rudnicki reimagined the archive and assembled an active collection that accommodates multiple visions of Indigenous rights.

Prior to writing “Decolonial Sensibilities: Indigenous Research and Engaging with Archives in Contemporary Colonial Canada,” Fraser and Todd’s individual experience accessing archival records gave them cause to consider the near impossible, and not entirely useful, task of decolonizing archives. The authors argue such efforts would require “an erasure or negation of the colonial realities of the archives themselves. Given the inherent colonial realities of the archives as institutions, any effort to decolonise or Indigenise the archives in Canada can therefore only ever be partial.”¹² Avoiding dominant narratives holds questionable benefits for user communities, who should instead employ a “historically-informed critical decolonial sensibility” when engaging with archives and archival records.¹³ This sensibility matches Rudnicki’s own as he envisioned the current and future uses of his archives. In order to accurately

¹¹ Laura Madokoro, “From Settler Colonialism to the Age of Migration: Archives and the Renewal of Democracy in Canada.” *Archivaria* 78 (Fall 2014): 152.

¹² Crystal Fraser, Zoe Todd, “Decolonial Sensibilities: Indigenous Research and Engaging with Archives in Contemporary Colonial Canada,” 37.

¹³ *Ibid.*, 37-38.

document the socio-political history of Indigenous peoples under Confederation, Rudnicki populated his collection with records produced by, in Fraser and Todd's words, "the white men who dominated exploration, political and other 'great men' tropes."¹⁴ These individuals held positions that guided the research, policies, and programming over two centuries of Indigenous governance. And while their records are available in Rudnicki's archives, so are those of persons, communities, groups, and organizations working against the colonial project. The end product avoids being an accumulation of records by a well-connected white man, and is instead a complex archival collection demonstrating resistance, response, identity, and memory. With an inclusive approach to recordkeeping, the collection offers everyone the privilege of "speaking," however the contexts of institutional records are changed when balanced with Indigenous voices. For this, the Rudnicki fonds supports Fraser and Todd's call to "bring greater diversity to archival spaces..."¹⁵

This thesis has demonstrated that recordkeeping was not a private activity for Rudnicki. There is a history behind the ways he obtained records and assembled the collection. Throughout his career, Rudnicki reached out to those in a position to assist the archives' development. It was built on the contributions of many, each with their own unique story. Some stories are straightforward, seen early in Rudnicki's career when he contacted Diamond Jenness, anthropologist, Arctic scholar, and "Person of National Historic Significance" (a title bestowed by the Government of Canada), to ask for specific documents and rare books thought to be in Jenness' personal library. Jenness responded by letter, describing his efforts to fill Rudnicki's request, and listed the titles of

¹⁴ Ibid., 39.

¹⁵ Ibid., 42.

books and papers that he would “gladly send.”¹⁶ As Rudnicki’s career evolved, so too did his methods of obtaining records. There were times when simple letter writing would not suffice, and more interesting measures were taken. One such example is offered by his colleague Rosalee Tizya. While on a flight from Vancouver to Ottawa to attend a series of political discussions on the Canadian constitution, Tizya and her sister were seated close to BC Premier Bill Bennett, who carried with him a document titled “For Premiers Eyes Only, Aboriginal Rights Constitutional Conference.” During the flight, Bennett made a visit to colleagues in first class, leaving his briefcase behind on his seat. Rosalee used this opportunity to take the “strategy” section from the document, which she then slipped into her newspaper and discreetly handed to a nearby chief to shuffle among his personal papers. In Rosalee’s words, “so much of the papers that Walt has, we gave to him. We stole those papers. Ssshhh. You can thank the residential school for that.”¹⁷ She continues, “when we got to Ottawa, the first place we went was Walt’s office. He showed up there, Rari (Rarihokwats) came, and we went through the whole thing. And you know, a thousand people were in Ottawa, Indian people, and were given a hotel room to watch the constitution talks, and every time Bill Bennett’s face came up, everybody laughed.”¹⁸ This is one intriguing story of many that speaks to the substantial help Rudnicki received from both Indigenous and non-Indigenous colleagues in the construction of his archive. Tizya contributed many records, as did other Indigenous rights activists including Rarihokwats, Shingwauk Residential School survivor Donald Sands, member of the Abenaki First Nation Roger Obonsawin, and Millie Poplar,

¹⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 32, Folder 22, Diamond Jenness to Walter Rudnicki, May 2, 1966: 1.

