

The Honourable René Cormier
The Senate of Canada
Parliament Buildings
Ottawa, Ontario K1A 0A4

March 1, 2018

RE: Bill C-66

Dear Senator,

On behalf of the Canadian Lesbian and Gay Archives (CLGA), we are writing to express our concerns with the current manifestation of Bill C-66, the “Expungement of Historically Unjust Convictions Act.” To be sure, Bill C-66 shows potential for a productive and long-overdue effort by the Government of Canada to correct historical systemic oppression of gender and sexual minorities in this country. While we at the CLGA agree with the overall intention of Bill C-66, we object to the Bill as it is currently written. We are particularly concerned about Section 17 and Section 19 of Bill C-66, which instruct RCMP and federal departments and agencies respectively to “destroy or remove any judicial record of the conviction to which the expungement order relates that is in its repositories or systems.” We at the CLGA agree that the privacy of individuals who faced unjust oppression at the hand of the state is important; however, we also recognize that the preservation of these documents is vital. Ultimately, we believe that the proposed destruction of these historical records is antithetical to the broader process and intent of Bill C-66.

On behalf of the Canadian Lesbian and Gay Archives, we submit the following 3 recommendations:

1. Amend Section 17 and Section 19 of Bill C-66 to prevent the destruction of expunged documents.
2. Consult with Library and Archives Canada on preservation processes for these documents.
3. Amend Bill C-66 to establish a respectful preservation process for these documents that simultaneously protects individuals’ confidentiality and respects the need for historical preservation of the documents in question.

The preservation of these documents will enable a more accurate and just collective memory of the LGBTQ+ movement in Canada and a more precise representation of Canadian history more broadly. Archiving these documents and chronicling this period is not exclusively related to how Canadians remember the past (although we believe that would be sufficient enough to retain these documents). The preservation of these documents will allow this history to better inform how Canadians participate in politics in our contemporary moment and conceptualize the future of this nation. Keeping records of documents expunged under Bill C-66 will allow Canadian citizens to hold government accountable in the present and the future; properly archiving this past, regardless of how discomfiting evidence of this past may be, affords a more complex and capacious understanding of Canadian culture.

The Canadian Lesbian and Gay Archives is the largest independent LGBTQ2+ archive in the world. We collect, maintain, and secure information related to LGBTQ2+ life in Canada that informs activism and scholarship in this nation and around the globe. We are committed to ensuring that public materials are made widely-available in a respectful manner. We at the CLGA agree that these criminal records should never again be wielded against those convicted—so too do we believe that preservation of these documents is absolutely integral.

Respectfully,



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on behalf of the Board of Directors



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