

EMILY CLEMENS, by Mr. Spicer

1 EMILY CLEMENS, being called and duly sworn, testified as followed:

2 BY MR. SPICER:

3 Q. What is your full name, Mrs. Clemens?

4 A. Emily Clemens.

5 Q. And where do you live?

6 A. At 49 Dacre Street.

7 Q. And that's in Sydney?

8 A. Yes.

9 Q. For how long have you lived in Sydney?

10 A. I'd say roughly between seventeen years to eighteen.

11 Q. Do you remember when you moved to Sydney?

12 A. Well, we moved in about the -- around the Fall, around about
13 1969 or similar to that, maybe a little earlier.

14 Q. Okay. Your husband is in the Forces and --

15 A. Yeh, my husband was in -- In fact, we were posted up in Shylo
16 and we just got transferred down to -- he got transferred down
17 to Victoria Park at that time.

18 Q. So you moved from Manitoba to Sydney in about 1968, '69?

19 A. Yeh, roughly about that.

20 Q. How many children do you have?

21 A. I have all together -- I have one son that died, but all together
22 I have twelve children, seven daughters and five sons.

23 Q. A big family.

24 A. Right.

25 Q. Had you ever lived in Sydney before when you moved here from

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1 | Manitoba?

2 | A. No, I -- This was the first time.

3 | Q. And when you did move here can you tell us where it was that
4 | you moved to in Sydney?

5 | A. Well, as I said we had a large family and we had kind of a
6 | hard time getting a place so we moved in on Townsend Street
7 | and we lived there for awhile and then after that we -- we
8 | bought a place on Dacre Street.

9 | Q. I see, and when you got here from Manitoba did you then sort
10 | of engage in a business of finding various schools for your
11 | children?

12 | A. Well, at that time when we moved in there was a teacher's
13 | strike on so we had to wait awhile but when everything
14 | got cleared up we went and set the children up in the different
15 | schools.

16 | Q. And what school would Joan have gone into, your daughter?

17 | A. Sheriff.

18 | Q. Sheriff Junior High?

19 | A. Yeh, that's it.

20 | Q. And Joan Clemens is your daughter?

21 | A. Yes.

22 | Q. And in 1971 how old would Joan have been Mrs. Clemens?

23 | A. I imagine around fourteen and going on fifteen.

24 | Q. Do you have a recollection of what grade she would have been
25 | in in the Spring of '71?

1 | A. Well, I imagine she'd be in about -- going into grade eight
2 | at that time.

3 | Q. Do you remember who her good friends were at that time?

4 | A. Well, at that time as I said I was new to the area and she
5 | did meet a few girls and they came to the house and they
6 | seemed to be very nice children at that time. Now I say
7 | children because they were young.

8 | Q. Do you remember the names of those girls?

9 | A. Well, it was she met Sandra MacNeil and Barbara Floyd.

10 | Q. Sandra MacNeil and Barbara Floyd?

11 | A. Yeh, there might have been a few other ones but as I said
12 | those seemed to be kind the ones -- they kind of all sticked
13 | together like at that point, at that time.

14 | Q. And were those the ones that you saw the most frequently?

15 | A. Well, those are the ones that seem to be the most coming to
16 | the house.

17 | Q. Did Joan ever bring any boys home to your house?

18 | A. No. I can honestly say that, no.

19 | Q. And did you know in 1971 whether or not Joan was hanging around
20 | with any of the Indian boys?

21 | A. No. At that time, no, I did not.

22 | Q. Had you ever heard Joan up until 1971 mention the name of
23 | Junior Marshall?

24 | A. No, I think the first time I've ever heard about Junior
25 | Marshall was the time when that incident came to, you know,

1 to me but outside of that I didn't know. He could have just
2 been anybody.

3 Q. Okay, and we'll get to that incident in a moment, but up
4 until that point in time you had never heard the name of
5 Junior Marshall?

6 A. No.

7 Q. Did you know at all up until that time that your daughter even
8 knew any of the Indian boys in town?

9 A. No, I didn't.

10 Q. And if she did it was something that she didn't tell you about?

11 A. Well, as I said I never heard of -- We had girl talk and all
12 that but I never heard them mention any specific person and
13 if they did mention his name I probably wouldn't have known
14 what nationality he was anyway at that time.

15 Q. Right. So she would have talked generally about boys but --

16 A. Well, if she said -- She probably would have said the name
17 but not to say -- Well, she wouldn't pinpoint him as a
18 specific person, you know, in his nationality.

19 Q. Or whether or not he was an Indian or anything?

20 A. No. I mean like I can't see why she should do that. I mean
21 if she was just having a consultation why should she single
22 him out as a single person with a nationality.

23 Q. One of your daughters is married to Cameron Paul. Is that
24 right?

25 A. Yes.

1 Q. And Cameron is an Indian?

2 A. Right.

3 Q. The incident that you started to refer to a minute ago
4 concerning Junior Marshall, do you recollect when that
5 occurred?

6 A. Well, I -- I know it was towards the Fall but as I said, I
7 don't remember exact dates because I was never a person for
8 dates anyway.

9 Q. Okay. I think the evidence will show that it is around
10 November of 1970?

11 A. Yeh, it was when the weather was kind of chilly. I remember
12 that.

13 Q. What was -- What's the first thing you remember about this
14 incident?

15 A. You mean how it first began?

16 Q. Yeh, how it first began.

17 A. Well, all I remember was one afternoon, it was a school
18 afternoon and someone knocked at the door and two men came in
19 and they introduced themselves as detectives and they --

20 Q. I'm going to sort of slow you down a little bit if I can and
21 ask you some questions as we go along?

22 A. Oh, I'm sorry, I have a habit of talking fast.

23 Q. Did those police officers identify themselves to you?

24 A. Well, they said who they were but I said I was kind of nervous
25 because, I mean, that's something I've never had happen before

1 to me so it just kind of bounced in one ear and out the other,
2 you know, because I didn't --

3 Q. Do you know -- Do you know now who those officers were?

4 A. Well, I know one by sight but the other one I vaguely remember
5 him.

6 Q. Who is the one that you know?

7 A. Well, I guess he was supposed to be in charge at the time,
8 MacIntyre as far as I understood.

9 Q. John MacIntyre?

10 A. Yeh, I think he was anyway at the time.

11 Q. And were these officers in uniform when they came to your
12 house?

13 A. No, as far as I know I remember they were just plain casual
14 dressed people.

15 Q. I see, and how did they introduce themselves and what did they
16 say?

17 A. Well, they introduced who they were and everything and he
18 asked if my daughter was home at the time and I said, no.
19 I said she was at school and I asked them what they wanted
20 to see her for and he said they wanted to question her but
21 they didn't give any information why they wanted to question
22 her so --

23 Q. Did you ask him anything more about that? Did you say, "Why
24 do you want to talk to her"?

25 A. Well, I just asked him what the reason was because it would

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1 | be a natural thing for me to be curious and then they said --
2 | they said that they wanted to go down to the school to pick
3 | her up.

4 | Q. Now when you say "they", were you having this conversation
5 | with MacIntyre or with --

6 | A. Well, I was talking -- I was talking to both of them at the
7 | one time. I didn't single one person out or the other. I
8 | was just talking completely to them.

9 | BY MR. CHAIRMAN:

10 | Q. Who was the other police officer?

11 | A. I don't know. I can describe him. He was kind of a short,
12 | dumpy guy.

13 | BY MR. SPICER:

14 | Q. Sorry, you were saying that --

15 | A. He was short and heavy. Let's say it that way.

16 | Q. Short and heavy. And you were asked to -- to do what?