¹⁷ UMA, “A Celebration of the Walter Rudnicki Collection,” September 13, 2012, accessed February 2, 2016, <http://www.youtube.com/watch?v=cprZCxZJBcU>.

¹⁸ *Ibid.*

member of the Vuntut Gwitchin First Nation and researcher for the Union of B.C. Indian Chiefs and the Anglican Church.¹⁹ Rudnicki relied on these records to not only support his professional work, but also the work of others. Knowledge-sharing is an archives' greatest service to society, a point noted by former Librarian and Archivist of Canada Ian Wilson, who writes that to ensure "a comprehensive record," underrepresented groups should be "engaged as colleagues in the archival endeavor."²⁰ Rudnicki's collection stands alongside other examples of archivists, archival collections, and archival institutions committed to democratizing information by emphasizing conversation, community, participation, and access.²¹ While much of the recordkeeping is Rudnicki's own, he assembled the archives to share with those in a position to enrich its contents. This is demonstrated in his relationships with individuals described in the thesis, including Farley Mowat, Tony Belcourt, Sally Weaver, Rosalee Tizya, Alvin Tolley, and countless others not mentioned (including MA students.)²² By partnering with others, Rudnicki promoted the use of archival and contemporary records in ways that would inspire and support the creation of new knowledge and understanding.

¹⁹ Roger Obonsawin used Walter Rudnicki's archival collection to conduct research in preparation for legal proceedings concerning Indigenous rights with respect to taxation and the collective land base of reserve communities, *Obonsawin v. Canada, 2011 FCA 152*; Millie Poplar drafted a lengthy profile of Rudnicki, a copy of which is in his collection: UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 1, Folder 5, Millie Poplar, "Profile," December 23, 1998.

²⁰ Ian Wilson, "'Peace, order and good government': archives in society" *Archival Science*, vol. 12, issue 2, (2012): 241.

²¹ A local example of an "activist archive" is the Digital Archives of Marginalized Communities (DAMC) at the University of Manitoba. DAMC is currently developing "three separate but related digital databases/archives using a participatory design process with stakeholder groups. Working titles for the archives are the Missing Women Database (MWD), Sex Work Database (SWD), and Post-Apology Residential School Database (PARSD). The archives will house related academic research, print and visual media, on and offline activism, commemorative initiatives, and image collections. As our relationships with the communities involved with these collections develop, so do the collections themselves.": Danielle Allard and Shawna Farris, "The Digital Archives and Marginalized Communities Project: Building Anti-violence Archives," Paper presented at the iConference 2014: 763, accessed April 12, 2016, https://www.ideals.illinois.edu/bitstream/handle/2142/47260/358_ready.pdf?sequence=2.

²² Robert Cunningham, "Community Development at the Department of Indian Affairs in the 1960s: Much Ado About Nothing" (M.A. Thesis, University of Saskatchewan, 1997). Rudnicki provided Cunningham with access to his records and gave commentary that is used throughout the thesis.

