GUMSHOES OF HISTORY

Ottawa Magazine - April/May 2006
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Getting the past perfect is the life work — and lucrative business — of an unusual team of Ottawa sleuths

The outrage has a Gomeryesque ring to it — but it happens that William Roche was addressing Parliament on April 14, 1915, dropping the biggest political bombshell of the era. Two weeks earlier Roche, Minister of the Interior, had read the report of Winnipeg lawyer Thomas Ferguson which laid bare systematic malfeasance and cronyism within Wilfrid Laurier's Liberal party during the early 20th century.

The Ferguson Report, a precursor of what today we would call a Royal Commission, began with research in 1913 and became the smoking gun of the age's main scandal. Backroom politicos in Ottawa were making illegal fortunes off the resources of Alberta and Saskatchewan in 1905, just as they were becoming provinces.

Ferguson pinpointed "Honest" Frank Oliver, Roche's predecessor. For eight years and without any legal oversight, Oliver shuffled land and resource rights — most swiped from aboriginal reserves — among an inner circle of friends and allies. The report cited occasions on which Liberal members of Parliament had claimed squatting rights, accepted kickbacks from the South Alberta Land Company for inflated irrigation fees, and used nonexistent proxies to transfer land rights to departmental friends. The investigation even unearthed proof that Oliver himself had accepted bribes from the Grand Trunk Pacific Railway Company for rights-of-way.

All in all, the litany of wrongdoings took two years to compile (for which Ferguson was paid $30,000) and revealed a misuse of public funds totalling more than $6 million about $120 million in 2006 dollars. The accusations and evidence in Roche's parliamentary address took two hours to lay out. Roche wanted every member to read the report,

insisting that it would cause a lot of people to lose their jobs, if not their heads: the report was duly tabled and stored in the House of Commons.

Then it disappeared — destroyed by fire in February 1916 when the Parliament Buildings went up in flames. No copies of the report turned up, and except for one minor bureaucrat who was fired, the Ferguson Report never became the cleansing wind Roche had hoped it would be.

For nine decades, this material has been an untraceable footnote to Canadian history. In Ottawa, Fred Hosking is trying to get it back on the record.

In the summer of 2005, Hosking met his old friend Roland Wright for lunch in a downtown Vancouver restaurant. Both were researchers, and Wright wanted to know how Public History, Hosking's historical-research firm, was coming along. The news was good. The company that opened in 1995 with four employees and a belief in the value of archived information now had 70 full-time workers and 850 projects on its books. To date, the company has clocked about 35,000 hours a year of research, analyzing 3.5 million pages of facts, names, and arcane events.

During coffee, Wright talked about work he had done in the 1970s on aboriginal land rights. Inevitably the Ferguson Report came up, its trail of corruption casting a shadow on much First Nations research. As history sleuths, the pair wondered what it would take to find the document. Wright said he had tried, without luck. To Hosking, it sounded like a challenge.

Back in Public History's Cooper Street offices, Hosking's curiosity got the better of him. His September schedule was open — and the person who found the report would be able to claim serious bragging rights. Unlike other company projects, with clients to foot the bill for perhaps hundreds of hours of research, finding the Ferguson Report would have to be a labour of love. "Maybe it wasn't the wisest financial move to go

after it, but it was a mystery — a big one that no one had been able to solve so far," says Hosking. "That really appealed to me. People had been looking for it since the fire, so we knew this would be something of major interest. We started digging around, and once we got into it, we found out some amazing things."

He learned, for example, that Ferguson's future law partner, Charles Millar, the legal owner of land bought from Natives, had his purchase revoked for no apparent reason. The land in question was then turned over to an outfit headed by Oliver's Deputy Superintendent of Indian Affairs. (This was the same Millar who launched the Great Stork Derby: his 1926 will awarded most of his estate to the Toronto woman who bore the greatest number of children by 1936. Millar also bequeathed shares he never owned in the Catholic-run O'Keefe Brewery to every practising Protestant minister in the city.)

Hosking's researchers also discovered that Ferguson's sister was Emily Murphy, one of the Famous Five the women who in 1929 successfully lobbied the British Parliament to have Canadian women recognized as "persons" and the surprising author of quite politically incorrect writing on poverty, drugs, and immigration. "This kind of stuff goes on forever. It's what makes historical research so compelling," Hosking enthuses.

Mixing detective work with forensic research made days in libraries and archives seem stimulating — and that's why the University of Waterloo graduate, who, for his Master's thesis, studied aboriginal land claims, wanted to mould research into a career. The instinct proved sound. Hosking doesn't like to reveal revenues but concedes that his company sells its services for more than $4 million annually. Most of its work is used in litigation, because potential court cases usually have the biggest research budgets. And a large part revolves around aboriginal issues.

Jayme Benson, Director of Specific Claims for the Federation of Saskatchewan Indian Nations, says Public History's research has helped his clients better understand the workings of land claims dating as far back as 1874. "The facts they find have a definite impact on case law surrounding these claims. In that sense, they're changing history," he says.