17 | A. Well, he wanted to know where Joan was and what school that
18 | she had -- that she was going to and that and I asked him
19 | why and he said they wanted to go down to see her and then
20 | when I had really gotten, you know, down to the point I
21 | started to think clearly and I said, no, that they weren't
22 | going down to the school. I said they were welcome to
23 | come into my home and sit there and wait until they come
24 | home and I told them that shortly -- they should be
25 | home around about three-thirty and maybe a little later

1 according to the bus that she had picked up, and they didn't
2 want to go -- they didn't want to come in so then --

3 Q. Did they explain why they didn't want to come in?

4 A. No, they just said no, flatly no, a big no. They just said
5 no, so I said, "What are you going to do"? They said they
6 were going to go down and -- to pick her up and I said,
7 "No, you're not".

8 Q. Pick her up where?

9 A. At my house.

10 Q. No, no, they were going to go down and pick her up where?

11 A. At the school. They were going to go to school and I didn't
12 think it was right that any two policemen or whoever they
13 were at that time to go to pick a child up in school because
14 I think it would put a stigma on her even though she didn't
15 do anything wrong or if she did do something wrong, well it
16 would still make people think, you know -- So I --

17 Q. Sorry, by this point in time in the conversation Mrs. Clemens
18 did you have any idea what it was they wanted to talk to
19 your daughter about?

20

21

22

23

24

25

JMR.

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- 1 A. I never had a clue. All I was thinking of was the interest
2 of my daughter at that specific time, that I didn't want
3 her to jeopardize her -- you know, people putting her in
4 a bad light or anything like that. That was my one concern.
- 5 Q. Okay, sorry I interrupted you telling the story.
- 6 A. Yeh.
- 7 Q. They wanted to go down to the school and get her and you
8 said no?
- 9 A. Yeh, and so anyway I offered to go into the car and I went
10 in the car. We went around like the circle and we waited
11 up there by the corner of Dacre and --
- 12 Q. Okay, let me -- again let me just stop you for a minute.
13 You say you went in the car?
- 14 A. Yeh.
- 15 Q. Was this a marked police car or a plain car?
- 16 A. As far as I understood--I didn't really pay too much
17 attention but I figured it was just a car to me at that
18 time. Because as I said I was quite upset at the time and
19 I never would --
- 20 Q. And how -- how was it that you came to get in the car with
21 them in the first place?
- 22 A. I don't know. I think I just automatically just went there
23 period.
- 24 Q. Well, did you say "Look, I'm coming with you if you're going"?
- 25 A. I told them, yes, I was going with them. Yes, I went with them.

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1 Q. And what did they say to that?

2 A. Well, if they did say anything, I didn't pay no attention to
3 it. Let's put it that way.

4 Q. Because you were going?

5 A. I was going.

6 Q. So you get in the car and when you say you go around the
7 circle, what do you mean by that?

8 A. Well, like you go down -- you go Dacre Street and you go
9 down Leonard Street and you go right up, like, up Warren
10 Street and go right around something similar-- or maybe
11 they made the wider turn and went up Alexandra Street. I
12 just can't remember but I know we waited on the corner until
13 the bus came.

14 Q. Okay, now you have the two police officers in the front of
15 the car, yourself in the back --

16 A. I was in the back, yeh.

17 Q. -- and you go to where the bus would stop to let them off?

18 A. Yeh, like see the bus stops right over on the corner -- the
19 opposite corner and we stood on this corner -- one corner.
20 And the first bus came and he said -- asked me if Joanie
21 was in the bus at the time. And --

22 Q. Before we get to that, just let me ask you again, by this
23 point in time, by the time you got to the bus stop, do
24 you have any idea yet why it is that you're there or what
25 they want your daughter for?

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- 1 A. No, I still wasn't no more wiser than I was when I first got
2 in.
- 3 Q. They still hadn't told you?
- 4 A. No, I didn't know anything about it at that time.
- 5 Q. Okay, sorry, go ahead?
- 6 A. So anyway we waited. The first bus went by and then after
7 that this bunch of children came off and then he said, "I
8 don't think she's on that bus." And he said, "Are you sure
9 she's coming home?" Well, I said, "I got no reason why not
10 to think." And then the next bus came along and a couple
11 of children got off, then she got off. And then I went and
12 got out of the car and I called her. And she came over.
13 And Sandra MacNeil came over with her. And she asked me
14 what was wrong and I said these two policemen wants to have
15 a talk with yah. And she said, "What for?" I said, "I don't
16 know." And then she got into the car at the time.
- 17 Q. Where were the police officers at that time?
- 18 A. Oh, well, one was sitting in the car and I think the other
19 fellow, I just can't remember which one, one of them got
20 out like, you know. And saw--I guess he got out to make sure
21 that she got in.
- 22 Q. You don't remember which one was in and which one was out?
- 23 A. No, like I said, because -- you know, I was more concerned
24 about my daughter's feels then I were of what position they were
25 in at the time.

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1 Q. Did you have any idea of what was going on at this point?

2 A. No, I didn't know anything about it until I got down there.

3 Q. Okay, so you were saying that your daughter and Sandra came
4 along, you talked to your daughter --

5 A. And Sandra -- and Joanie wanted Sandra to come in and I
6 said, "Okay, she's a friend of hers." And I said -- I said
7 to them -- so I felt that maybe if Sandra came in that she
8 would give a kind of a light on the subject because I knew
9 they both were friends. And he refused. He didn't want
10 Sandra to come in.

11 Q. Now who is "he" who refused?

12 A. Well, I don't know if it was MacIntyre or the other guy. I
13 can't remember that much to be honest with you.

14 Q. Yes, and is it your recollection then that Sandra did not
15 get into the car?

16 A. No, she did not because he told her flatly no, they didn't
17 need her at that time.

18 Q. Yes.

19 A. So she just backed off, went down my house and she waited
20 there.

21 Q. Waited at your place for you to come home?

22 A. Yeh.

23 Q. Okay, we'll get to that a bit later. Who then got in the
24 back of the car?

25 A. Well, I slid over and Joanie got in along side of me.

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1 Q. So you would have been over behind the driver's side?

2 A. Yeh, --

3 Q. Do you remember whether or not it was John MacIntyre that was
4 driving the car or the other officer?

5 A. To be honest with you, no, I didn't pay that much attention.

6 Q. Okay, was your daughter then told why it was that she was
7 being taken to the police station?

8 A. No, they didn't volunteer any information at that time.

9 I guess they didn't feel as if they had -- you know -- there
10 was -- all they wanted to do was to get us to the point
11 they'd done where they were taking us.

12 Q. Did you ask why or where you were going?

13 A. I asked but they didn't answer me the first time so I didn't
14 see any sense asking again. So I was talking to Joanie, trying
15 to make her feel better about the situation and telling her
16 not to worry because she was quite upset because she was
17 confused at that time, not knowing what --

18 Q. How could you tell that she was upset?

19 A. Well, you should know your own daughter, her feels and her
20 expressions on her face and her voice and stuff like that.

21 Q. Yes.

22 A. And if you don't know your own daughter, who else do you know.

23 Q. And what about yourself, were you upset?

24 A. I was. I was quite upset at the time.

25 Q. How long does it take you to get from the bus stop to the

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1 | police station?

2 | A. I don't think -- it wasn't very long. Maybe four or five
3 | minutes like, you know, according to traffic at the time.

4 | Q. Was there any conversation between yourself and the police
5 | officers?

6 | A. No, I didn't bother with them at all. I was more concerned
7 | with my daughter at that time.

8 | Q. Did they bother with you at all?

9 | A. If they did, I didn't pay no attention to them.

10 | Q. By the time you got to the police station, had you been
11 | advised why -- why your daughter was being taken to the
12 | police station?

13 | A. No. I guess they felt that -- that in the car wasn't the
14 | proper place to tell.

15 | Q. Okay. So what happened when you got to the police station?

16 | A. Well, we went in. It was the old place and we went in and
17 | they took her inside. And I sat on the outside and they
18 | were --

19 | Q. Now just before we get there, you went in the police
20 | station and when you say they took her inside, did they
21 | take her into a --

22 | A. Well, -- well, it was like as you go in it was like -- a
23 | place you go in there and there was like an outer room and
24 | then there was another room in off that again like.