Rudnicki conceived of his collection as a public resource designed to serve those engaged in all manner of political, social, legal, and economic research. Over the years, his archives grew to the point where it was housed in a second Ottawa residence, a hundred-year-old house nicknamed “The Monastery” by those who used it.²³ As his career wound down, Rudnicki expressed his desire to donate the collection, knowing it would continue to be of service beyond his lifetime:

Inevitably, I shall in due course have to disengage myself from a mass of books and paper which now cover two floors and threaten to spill out onto the street. My long trek through the demolition derby conducted by Ottawa in First Nation societies is coming to an end...As far as the collection is concerned, it would be desirable to keep it intact and in continuing use under some responsible auspices.²⁴

The University of Manitoba was the first to formally inquire into the collections’ donation status. In 1996 Richard Bennett, then head of UMA, sent a letter to Rudnicki expressing the University’s interest in his document and manuscript library. In a draft reply, Rudnicki describes its contents and the historical events featured therein.²⁵ He explains the collection remains active in both use and accession, including an expected delivery of “a dozen bank-boxes of papers, (most of it unpublished and unlikely to ever become public) from the Royal Commission on Aboriginal Peoples.”²⁶ Early the following year, two University of Manitoba representatives visited Rudnicki to examine his collection in person. Michael Angel, then UMA Associate Director of Collections and Fred Hoskings, former researcher for the Department of Indian and Northern Affairs

²³ CBC, “Walter Rudnicki,” “The Late Show with Gordon Pinsent,” June 14, 2010, accessed April 10, 2016, <http://www.cbc.ca/thelateshow/season-two/2010/06/14/episode-1---walter-rudnicki---july-1-and-july-4/>.

²⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 20, Rudnicki to Catherine Twinn, Draft, November 8, 2006: 1.

²⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Rudnicki to Richard Bennett, Draft, September 20, 1996: 1-2.

²⁶ *Ibid.*, 3.

and co-founder of Public History Inc., spent the day with Rudnicki as he guided them through the boxes of records and shelves of books. In a follow-up letter, Angel repeated the university's interest in the collection, "particularly as it relates to the study of First Nations people in North America," adding, "[y]our working collection of Canadian government documents, treaties, sessional papers, DIAND annual reports, and RG 10 materials, are as Fred noted, better than anything he's ever seen."²⁷

The University of Manitoba was not alone in recognizing the lasting value of the collection. Another inquiry came from the University of Ottawa, which, Rudnicki said, had a "rather vague idea" to set up "an aboriginal foundation which would operate as a research centre and a venue for training politically aware First Nation leaders and activists from all regions of the country."²⁸ This concept was the brainchild of Rarihokwats, who invited representatives from the University of Ottawa to view Rudnicki's collection in hopes of sponsoring "The Walter Rudnicki Research Library and Archives: a lifelong collection of books and documents available to indigenous and other researchers on colonial and post-colonial politics and relationships." It was hoped that it would become a permanently staffed research and educational centre.²⁹ In the draft proposal, Rarihokwats anticipates "[a] researcher browsing through the materials finds surprising connections between materials which had not been previously seen. The collection also makes visible a continuity of thought and events over the centuries which might not have been anticipated."³⁰ Individuals without affiliations with academic institutions expressed their desire to be involved in the collection's final arrangements,

²⁷ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Michael R. Angel to Walter Rudnicki, May 2, 1997: 1.

²⁸ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Walter Rudnicki to Shelley Sweeney, Draft, May 27, 2003: 4.

²⁹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 20, Rarihokwats, Draft Proposal, n.d.

³⁰ *Ibid.*, 1.

including Roger Obonsawin and Catherine Twinn, a prominent lawyer and member of northern Alberta's Sawridge First Nation.³¹ Either anticipating or having full knowledge of outside interest, UMA head Shelley Sweeney wrote to Rudnicki, politely requesting confirmation of his intentions to donate to the University of Manitoba "before someone else sneaks in and lures the collections away from you with lobster dinners and a trip to Paris!"³² Archivists and non-archivists alike had strong visions for where and how Rudnicki's archives should be permanently housed.