Not all the company's work deals with the long-ago past. Its team tackles contemporary issues, too, as lucrative class-action lawsuits proliferate and government transparency becomes ever more important. Some clients might hire the firm to research cases involving tainted blood products or breast implants. Others might ask it to wade through 15 years of government tenders to find out whether one specific contract was actually offered publicly. The job is for the detail-obsessed, and there's rarely a smoking gun. Most of the research is a meticulous process of stitching together every piece of relevant information to see who made decisions and took actions.

"It takes lots of patience and determination, very much like a jigsaw puzzle," says Mary Jane Jones, archivist of Indian Affairs records at Library and Archives Canada, where Public History workers are frequent visitors. "But it also takes someone who is good at guessing someone who can sit down and come up with an answer to the question, Now, where would someone put that?"

Given its mandate, Public History has also developed a special rapport with the federal government's Access to Information department. "We've done hundreds [of requests], but they're hit-and-miss, because the people part [of the report we receive] is often missing or blacked out," says Hosking. "Still, the more work you do, the more conscious you become of who the players are and who's calling the shots. And even though most research is about protocols and policies, there's still a narrative that emerges to link the story together, where you see the same names popping up. [Of course] you want to know why."

Take the case of the client who wanted to contest the validity of the Canadian Wheat Board, set up in 1919 when wheat was considered a strategic resource. The status of wheat isn't what it once was, but the people keeping the board's sales monopoly in place have a great deal to lose should an open-market model prevail. "Those were the lawyers' conclusions not ours," Hosking points out. "But when you look at the policy rationale, it becomes rather obvious why certain decisions were made and by whom."

Human nature pushes people to interpret events their own way, concedes Tammy Robinson, one of Public History's researchers. The more she digs, though, the more she realizes how much historical context — or the lack of it — affects our impression of the past. "You can't help [having prejudices]," she says, "but I try to go into every project without preconceived notions of what happened or what people were like. And once you go through volumes of material and the context slowly starts to emerge, it helps piece together not only how events happened, but why." It also helps that Public History has no particular axe to grind, she adds. "The luxury of this job is that we don't act as advocates for anyone, so when you put historical facts together, a client or a court is more willing to accept it as truth."

One piece of context appeared during Robinson's 2003 investigation of pre-Confederation land ownership. The item that grabbed her attention was the so-called Three Chiefs Mission to London, England. In December 1841, Joseph Malie, Pierre Basquet, and Francois Labauve — three Mi'kmaq leaders from New Brunswick — travelled there to petition Queen Victoria about fishing and land rights they thought were being mishandled at home. The trio had a letter of introduction from a sympathetic British army officer named Henry O'Halloran and were received by Lord Stanley. After two months, they were sent home with medals, but no resolution of the dispute. Robinson realized this was probably the fist time anyone in the First Nations, taking matters

in hand, had used European methods and might explain why aboriginal land claims relied more and more on legal negotiations, rather than armed hostilities, through the second half of the 19th century.

But Public History's investigations can sometimes produce more confusion than conclusion. Senior researcher Ken Brown spent five months trying to determine whether Nova Scotia's Acadian community had a Metis population in the mid-1700s. Despite a photographic memory, Brown got a bit overwhelmed by "the seeming randomness of it all." Britain and France were at war at the time, and the few written records revealed inconclusive evidence about groups of mixed ancestry. "Usually there's a core file that provides the crucial leads, but I couldn't find any contemporary references to anything that distinguished this group from Indians or Acadian settlers," Brown says with a hint of disappointment. His research did produce original insight, though, particularly by casting doubt on Edme Rameau de St. Pere of France, who produced a history of Nova Scotia's Metis between 1850 and 1890. "He wrote in the accepted style of the time, where telling a good story never got in the way of the facts," Brown explains.

He also discovered that the term Metis was coined in Illinois in 1750 and finally concluded that it was entirely likely mixed-ancestry groups existed in northern New Brunswick, where records showed Mi'kmaq and Europeans intermarrying and even rising to political prominence.

Such sleuthing requires commitment — and a willingness to learn new disciplines if that's what it takes to get the facts. While researching the history of a piece of Ontario native reserve land that seemed to have disappeared, Brown says, he taught himself water engineering to understand whether natural flooding principles or a dam had wiped the land from maps. "Solving puzzles is what it's all about. It can get so intense that sometimes I live a project," he adds.

Which is one reason why Public History seems compelled to find links to the Ferguson Report in its research, especially within the relationships

between Ottawa's bureaucrats and the Indian Agents and Commissioners in the West who treated reserve land as their own personal fiefdoms. Brown has traced this cronyism right into the 1930s, and Hosking feels the report, if found, will turn out to be a blueprint of frontier corruption.

"You just know that when it turns up, a lot of questions are going to be answered about how this malfeasance was carried out systematically. It will shed a great deal of light on First Nations land claims," he says. "As long as there are veins to follow, we'll keep plugging away." Hosking figures there were eight original copies of the report, for various ministers and departments. He knows one will eventually show up in someone's basement or attic.

Then he and his crew can help rewrite another chapter of Canada's history.