25 | Q. Okay, did they take Joan in to a room that had a door on it?

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- 1 | A. Yeh, but the door itself wasn't closed. It was just partly
2 | closed.
- 3 | Q. Just sort of ajar, a little bit open?
- 4 | A. Yeh, I guess they didn't think about it, they just went like
5 | this to the door and the door itself didn't close.
- 6 | Q. Okay, now with respect to yourself, did you go into the
7 | room with your daughter at the very beginning?
- 8 | A. No.
- 9 | Q. Why not?
- 10 | A. Because he didn't ask me to and I just respected their rights.
11 | And knew that if a policemen and judge in there would they
12 | be figuring out well, it was just an ordinary questioning.
- 13 | Q. Did either of the police officers tell you where you should
14 | go when you got into the police station?
- 15 | A. No, I tell you the truth after I got there, they didn't seem
16 | to be too concerned about me at all. They just seemed to be
17 | concerned about her. I was just part of the furniture.
- 18 | Q. Did they tell you to sit outside or to wait outside?
- 19 | A. No, they just -- just made like, you know, gesture with their
20 | hand and there was a seat there so I just took it from that
21 | point that I --
- 22 | Q. Okay, so did they motion then to a chair that was outside
23 | the room that they were taking your daughter in to?
- 24 | A. No, they just -- they just went in. They just let me stand
25 | there and I had to use my own, you know, sit down or stand up

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1 | what ever I felt like doing at the time.

2 | Q. A minute ago they made a motion with your hand like this?

3 | A. Well, he went like that with his hand and towards the chair
4 | and I could have been just -- tell me not to go in or he
5 | could have said anything, I mean.

6 | Q. Okay, was it your impression from the motion that was made
7 | that you were to stay outside that --

8 | A. Well, I -- yeh, I took --

9 | Q. -- just let me finish the question -- to stay outside the
10 | room, was that your impression?

11 | A. Yeh, I figured that that's what it was. That they -- it
12 | was them they wanted to question, not me at the time.

13 | Q. Right. Okay, and you in fact then stay outside the room?

14 | A. I stayed outside to a point, yes.

15 | Q. Okay, so am I correct now that you're sitting outside the
16 | room?

17 | A. Yeh.

18 | Q. Your daughter and the police -- are both police officers
19 | in the room?

20 | A. Yeh, one was sitting in the far corner and the other one
21 | was sitting near her.

22 | Q. Okay, so the two police officers and your daughter are in
23 | the room. You're sitting outside. The door's a little
24 | bit ajar?

25 | A. Yeh.

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- 1 Q. Okay, can you hear what's going on in the room?
- 2 A. Well, I could hear her asking about different things, I mean.
- 3 I could judge by the voice tone that it was getting a little
- 4 hectic.
- 5 Q. Okay, let's just -- if we can, let's just start at the
- 6 beginning of that and give us your recollection of what
- 7 it was you remember that the police officers were asking
- 8 your daughter?
- 9 A. Well, they were asking her if she had -- if anybody had give
- 10 her liquor at the point or I don't know -- there and --
- 11 and stuff like that. And where she was at that night.
- 12 You know, just questions in general.
- 13 Q. Do you remember whether the questions were being asked by
- 14 John MacIntyre or by the other police officer?
- 15 A. I think John MacIntyre was doing most of it there because
- 16 the other fellow was over in the far corner.
- 17 Q. Okay, what was the tone of voice that was being used by
- 18 John MacIntyre?
- 19 A. Well, I noticed that at first it was kind of, you know,
- 20 average and then according as he was throwing the questions
- 21 at her, it started to getting more deeper and stronger and
- 22 forceful on that way, like you know. As if he was trying
- 23 to -- well, he couldn't get what he wanted out of her and
- 24 he was just making a point that he was going to. Towards
- 25 that affect.

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1 Q. And do you remember anything specifically when you say wasn't
2 getting what he wanted out of her --

3 A. Well, he wanted to know -- he felt that at the time when
4 he asked her if she was drinking or if Junior Marshall had
5 given her any liquor and she said no, he tried to make --
6 He was trying to tell her that -- that she was lying to
7 that affect.

8 Q. Right.

9 A. That she did have -- that he was giving her -- and she kept
10 saying that she didn't.

11 Q. Could you hear your daughter's voice and could you tell us
12 whether or not she was getting upset?

13 A. Well, she was getting upset because her voice was getting
14 more higher pitched and, you know, and louder and she's
15 usually a soft spoken person.

16 Q. Right.

17 A. So I could tell by, you know, once she lost control that
18 way because she was higher pitched.

19 Q. And what about John MacIntyre's voice?

20 A. Still forceful. You know, still demanding and still wanted
21 to know, you know, get to the point -- he wanted her -- well
22 I don't know what he wanted her to say but she -- he wanted --
23 he just kept throwing the questions at her. It could have
24 been a half dozen at the time.

25 Q. Right. At some point in time did you go into the room?

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1 A. Yes, I did.

2 Q. Okay, what was it that prompted you to go into the room?

3 A. Well, at that time he was saying that if she didn't say
4 what she wanted to say that she could be in -- she could go
5 up against, I don't know, juvenile court or something
6 or another to that affect.

7 Q. Could you just -- do you want to just go back and repeat
8 that for us because his Lordship did hear you?

9 A. Well, he was trying at the time -- I mentioned -- I heard
10 her mention something about juvenile hall or juvenile court.

11 COMMISSIONER EVANS:

12 Juvenile --

13 BY MR. SPICER:

14 Q. Sorry, junior --

15 A. Juvenile.

16 Q. Juvenile, juvenile.

17 A. Yeh, that's it yeh. He was mentioning to that effect if
18 she didn't tell the truth that way and of course when he
19 mentioned that, I got kind of worried because I said "Gee
20 what's"-- I thought it was more to it then it really was
21 you know, just giving the liquor thing. And I was more
22 curious to go in and find out what else was, you know,
23 that he was trying to get out of her.

24 Q. Right.

25 A. So I went in and --

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1 Q. Do you go in and -- did you just stroll in or did you go
2 in go in -- were you angry at this point?

3 A. I was annoyed --

4 Q. Annoyed?

5 A. -- and I was quite upset at the time.

6 Q. Why were you annoyed and upset?

7 A. Well, I just didn't like the way that it was. I felt that
8 that time if he had have been a little more not so forceful
9 with her. If he did want to get something out of her, he
10 may have got a better chance if he was more human about it.

11 Q. Okay. You went into the room?

12 A. Yeh.

13 Q. What did you say?

14 A. I just asked him why he was the way he was and everything
15 else. And he said, "I think your daughter is lying." And
16 I said "Well, if she told the truth", and I said, "I think
17 she does." Because I said "Because she's not a person that
18 would lie that way." You know, one thing led to another.

19 Q. Well, and when you say one thing led to another, I want you
20 to make sure that you tell us as much as you can remember
21 as to what was said?

22 A. Well, he said that he asked if I knew where my daughter was
23 all the time and I said well, I said, yes, I -- I knew that
24 she went to school. I knew she went out. And we always --
25 she always phoned when she went any place to let me know

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1 where she was at and that. . . And she said that -- and then
2 he went and told me that I wasn't what you would call a
3 proper person to be bringing up any child because I didn't
4 -- that I was letting my children run around with
5 unsavoury characters. To that effect. So then I got mad
6 and told him off.

7 Q. And when you told him off, what did you say to him?

8 A. Do I have to say it.

9 Q. Yes.

10 A. I told him he was like bloody Gestapo or Russian. I said
11 then you remind me of a bit little lobster; you never --
12 you don't know when to leave go. Well, he asked me to say
13 it and I told yeh.