In the years following the University of Manitoba's initial request, Rudnicki weighed his options, hesitating to select an academic institution considering the "shortcomings in many university based native study programs."³³ It was very important that his collection first and foremost serve First Nations, Métis, and Inuit interests. With this in mind, Michael Angel provided Rudnicki with an outline of the Indigenous-focused programming, publications, and services already underway at the University of Manitoba, adding "[t]he materials in your collection would add immeasurably to our current materials...and would greatly enhance our ability to provide support to our teaching and research programs in Native Studies and related areas, as well as providing invaluable support to First Nations researchers from the wider community."³⁴ The following year, another letter sent by UMA archivist Michael Moosberger states: "Your collection would become the cornerstone on which the Libraries will build its collections of published and archival aboriginal holdings and would provide aboriginal students with an unparalleled

³¹ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 20, Walter Rudnicki to Roger Obonsawin, Draft, November 3, 2006.

³² UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Shelley Sweeney to Walter Rudnicki, May 2, 2003: 1.

³³ UMA, Rudnicki fonds, Walter Rudnicki to Shelley Sweeney, 2.

³⁴ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Michael R. Angel to Walter Rudnicki, May 2, 1997: 2.

resource in the study of issues and events that have impacted aboriginal peoples.”³⁵

While appreciative of these initiatives, Rudnicki hoped to secure additional assurance that his collection would be prepared for research use and not suffer the inattention that befalls many private collections. Much of Rudnicki’s professional life was spent struggling over control of and access to information. Therefore issues of public access were of foremost concern in deciding where to donate his hard-earned archives. Rudnicki wanted the archives to be widely accessible. Rarihokwats advised Rudnicki on ways to prevent inequitable access by addressing issues of “access generally,” “geographical access,” and “electronic access.”³⁶ He recommended keeping the entire collection together in one place, suggesting Ottawa for its centrality and proximity to Library and Archives Canada. Should Rudnicki select another location, geographic restrictions could be overcome by providing electronic access to materials through digitization.³⁷ This would require the recipient archive to have access to appropriate equipment as well as designated staff capable of completing the large task of making records electronically accessible. Other access restrictions to avoid include prohibitive fees for information requests and the imposition of conditions of access, for example “PhD access only.”³⁸ This is not a collection designed to accommodate “disinterested academic research.”³⁹ Rather it preserves what archivist Andrew Flinn terms “useful history,” visible in collections and archives whose records inspire,

³⁵ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 21, Michael Moosberger to Walter Rudnicki, May 2, 1997.

³⁶ UMA, Rudnicki fonds, Mss 331 (A.10-38.1), Box 81, Folder 20, Rarihokwats to Walter Rudnicki, February 11, 2006: 2.

³⁷ Ibid.

³⁸ Ibid., 1.

³⁹ Andrew Flinn, “Archival Activism: Independent and Community-led Archives, Radical Public History and the Heritage Professions,” *InterActions: UCLA Journal of Education and Information Studies*, 7(2), Article 6 (2011), accessed February 16, 2016: 12, <http://escholarship.org/uc/item/9pt2490x>.

mobilize, and unify user communities.⁴⁰ Rudnicki was not a detached collector, and the information he placed together does not support a neutral archival collection. The Rudnicki fonds is meant to publicly serve, challenge, galvanize, educate, and to be above all else, useful.

It would be close to 15 years between the first UMA letter of inquiry and its acquisition of Rudnicki's archival collection. It took an additional two years to process the 550 bankers boxes and describe the collection's content.⁴¹ And while UMASC follows a Western archival framework, the Rudnicki fonds is set up to serve Indigenous peoples by offering open access as it did in "The Monastery." Over the last two decades significant shifts have taken place in the public perception of archives, largely due to efforts made by archivists to promote their holdings and engage existing and new user communities. The idea of archival institutions as "elite" and "unapproachable" is quickly losing ground with the rise of websites, digitization, blogs, social media pages, and institutional events including collection launches and film nights that draw people and archives together. These outreach efforts shift the role of archivists from perceived "gatekeepers" to facilitators, focused on increasing use by increasing awareness.⁴² The emphasis current archival literature places on outreach as a core archival function underscores Rudnicki's vision for his collection, namely "to give it continuity and the widest possible access."⁴³ One way this was facilitated by the University of Manitoba is

⁴⁰ Ibid., 12.