14 Q. All right. I'm sorry you're going to have to say it again
15 though because you said it so quickly. Just slow it down
16 a little bit.

17 A. Well, I told him at that time that he reminded me of
18 somebody in the Gestapo or --

19 Q. Gestapo.

20 A. -- Gestapo or Russian. And I said another thing too, I said
21 you remind of a lobster; when you grab a hold of something,
22 you don't know when to let it go.

23 Q. You remind me of a lobster; when you grab a hold of something,
24 you never let go?

25 A. I don't know -- that was my way of telling him --

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1 Q. That was your way of telling him what?

2 A. That I didn't like what he was doing.

3 Q. And then -- the comments that he'd been making before that
4 that you, I think you've indicated, you didn't know where
5 your daughter was and that suggestion was being made to
6 you. How did you respond to that? Did you say anything
7 to that?

8 A. I got mad and I may have said a few more things but as I
9 said I don't remember at the time while I was there.

10 In fact I didn't even remember what I said before
11 until someone else reminded me of what I said.

12 But I did get made at him because I found out that my
13 daughter -- I respected her rights and she respected mine
14 and she -- when she went out, she always phoned me to let
15 me know where she was and that and I said I wasn't going
16 to be a watchdog on her.

17 Q. During this conversation or exchange between yourself and
18 John MacIntrye, did he make any reference to Junior
19 Marshall?

20 A. You mean --

21 Q. When you were in the room there?

22 A. Well, he just said that he wasn't the proper person that
23 my daughter should be associating with.

24 Q. I'm sorry, he told you that Junior Marshall was not a
25 proper person?

EMILY CLEMENS, by Mr. Spicer

1 A. Well, I mean, you know, that he had gotten himself into
2 different situations, you know, stuff like that.

3 Q. Did he tell you what those situations were?

4 A. Well, I thought they were just stupid things. Like doing
5 kids pranks.

6 Q. Sorry.

7 A. Something like, you know, young boys would do at that time.

8 Q. Oh, kids pranks?

9 A. Yeh.

10 Q. Did he -- did he specifically tell you what they were though?

11 A. Well, he said something -- something about doing in the
12 graveyard, but I said at that time I didn't know anything
13 about it. So it could have been anything.

14 Q. Did you know at that point that your daughter had been
15 hanging around with Junior Marshall?

16 A. No, I did not.

17 Q. Did you know who Junior Marshall was?

18 A. Didn't have a clue.

19 Q. And when John MacIntyre was saying to you -- making
20 references to Junior Marshall, did you have any idea of
21 who he was talking about?

22 A. Well, I -- no, I didn't because to tell you the truth that's
23 the first time I had heard about the boy until he brought
24 the situation up; I did not know.

25 Q. Did he make reference to the fact that Junior Marshall was

EMILY CLEMENS, by Mr. Spicer

1 an Indian or just to the fact that your daughter shouldn't
2 be hanging around with him?

3 A. Oh, yes, he let me know he was an Indian because at that
4 time I didn't know he was an Indian.

5 Q. And in what way did he let you know he was an Indian?

6 A. Well, he just said he was an Indian and then just mentioned
7 a few things that he had gotten himself into at the present
8 time.

9 Q. And what was the impression that you got from that --
10 how he felt about Junior Marshall?

11 A. Well, I don't think that he -- that he probably didn't like him
12 very much. I mean I -- I didn't exactly know why at the time
13 because -- I was there but I mean, my impression was that
14 he wasn't too fussie about him.

15 Q. Okay, when you intervened and had this exchange with John
16 MacIntyre, did you stay in the room following this
17 exchange?

18 A. Well, at that time I was quite upset quite a bit. So we
19 stayed there for a while in there and he was saying and
20 my daughter got mad and bounced her books and then told
21 her -- I don't think -- don't talk to my mother that
22 way or something to that effect.

23 Q. Okay, just a second, just before we get to that. After you
24 had the exchange, did you then sit down in the room?

25 A. Yeh, I sit there with her and until --

EMILY CLEMENS, by Mr. Spicer

1 Q. And why did you sit down in the room?

2 A. Because I didn't -- I wasn't going to leave her in that
3 environment.

4 Q. Okay, were you told to sit down?

5 A. Well, he told me to shut up and sit down or be quite and
6 sit down. Something to that effect.

7 Q. Who told you that?

8 A. I guess, he did because he was the only one who was throwing
9 the questions at her.

10 Q. John MacIntyre?

11 A. Yeh.

12 Q. Right. Did you sit down?

13 A. I did.

14 Q. Okay and did the questioning of your daughter continue?

15 A. Continue, yes.

16 Q. And at this point now you're in the room listening to it?

17 A. Yeh.

18 Q. And what were the questions that were being asked?

19 A. The same questions as before, you know, to the same thing
20 about, you know, where it was, you know, about the drinking
21 and if he gave it to her and all that.

22 Q. And if he gave it to her, who gave it to her? Junior
23 Marshall gave it to her?

24 A. Yeh, and she said no he didn't. That they were out but
25 that he didn't give it to her.

EMILY CLEMENS, by Mr. Spicer

1 | THE CHAIRMAN:

2 | Give?

3 | BY THE WITNESS:

4 | A. Well, at that time he was supposed to be giving liquor to
5 | -- she was a minor. So they tried -- he tried to put across
6 | that -- that he had given liquor to a minor. And she said
7 | no, that he didn't.

8 | BY MR. SPICER:

9 | Q. Your daughter was denying it?

10 | A. Yeh.

11 | Q. And you indicated a minute ago, that at some point your
12 | daughter slammed -- did she have her school books with her?

13 | A. Well, yes, she still had her books with her.

14 | Q. Right.

15 | A. Because I said he picked her up by the bus stop. She never
16 | had a chance to go home or anything. So she still had her
17 | books with her in there.

18 | Q. Right, did you have -- did you have the impression that if
19 | you wanted to, you could have -- you could have said at
20 | any time "well, we're leaving now, good-bye, see you later"?

21 | A. I don't know. No, I never gave it that thought. I just
22 | figured out well, when he was finished doing whatever he
23 | wanted to do with her, he'd be -- he would tell us to go.
24 | But I wasn't going to move away her because I felt that
25 | I mean, I was there because -- because I wanted to be.

EMILY CLEMENS, by Mr. Spicer

- 1 A. Not for him or anybody else.
- 2 Q. Was it your feeling that you couldn't go until the questioning
3 was over?
- 4 A. No, I wasn't going to go until the questions -- because I
5 didn't feel comfortable with the situation at that time.
- 6 Q. Now my question -- I'm not sure we understand each other.
7 My question was whether or not you thought that you could
8 just say to John MacIntyre "I'm sorry, this questioning is
9 not going any further. My daughter and I are leaving?"
- 10 A. Well, I told him to ease off. That if he was going to ask
11 you any questions, he should ask her more in a proper manner.
12 Not trying to scare the living god out of her.
- 13 Q. And what was his response to that?
- 14 A. Well, he still kept throwing questions at her as if I wasn't
15 even there, to be honest with you.
- 16 Q. In what tone of voice?
- 17 A. Well, I don't know. Somebody bullied. Traping over them.
- 18 Q. Well, when you described bully type, are you talking about
19 somebody --
- 20 A. Well, I mean forceful.
- 21 Q. Yes.
- 22 A. Forceful, like if to say well, it's my show, I'm going on
23 with it.
- 24 Q. And the questioning continued with you sitting in the room?
- 25 A. Yes, he still asked her the same questions.

EMILY CLEMENS, by Mr. Spicer

1 Q. And your daughter continues to deny it?

2 A. Well, she still -- she said she told as she -- at the time
3 she still denied it.

4 Q. And then -- you told us a couple of minutes ago that at
5 some point your daughter slammed her school books down?

6 A. Well, she slammed her school books down at the time that
7 he -- when he referred to me as being, I guess, at the
8 point, that I wasn't a fit mother to a certain extent
9 because I didn't know where my daughter was at the time
10 and who she was associating with. And that's the time
11 that she got mad at that point.