⁴¹ UMA, "A Celebration of the Walter Rudnicki Collection."

⁴² Joy Palmer and Jane Stevenson, "Something Worth Sitting Still For? Some Implications of Web 2.0 for Outreach," in Kate Theimer, ed., *A Different Kind of Web: New Connections between Archives and Our Users* (Chicago: Society of American Archivists, 2011): 1.

⁴³ UMA, Rudnicki fonds, Walter Rudnicki to Roger Obonsawin, 1.

the September 13, 2012 event that announced the launch of the fonds.⁴⁴ Open to the public, “A Celebration of the Walter Rudnicki Collection” hosted an audience composed of family members, colleagues, faculty and administrative staff, members of Indigenous organizations, activists, and students. A number of speakers took the opportunity to reflect on Rudnicki’s career and friendship, and the unique archival, political, and social value found of the fonds. Shelley Sweeney, the evening’s emcee, characterized Rudnicki as “a rebel, a challenger, and a defender ... who bravely stood up for what he believed in - - and what he believed in was fairness.”⁴⁵ She closed the event by recounting the overwhelming effort it took to get the collection from “The Monastery” to the University of Manitoba Archives. To complete the task, she found motivation by reminding herself, “if the government could find this stuff, would they give anybody access to it? ... Probably not.”⁴⁶ To reach a larger audience, a recording of the event is available on YouTube, as is the “Walter Rudnicki Slide Show,” an electronic exhibition of his political cartoons and photographs.⁴⁷ Other online contributions from the Rudnicki fonds include the digitization of significant reports, papers, correspondence, and images available through the “UM Digital Collections -- Aboriginal Peoples” link on the University of Manitoba Libraries page.⁴⁸

Since acquisition, the Walter Rudnicki fonds has received steady public mention and recognition. In 2013, Rudnicki’s friend and colleague Tony Belcourt wrote a paper documenting the history of Métis identity and governance, giving mention to Rudnicki,

⁴⁴ “A Celebration of Walter Rudnicki,” *NationTalk*, September 12, 2012, accessed April 12, 2016, <http://nationtalk.ca/story/a-celebration-of-walter-rudnicki>.

⁴⁵ UMA, “A Celebration of the Walter Rudnicki Collection.”

⁴⁶ *Ibid.*

⁴⁷ UMA, “A Celebration of the Walter Rudnicki Collection”; “Walter Rudnicki Slideshow,” accessed February 2, 2106, https://www.youtube.com/watch?v=PPms9BySuq8_.

⁴⁸ UMA, “The Walter Rudnicki Fonds,” accessed April 12, 2016, <https://digitalcollections.lib.umanitoba.ca/islandora/object/uofm%3Arudnicki>.

whom the author calls a great “friend on the inside” for his work with the NCC in the CMHC years, “[i]f you were not there at the time to see the needs, where housing was either not available or simply not available to our people because of discrimination, then it is difficult to illustrate how much it meant to Métis and Non-Status Indian families to finally have a warm, healthy, and secure place to live and bring up their children.”⁴⁹ The footnote to this passage encourages readers to learn more about Rudnicki and his work by providing UMA’s link to the Walter Rudnicki fonds. The following year, the archival collection was recognized as a “particularly rich and illuminating archives” by The Royal Society of Canada Expert Panel report *The Future Now: Canada’s Libraries, Archives, and Public Memory* for its holdings on forced relocations, “among other topics.”⁵⁰ The RSC report offers strategies and recommendations for cultural institutions to facilitate changing technologies, meet user needs, and continue to serve society at large. These issues and themes are currently being addressed in community-based archives across the country, including the archives of the Métis Nation-Saskatchewan (MN-S). In *Landscape, The Newsletter of Métis-Nation Saskatchewan*, MN-S archivist Carey Isaak writes about the April 2012 elimination of the National Archival Development Program, subsequent cuts to LAC, and what programming losses mean for heritage institutions tasked with preserving “community, group and individual identity.”⁵¹ To compensate for lack of funding and resources, the MN-S’s Genealogy and Archival Centre embarked on