12 Q. What did she do?

13 A. Well, she said "Just don't talk to my mother like that."
14 Or something to that affect.

15 Q. And was your daughter's voice raised? Did she yell?

16 A. Well, when she -- well, she got mad and she just bounced
17 her books on the table at the time.

18 Q. And what was the response of John MacIntyre to that?

19 A. He just told me to sit down and keep quite or shut up or
20 something that that. I don't know. He said something
21 to me and any way I sat down. It could have been anything.

22 Q. During the time that you were in the room, did your daughter
23 ever admit to John MacIntyre that Junior had given her
24 liquor?

25 A. No, not while I was there because if I did, I think I would

EMILY CLEMENS, by Mr. Spicer

1 have been quite mad to go through all the ordeal that we
2 had gone through and she finally broke down in the end
3 instead of coming out first and saying in the beginning.
4 So I think I would have been kind of put out that knowing
5 that we went through all that anxiety for nothing.

6 Q. How then did the questioning end?

7 A. Well, he just -- it just ended. Just as -- you know, just
8 ended period. There was no good-byes, shake hands or
9 nothing of that kind of sort of thing. We just ended.

10 Q. Did your daughter -- was your daughter asked to give a
11 statement, do you remember?

12 A. Well, I never checked -- I don't remember seeing her
13 signing any papers at the time. If she did, she made --
14 I don't think she did. Not in my presence anyway.

15 Q. And did you leave together with your daughter?

16 A. Oh, I walked out first and as far as I can remember that
17 she just walked in behind me.

18 Q. Do you know whether or not she might have still been in the room
19 for a period of time being questioned by John MacIntyre
20 after you left?

21 A. To be honest with you, I don't remember.

22 Q. You don't remember?

23 A. I tell you the truth, I was so mad at the time, I think
24 I just drew blanks. I don't know. But as far as I understood
25 we pretty well left at the same time.

EMILY CLEMENS, by Mr. Spicer

- 1 Q. And you left at the same time, how did you get home?
- 2 A. He drove me home.
- 3 Q. Who's "he", John MacIntyre?
- 4 A. Well, the people that -- the both that drove me down, of
- 5 course.
- 6 Q. So both police officers drove you back home?
- 7 A. Yeh.
- 8 Q. In the car?
- 9 A. Yeh.
- 10 Q. The police car again?
- 11 A. Yeh.
- 12 Q. Was there any conversation between yourselves -- between
- 13 yourself and the police officers on the way home?
- 14 A. Well --
- 15 Q. Until the time you got to your home?
- 16 A. No, everything was pretty well still. Because as I said
- 17 I was upset. My daughter was upset. And we just didn't
- 18 feel like talking.
- 19 Q. How did you feel at that point when you were driving home?
- 20 A. Well, I was new to the community and I -- to tell you the
- 21 truth when -- I just felt like running home and packing
- 22 all my stuff and throwing in the suit and run like hell.
- 23 Q. To where?
- 24 A. You tell me. That was my opinion.
- 25 Q. And why were you feeling that way?

EMILY CLEMENS, by Mr. Spicer

- 1 A. Because I don't know. I just -- I was never in that -- you
2 know, I was never put through that before.
- 3 Q. And what do you consider it was that you were put through?
- 4 A. Well, the anxiety and everything else. I figured well, if
5 anybody's going to question a young girl, that they should
6 have been more -- you know, not so high pitched, and so
7 forceful. She wasn't a criminal or anything and she shouldn't
8 have been put through what she had been put through.
- 9 Q. Yes.
- 10 A. Well, that was my thought anyway. I don't know if anybody
11 else saw it that way.
- 12 Q. When you got to your house, did you get out of the car
13 together with your daughter?
- 14 A. No, my daughter went out first.
- 15 Q. And did either of the police officers say anything to your
16 daughter as she was getting out of the car?
- 17 A. I don't remember. She just -- she just got out in a hurry,
18 I know that. And she went right in the house. In fact she
19 went right upstairs.
- 20 Q. And did you stay in the car?
- 21 A. Yeh, I was in the car for a few minutes.
- 22 Q. And what happened during the time you stayed in the car?
- 23 A. Well, he just -- he just started telling me what type of
24 a person that he was and what he --
- 25 Q. Sorry, just a second. What type of person -- first of all

EMILY CLEMENS, by Mr. Spicer

1 who's telling you this? Is this John MacIntyre again?

2 A. Well, they were both were -- there was criss-cross
3 conversation. There wasn't anybody specific, you know.
4 They were just telling me that he was --

5 Q. Who's he that we're talking about?

6 A. Junior was at the time, Marshall. That he had done, like, the
7 different things, like you know, that they had got him on
8 different things; but he was never charged with it as far as
9 I understood and that my daughter was very lucky to be --
10 that she could have been more involved than she was and all
11 that kind of stuff. And you know, she was lucky to be off --
12 that something could have happened to her or something but
13 I didn't know what she meant by that.

14 Q. Well --

15 A. Because I didn't know anybody.

16 Q. -- did either of the police officers give you any indication
17 of what sort of thing might have happened to your daughter?

18 A. No, he didn't. He just said that she could have gotten
19 hurt somehow or other along the long but they didn't give
20 me any reason why she should have gotten hurt. And to tell
21 you the truth, I was too scared to ask.

22 Q. Were they making a connection between the possibility of
23 your daughter getting hurt and Junior Marshall?

24 A. That I don't know. I mean, it could have been because he
25 was the only person that we were talking about at that time.

EMILY CLEMENS, by Mr. Spicer

1 But as I said, I was quite upset about my daughter and they
2 were telling me all these different things about a strange
3 person I didn't even know. And to tell you the truth, I
4 didn't really want to hear it to be honest with you.
5 Because I said -- it was really -- I was getting more
6 frightened, you know. I said what kind of environment did I
7 get myself into.

8 Q. Did you get the impression from what was being said that
9 you shouldn't let your daughter hang around with Junior?

10 A. Yes, but I mean I couldn't -- that was the impression but
11 I said, the way I figured it, well, I didn't know the lad
12 at the time and I couldn't judge him because I said I would
13 have to know a person myself before I could say anything
14 against him or anything like that because I didn't know him.

15 Q. Did you respond at all in this conversation or were you
16 just listening to what was being said to you?

17 A. Well, listening -- I don't know what his point was in
18 telling me all that if he thought that I should -- came to
19 the point that I should lay charges for -- making liquor
20 for -- he didn't say so but I mean, I didn't know if was
21 bringing that point up or not.

22 Q. What point is that?

23 A. About him giving liquor to my daughter and he figured out
24 well, he was telling me all these different things, bits and
25 pieces, that I would break down and say well, go ahead do

EMILY CLEMENS, by Mr. Spicer

1 -- I don't know what his point was. But I didn't -- I didn't
2 pick him up on anything. I just wanting to get in the house,
3 period.

4 Q. There was -- and I know you're familiar with this because
5 we discussed it; but there was an article last summer in the
6 Toronto Star in which you were quoted as saying --

7 A. No, I didn't -- I didn't -- some -- I'll tell you how that
8 happened to me. Somebody phoned up and asked about the
9 Commission there --

10 Q. I remember that but --

11 A. Yeh.

12 Q. There was an article in the Toronto Star in which this
13 incident was referred to and you are referred to as having
14 said that John MacIntyre said to you at the end of this
15 conversation in the car that referring to Junior
16 Marshall

17 If I can't get him on this, I'll
18 get him on something else.

19 Do you have any recollection of saying that?

20 A. I never -- I never quoted that. He did say that to that
21 effect but I never quoted that to Toronto Star. I don't
22 know where they picked that up at. Because I never --

23 Q. Okay, well, regardless of whether or not you quoted it to
24 the Toronto Star, that is your recollection of what was
25 said to you?

EMILY CLEMENS, by Mr. Spicer

1 A. Yeh, that was the point yes.

2 Q. By John MacIntyre?

3 A. Because he did do other things and they felt that if they
4 didn't get him on one thing, well, they could have gotten
5 him on another. But I -- but I didn't ask them what they
6 were trying to get him on.

7 Q. But that was said to you in the car?

8 A. Oh, yeh, that was said.

9 Q. By John MacIntyre to your recollection?

10 A. Well, he could have said it or the other fellow. But they
11 were both -- as I said they were criss-crossing questions
12 and talk. It was like what you call a two circle.

13 THE CHAIRMAN:

14 Q. We better go through that again; I'm not clear Mrs. Clemens
15 if you're saying --

16 A. Well, the way it was --

17 Q. Could you just --

18 A. -- the both men at the time they were telling me different
19 things. Like one person would say one thing and the other
20 man would say something. And I was quite upset at the time
21 so I didn't really pay too much attention who was throwing
22 the questions out on me. But I mean --

23 Q. No, no, that's not my problem.

24 A. What's that?

25 Q. Did John MacIntyre say to you that there were other things

EMILY CLEMENS, by Mr. Spicer

1 | that he or the police could have gotten Junior Marshall --

2 | A. Well, it was --

3 | Q. -- on or did he say to you

4 | If I don't get him now, I'll get
5 | him later on.

6 | Which was it?

7 | A. Well, he said it -- that he would make the mistake sometime

8 | in the near future that he would probably would get him --

9 | pick him up on it. That's what I understood it; now I

10 | couldn't.

11 | Q. I see.

12 | A. Something to that effect.

13 | MR. SPICER:

14 | Is that clarified, my Lord.

15 | COMMISSIONER EVANS:

16 | Q. Well, on this. Does that mean that as I get the gist of the

17 | conversation that was going on between Marshall and your

18 | daughter. He thought -- I'm sorry, between MacIntyre and

19 | your daughter, the police were of the view that Marshall

20 | had given liquor to your daughter?

21 | A. That's right.

22 | Q. And your daughter denied that Marshall gave her any liquor?

23 | A. Yeh, he denied at that time being given the liquor.

24 | Q. Now did she admit that somebody had given her liquor?

25 | A. As far as I understood it they got the liquor but she didn't

EMILY CLEMENS, by Mr. Spicer

1 -- she didn't mention who gave it to her.

2 Q. But that she did get liquor from somebody?

3 A. Yeh, they had a few drinks but they wasn't -- he wasn't
4 connected with it.

5 Q. And that she was a juvenile?

6 A. Yes.

7 Q. And that's what he was concerned -- partially concerned
8 about?

9 A. Yeh, well what he was trying to put the point that he wanted
10 to know if Marshall was the one that gave it --

11 Q. Gave her the liquor?

12 A. -- yeh, gave it to her.

13 Q. And she denied it?

14 A. Yeh.

15 THE CHAIRMAN:

16 Q. Did this come as news to you of -- had you been aware of
17 the fact that your daughter --

18 A. Well, I'll tell you it was all news to me because as I
19 said, I didn't know -- I didn't know anything about it
20 until that instant until I got down to the --

21 Q. Let's forget Junior Marshall for a moment. Was it news
22 to you that your daughter had been, you know, supplied
23 with liquor?

24 A. Yes, because I mean, normally when she came home, she
25 usually come in the house and she would sit down and she
would have a lunch and everything. So I've never actually

1 | seen her with any liquor, you know -- that'd have any --
2 | way of knowing that she had any liquor on her. And she's
3 | never stayed over anybody's house on the weekend or anything
4 | like that or overnight. And she's usually home every night.
5 | So I can't see -- you know.

6 | Q. Were you concerned to -- over the fact that your fourteen
7 | year old daughter --

8 | A. Yes, I was concerned.

9 | Q. -- may have consumed liquor?

10 | A. Yes, I was concerned on that point but I mean as I said,
11 | I didn't want -- I couldn't say anything because I never --
12 | I wasn't there at the time and I was only taking what
13 | I heard, you know, from her herself. But myself I'd never
14 | seen her in that position where that she had had liquor
15 | from anybody. And I just took her word for it and I
16 | figured, well --

17 | Q. But what was her word? Did she say she had it?

18 | A. She said that he did not supply at that --

19 | Q. Oh, no, I realize that. I appreciate that. But did your
20 | -- I guess -- I was left the impression and correct me if
21 | I'm wrong, that while your daughter denied very strongly,
22 | according to you --

23 | A. Yeh.

24 | Q. -- that she had not been supplied with any liquor by
25 | Donald Marshall, --

EMILY CLEMENS, BY Mr. Spicer (by the Chairman)

1 A. That's right.

2 Q. -- Junior, but that she had been supplied by -- with liquor
3 by someone else. She had some liquor?

4 A. Well, they had like a drink of wine of something about it
5 but I think that as far as I know, that's about the only
6 thing they had. But that she did not have anything at that
7 one -- at that point of time that he was trying to put
8 across to me that she had. That he didn't supply it.

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EMILY CLEMENS, by Mr. Spicer

1 BY MR. SPICER:

2 Q. Let's go back for a sec over that. During the questioning by
3 John MacIntyre in the police station --

4 A. Yes.

5 Q. -- did your daughter admit having gotten liquor from anybody
6 else?

7 A. No, not when -- not in my presence at the time. All she said
8 at the time that she didn't -- that I could understand at the --
9 from what I heard, that she said that he did not give it to her.

10 Q. Right, but was she asked whether or not she got liquor from
11 anybody else other than Junior Marshall?

12 A. Well, if she was asked, she didn't -- not while I was there
13 because, I'll tell you the truth, I think I would've been
14 kind of curious to find out who was if anybody did give it
15 to her.

16 Q. And it was -- Was it your understanding from what you heard
17 in that questioning, that your daughter had said that Junior
18 Marshall did not give her any liquor?

19 A. Yeh, that's my understanding.

20 Q. Okay. And secondly that she didn't get any liquor from anybody
21 else either?

22 A. Well, that I don't know. I can't answer on that point, but all
23 I know was that she made a point that she did not get it from
24 him.

25 Q. Do you recollect whether or not she was asked any questions about

EMILY CLEMENS, by Mr. Spicer

- 1 whether or not she got it from anybody else?
- 2 A. No, not if I remember because I'll tell you that I was -- I --
- 3 The part that I came in -- I was just got into the part where
- 4 he was asking, you know.
- 5 Q. So that all you can tell us today is that all you know is that
- 6 your daughter denied getting liquor from Junior Marshall?
- 7 A. Yeh. Yeh, at that -- Yeh. But, I mean, as I said -- But I
- 8 mean -- But judging her coming home every night and -- You
- 9 know, and we always had lunches and things together, if she
- 10 did had any, I certainly would've detected into her, as far
- 11 as that's known.
- 12 Q. Now, in connection with this particular occurrence; that is,
- 13 with the allegation that Junior Marshall had, in fact, given
- 14 your daughter liquor, did you know that your daughter went
- 15 to court and --
- 16 A. Yeh.
- 17 Q. -- in fact said that Junior Marshall did give her liquor?
- 18 A. No, I wasn't at the -- I did not go down to the court case
- 19 myself. No, I didn't.
- 20 Q. And you didn't know that your daughter in fact got down to
- 21 court and said that?
- 22 A. I -- No, I didn't. I did not know. In fact, I didn't go
- 23 down to the court or I -- or anywhere near the court.
- 24 Q. Did you know that she was going?
- 25 A. Oh, I knew that she was going. My husband at the time went

EMILY CLEMENS, by Mr. Spicer

1 down with her, but I didn't go down with her because I had
2 other small children to look after and things at home.