⁴⁹ Tony Belcourt, “For the Record...On Métis Identity and Citizenship within the Métis Nation,” *aboriginal policy studies*, vol. 2, no. 2, 2013: 131.

⁵⁰ Patricia Demers (chair), Guylaine Beaudry, Pamela Bjornson, Michael Carroll, Carol Couture, Charlotte Gray, Judith Hare, Ernie Ingles, Eric Ketelaar, Gerald McMaster, Ken Roberts, *Expert Panel Report on The Future Now: Canada’s Libraries, Archives, and Public Memory* (Ottawa: Royal Society of Canada, 2014): 29.

⁵¹ Carey Isaak, “MN-S Genealogy and Archival Centre fills gaps left by archives funding cuts,” *MN-S Landscape*, vol. 2, issue 2, (December 2012): 6, accessed April 12, 2016, http://mn-s.weebly.com/uploads/1/5/1/4/15144322/landscape_vol_2_issue_2_dec_2012.pdf.

“filling the gaps” by “collecting copies of Métis-themed archival records from across the country” to provide “researchers access to records that may prove difficult to find elsewhere.”⁵² Listed among the Hudson’s Bay Company Archives, the LAC’s Red River Settlement Collection and RCMP records, and parish records from the St. Boniface Historical Society, is “The Walter Rudnicki Collection,” for centralizing “records related to Métis political action from the 1960s through the 1990s.”⁵³

Walter Rudnicki’s personal story also continues to generate interest. In 2010, the CBC documentary program, *the fifth estate* aired an episode titled “Enemies of the State” which examined the targeting of “subversives” in Canada and the creation of the government blacklist.⁵⁴ Upon his passing, the CBC’s *The Late Show with Gordon Pinsent* profiled his career, describing Rudnicki as a “person who deserves to be known,” whose legacy is worth keeping alive.⁵⁵ This sentiment is echoed by The University of British Columbia’s School of Social Work, where Rudnicki is remembered as an “outstanding” individual, with a willingness to share oral and written records with colleagues. He is deemed “one of those quiet Canadians more than deserving of accolade that often goes to many for doing much less. His advocacy for Inuit and First Nations is well imprinted in Canadian history.”⁵⁶

⁵² Ibid., 6.

⁵³ Ibid., 6.

⁵⁴ CBC, “Enemies of the State,” “the fifth estate,” October 15, 2010. The “Blacklist Memo, June 15, 1971” has been removed from the Walter Rudnicki fonds and marked with an “Archivist Note” stating “the fifth estate” episode was not given legal consent to use 10 names, therefore “[t]he Archives will continue to protect the identity of those that have not consented the release by severing their names from the research copy of the record until 2071, or at least 20 years after the death of the individuals listed.”: UMA, Rudnicki fonds, Mss 331, (A.10-38.1), Box 6, Folder 2, “Archivist’s Note,” n.d.

⁵⁵ CBC, “Walter Rudnicki,” “The Late Show with Gordon Pinsent.”

⁵⁶ Frank Tester, “In Memoriam,” *The Bridge*, The School of Social Work, University of British Columbia, (Spring/Summer 2010): 7.

For over five decades, Rudnicki worked as a tireless advocate. A real part of his abovementioned “legacy” comes from his drive to build an archival collection capable of serving larger social goals. He should be recognized for his contributions to the world of archives, not only as an outstanding private collector, but as a collector who foregrounded relationships between archives and colonization, legal rights, access to information, inclusivity, community engagement, activism, and reconciliation. Such devoted recordkeeping merits a place within larger discussions of archives, social justice, and Indigenous rights, yet what little is written of Rudnicki rarely addresses his vast collection, nor his motives for resource sharing. This thesis hopes to communicate the modern applications Rudnicki envisioned for archives and social justice objectives, namely drawing attention to what archivist David Wallace observes as “inequalities of power” and ways power manifests “in institutional arrangements and systemic inequalities that further the interests of some groups at the expense of others in the distribution of material goods, social benefits, rights, protections, and opportunities.”⁵⁷

Is it possible to identify direct impacts made by the Rudnicki fonds? While his colleagues might offer anecdotal evidence, this thesis does not measure explicit “causal links.” Its intention is to demonstrate ways the production and dissemination of information, records in action, reflect how people are governed and the ways people collectively organize and counter oppressive and ineffective governance. The Rudnicki fonds contains what Duff et al. refer to as “archival impact,” which at its base level has “far-reaching effects” for social justice as “all people experience the larger social impacts that archives have: whether that be through experiencing a public apology or redress,

⁵⁷ David Wallace, “Understanding and Assessing the Social Impact of Archives,” Paper presented at the conference of the Association of Canadian Archivists, Winnipeg, June, 2013: 18

being a member of a society that expects open access to government records, or by having a previously under-recognized history revealed through a grass roots heritage initiative.”⁵⁸ For this thesis, it is sufficient to say that Rudnicki was involved. His collection’s impact is felt in the wrestling of issues of great bearing on Canadian society, including Indigenous community relocations, housing, economic development, land claims, self-government, health, education, and redress. For decades the Government of Canada worked to prevent both Rudnicki personally, and Indigenous peoples collectively, from acquiring and disseminating information that challenged the status quo, therefore Rudnicki and his colleagues resolved to take away their strongest weapon: control of information. He was a forward thinker who used records to challenge systemic inequality. The story of Indigenous rights in Canada is found in the Walter Rudnicki fonds.

Rudnicki was an advocate and a supporter of archives, committed to building a collection that serves ongoing, wide-ranging interests. He went to great lengths to create, receive, and preserve the archival record, and donating the collection was his final act of advocacy. The Walter Rudnicki fonds is now a matter of public record, permanently accessible at the University of Manitoba Archives & Special Collections. In his study of “citizen archivists,” archivist Richard Cox writes “[p]ersonal collecting can seem quirky or frivolous, but it always reveals some deeper inner meaning to life’s purpose.”⁵⁹ This statement rings especially true in Rudnicki’s case. His personal experience with the Government of Canada, both inside and outside the courtroom, solidified his belief that

⁵⁸ Wendy Duff, Andrew Flinn, Karen Emily Suurtamm, and David Wallace, “Social Justice Impact of Archives: A Preliminary Investigation”: 333.

⁵⁹ Richard Cox, “Digital Curation and the Citizen Archivist,” *Digital Curation: Practice, Promises & Prospects*, (North Carolina: University of North Carolina School of Information and Library Science, April 3, 2009): 102, accessed February 16, 2016: <http://d-scholarship.pitt.edu/2692/>.

rights are gained by access to records. Following his dismissal from CMHC, Rudnicki experienced firsthand unjust government procedure. If it could be done to him, a high-ranking government official, then surely it could be done to the historically marginalized. The Rudnicki fonds is a testament to his life-long battle for the political, legal, economic, and social rights of Indigenous peoples. A major goal of his work was to amass an archive that would make injustice visible. This was accomplished by creating what Tony Belcourt describes as Rudnicki's "vindication," designed so "his work can carry on, work that is so desperately needed."⁶⁰

⁶⁰ UMA, "A Celebration of the Walter Rudnicki Collection."

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