3 Q. So you had no idea after this --

4 A. The only thing that I knew is just what I knew at that specific
5 time in the room but what about anything else with the going
6 down to the court itself, I didn't know anything about that.

7 Q. Do you think that your attitude concerning the questioning
8 would've been different if you had known that your daughter,
9 in fact, had been supplied liquor by Junior Marshall?

10 A. Well, I'll be honest with you. If he had have gave it to her,
11 and her being a minor, I think I would've run up -- I wouldn't
12 have put -- made a big deal of it. I think I would've went up
13 myself and talked to the boy personally and asked him, you know,
14 that way.

15 Q. But let's just concentrate on the questioning for a moment.
16 If you had known that your daughter had, in fact, got some
17 liquor from Junior Marshall, would you have been as upset at
18 the way she was being questioned by John MacIntyre?

19 A. I would've been upset because, you know, if she had taken it
20 from him. But I still would've been upset on the way he had
21 tried to get it across to make her confess to the point that
22 she did take it from him.

23 Q. Yes.

24 A. Is that what you mean?

25 Q. That if she -- If you knew that she wasn't telling the truth --

EMILY CLEMENS, by Mr. Spicer

1 If you knew that, in fact, she had received liquor from John
2 MacIntyre, what do you think John MacIntyre should've done
3 to get the truth out of her?

4 A. Well, I think if he had've been a little more understanding to
5 her -- had a different approach, then he probably wouldn't have --
6 He might've. I don't know. I can't answer that one, but as
7 the way right then at the time, he was treating her as if
8 something -- as if she had done something real wrong, as if
9 it was a crime to what she had done.

10 Q. Was part of the reason you were upset though, Mrs. Clemens,
11 was because you thought during that questioning that your
12 daughter was telling the truth?

13 A. Yes, I believed in my daughter at the time, and in fact I still
14 believe in her today if she --

15 Q. And if you'd thought that she wasn't telling the truth, how
16 would you have felt then, do you think, if you'd known that
17 she wasn't telling the truth to John MacIntyre?

18 A. Well, at that time, I would've have been very, very upset with
19 her at the time. I mean, I --

20 Q. And would you still have been upset with the way John MacIntyre
21 was questioning her?

22 A. Yes, I still would've been upset with him because I still say
23 that any person who wants to question someone, they don't have
24 to badger them. They can ask questions and be nice about it
25 and I think they get just as much results out of a person

EMILY CLEMENS, by Mr. Spicer

1 especially a young child, than trying to put the fear of God
2 into them. That's what my attitude was at that time.

3 Q. It would seem, though, from what you've told us that when your
4 daughter left the questioning that day with John MacIntyre,
5 she, in fact, hadn't told him the truth because she went to
6 court later and said that Junior had given her some liquor.

7 A. Well, then I don't know anything about that part of it. As I
8 said, I didn't go down, and I never discussed it with them
9 when they came back. But, I mean, I was talking to her not
10 too long ago on the phone, and I asked her about that one
11 incident to that point and she doesn't -- Well, I asked her
12 point blank. I said, "It's all over with. You might as well
13 tell me now one way or the other." And she told me the same
14 thing that at that time when he was questioning about that
15 one incident that he did not give her liquor on that one --

16 Q. This is a recent telephone conversation you had with your
17 daughter?

18 A. Yes, and I said, "You got nothing to hide, nothing to be
19 scared about." I said, "I want the honest truth." And that's
20 what she told me she said.

21 BY MR. CHAIRMAN:

22 Q. I'm having real difficulty following it. Mrs. Clemens, let me
23 get this clear. You said that you didn't go down to court --

24 A. No, I didn't. I couldn't.

25 Q. -- with Joan --

EMILY CLEMENS, by Mr. Spicer, (by Mr. Chairman)

- 1 A. No, I didn't.
- 2 Q. -- when she went to testify, presumably in some -- in an action --
3 a charge that had been laid against Junior Marshall for giving
4 liquor to minors.
- 5 A. Well, as far as I understood what it was, that he was taken
6 down to court and I guess -- I don't know if there was anybody --
7 I gather there must've been two, three other people there and
8 they were brought down on that thing.
- 9 Q. No. No. You -- But your husband did go with your daughter?
- 10 A. Well, yes. He said he did now. He said he did.
- 11 Q. When he came home, after the trial was over -- When he and
12 Joan came back home, did you say to him, "What happened in
13 court today?"
- 14 A. I did but to tell you the truth, he didn't answer me. He
15 just got his things, got in the car, and went out to work --
16 back to work. He never said nothing, to be honest.
- 17 Q. Did you then say to Joan, "What happened in court?"
- 18 A. I didn't ask her at the time because she was very upset and
19 she went upstairs and she just went into her room and it was
20 a closed conversation at that time.
- 21 Q. Did you ever find out that Joan had testified in court that
22 Junior Marshall had given her liquor?
- 23 A. No, I didn't. I didn't know anything about it until I --
24 through this hearing.
- 25 Q. This is something new to you now?

EMILY CLEMENS, by Mr. Spicer, (by Mr.Chaiman)

1 | A. Well, this is just as new to me as it is to you.

2 | Q. Oh, all right.

3 | A. But at that point in time -- that one specific time that he
4 | was questioning that was the time that he wanted to know what --
5 | He didn't say about any other time that I understood. It was
6 | that one specific time he wanted to know if he gave her any
7 | liquor. At that one time he was questioning, and at at that
8 | one time she said no.

9 | Q. When your husband and Joan left to go down to court --

10 | A. Yeh.

11 | Q. -- for the purpose of Joan giving evidence, did you know why
12 | she was going down, what the case was all about?

13 | A. Yeh, I had an idea that it was something towards the effect
14 | that it was there, and I wanted to go down because --

15 | Q. That what was there?

16 | A. You know, to where I -- the incident that I went through. I
17 | figured it was on the same scale, you know, the same purpose,
18 | and I wanted to go down because I said -- I was at the begin-
19 | ning of it and my husband said, "No." He said -- She said --
20 | He said, "You'll only be even more upset than you are right now."
21 | And he said, "Let me go."

22 | Q. Did you --

23 | A. But I wish I had have went because I would've been a little
24 | more wiser.

25 | Q. Did you ever hear that Junior Marshall was convicted of giving

1 liquor to minors?

2 A. No, I never heard any more about it.

3 Q. So you didn't -- You had no idea of the outcome of the trial?

4 A. To tell you the truth, I just made closed conversation of it
5 because, as I said, Joan was completely -- Nobody bothered her
6 anymore at that time, and I didn't know the boy, and I just
7 said, "Good luck." Everything was over with and I was happy
8 about the thing.

9 BY COMMISSIONER EVANS:

10 Q. But you did say if you had known that he was supplying liquor --
11 he or anybody else was supplying liquor --

12 A. Yeh, I would've been upset about it just then --

13 Q. You would've been upset about it?

14 A. I definitely would've been upset because, as I said, nobody,
15 I don't care who they are or what they are, should contribute
16 liquor to a minor. I don't care who it is.

17 Q. Right.

18 A. I agree with you on that part that yes, I do.

19 Q. And if she had been lying to you about it, you would've been
20 concerned too?

21 A. I would've been concerned, but I figured out that we always
22 had an open relationship at all times and I never gave her any
23 reason not to have one; so I figured she never lied to me
24 before or anything, why should she start lying now because I
25 wasn't going to do anything to her or anything, you know, and

EMILY CLEMENS, by Mr. Spicer

1 I just wanted to know the truth. And I don't know why she'd --
2 When I asked her recently, and she does nothing -- no reason
3 now to lie to me that she said, "No."

4 BY MR. SPICER:

5 Q. Where is your daughter, Joan, now?

6 A. In B.C.

7 Q. And was this a conversation you had with her --

8 A. Yeh, we had -- Like she phones me. That's when, you know,
9 the people were trying to get in contact with her and all
10 that, and I told her that they were trying to get in contact
11 with me, and I said, "I would like to know -- " I knew that
12 what was going on down when I was there, but I said -- And
13 I wasn't down to the court case or anything. I said, "I would
14 like to know a little more about it," you know. And I said,
15 "When we were down there, when they were questioning you," I
16 said, "Were you telling the truth at that present time?" and
17 she said, "Yes." And I said, "I don't want you to lie to me.
18 I want to know the truth." And I asked her -- But other
19 incidents I don't know of. I can't say -- give account for
20 any other time, only that one time.

21 Q. Did your daughter ever tell you that -- whether or not she was
22 at the dance at St. Joseph's Church with Sandra and Barbara
23 Floyd on the night that Sandy Seale was stabbed?

24 A. No, she never -- did not mention that.

25 Q. She never mentioned that to you?

EMILY CLEMENS, by Mr. Spicer

1 A. No, she never mentioned it.

2 Q. Would it surprise you to hear that the evidence of the other
3 two girls is that your daughter --

4 A. She could've --

5 Q. Just let me finish.

6 A. I'm sorry.

7 Q. That -- surprise you to hear that the evidence of the other two
8 girls, Sandra and Barbara, was that your daughter, Joan, was
9 with them the night of the dance that Sandy -- of the evening
10 that Sandy Seale was stabbed?

11 A. Well, not really because they had a habit of going to the
12 dances all the time down there so -- And -- Well, as I said,
13 I didn't know anything about what happened; so I wouldn't
14 have probably wouldn't gave it any thought. Just figured out
15 that she was there at the -- You know, at the dance that one
16 night.

17 Q. And did your daughter ever say anything to you at all about
18 the incident surrounding the stabbing of Sandy Seale?

19 A. No, she never mentioned it.

20 Q. Did she ever say anything to you at all about whether or not
21 she might've seen John Pratico on leaving the dance that night?

22 A. No, she never -- In fact, I never heard -- I don't even know
23 who he is.

24 Q. So if she knew anything about it, she wasn't telling you?

25 A. Well -- No, she never mentioned it.

- 1 Q. I see. Did she ever mention anything at all about Junior
2 Marshall to you after this liquor incident?
- 3 A. Well, I asked her what kind of boy he was and she said, "Mom,"
4 she said, "He's okay. He's nice and he's a nice person and
5 that," and she said, "I don't know what all the fuss is about."
6 That was her -- you know, her way of saying it.
- 7 Q. Your recollections on the things that you said to John MacIntyre
8 the day that you were -- you daughter was being questioned with
9 reference to "Gestapo" and "lobster" --
- 10 A. I wish you hadn't have asked that because that sounds kind of
11 stupid now when I think that far back.
- 12 Q. No, what I want to ask you is whether or not you've been
13 reminded of those comments lately?
- 14 A. Well, listen, I don't even know how that ever came to a point
15 because, as I said, the only who really knew what I had said
16 at that time was my daughter, herself. I never mentioned it
17 to my husband or anybody because I figured out -- Well, I
18 thought it was kind of -- I was -- I got mad at the time, and
19 I figured well maybe it was kind of -- You know, that -- It
20 came off the top of my head. You know, I was really mad at him.
- 21 Q. But is your recollection of those comments, and those two
22 comments in particular, been assisted by anybody else in your
23 family recently bringing -- sort of refreshing your memory?
- 24 A. Now, I didn't quite understand what you said.
- 25 Q. Have you talked to anybody else in your family over the years

EMILY CLEMENS, by Mr. Spicer

1 about those comments and were --

2 A. No, I'll tell you the truth, I never really discussed it with
3 anybody only, as I said, lately, just the last couple of days
4 because the reason why I spoke to people was like my only --
5 not to anybody outside, just my own immediate family because
6 I wanted to kind of refresh my own mind because as time went
7 by, you know, I kept pushing it in the back of my own mind.
8 That way --

9 Q. So is it fair that in the last couple of days, you might've
10 discussed it with other members of your family, but you were
11 the one that was telling them what you remember?

12 A. Yeh. Well, I was trying to -- Like, you know, say like -- kind
13 of talk it out, you know, instead of talking it out myself,
14 I would like to talk it out with somebody else like, you know,
15 and try and, you know, see what I do remember because, as I
16 said, it's quite a while back.

17 Q. And are you satisfied that everything you've told is --

18 A. Well --

19 Q. Just a sec. Are you satisfied that you've told us is in fact
20 what you remember --

21 A. Yes.

22 Q. -- and nothing has been suggested to you?

23 A. No, I know I said those remarks because, as I said, as I was
24 talking to you earlier, I said I didn't want you to bring
25 them up because I thought it was kind of stupid, and I

EMILY CLEMENS, by Mr. Spicer, by Ms. Derrick

1 remember that and I remember about the other thing -- instance
2 that -- I know -- I -- Everything --

3 Q. All right. You're certain that everything you told us is --

4 A. Well, everything, as I said, is --

5 Q. -- your recollection?

6 A. It's my -- Yeh, it is. Yeh.

7 Q. Thank you.

8 BY MS. DERRICK:

9 Q. Mrs. Clemens, my name is Anne Derrick, and I represent Junior
10 Marshall. Back to this occasion when John MacIntyre questioned
11 your daughter. When John MacIntyre and the other police
12 officer came to your house that day, I think you said that
13 you asked them what they wanted to talk to Joan
14 about.

15 A. Yeh, I did ask them, but they didn't volunteer any information.

16 Q. Did they simply ignore your inquiry?

17 A. No, they just -- I don't know if they -- At the time, I was
18 kind of -- You know, I said, kind of mixed -- scared like
19 because, I mean, I never had policemen knocking on my door
20 before. But they didn't volunteer anything and -- Well, when
21 they --

22 Q. Do you have any recollection of what they did say to you in
23 response to your inquiry?

24 A. Well, they just asked if Joan was home. And I said no that
25 she was at school. And they wanted to know what time she got

EMILY CLEMENS, by Ms. Derrick

- 1 off and I told them the time and then --
- 2 Q. But when you inquired as to what they wanted to speak to her
3 about --
- 4 A. Yeh.
- 5 Q. -- do you have any recollection of what they said in response?
- 6 A. No, I didn't. And if they did -- No, I didn't.
- 7 Q. Is your recollection is that they simply gave you the brush
8 off, as it was -- as it were?
- 9 A. Well, as I said, as far as I remember, they just didn't
10 volunteer any information.
- 11 Q. They just didn't --
- 12 A. All they were interested in, actually, was in seeing my daughter
13 because, as I said, I had nothing to do with anything.
- 14 Q. And when you got into the car with them and you were driving
15 around waiting for the schoolbus to arrive, was there any
16 discussion in the car at that time?
- 17 A. No, I -- The only thing at the time -- No, we didn't -- If
18 we did talk, it was just idle chatter. There wasn't anything,
19 you know, to the --
- 20 Q. Would they talk to each other about anything?
- 21 A. Well, if they did, I didn't bother with them. If they did --
22 No, they --
- 23 Q. And nothing of significance was said between you and them?
- 24 A. No, there's nothing that -- nothing really.
- 25 Q. Had Joan ever been in any trouble with the police before of

EMILY CLEMENS, by Ms. Derrick

1 | any kind?

2 | A. Never in her life.

3 | Q. Did John MacIntyre say to you at some point during this that
4 | he had the right to question Joan without you being present?

5 | A. No, he didn't. But I think -- the way I -- If I hadn't have
6 | made my point to going with her, he would've went down to
7 | the school --

8 | Q. So he would have acted as though he had the right to question
9 | her without you being present?

10 | A. Well, if I hadn't have put my -- went forward -- No, I hadn't
11 | have went forward with them, I think -- If I just told them --

12 | COMMISSIONER EVANS:

13 | Let's leave something for the Commission.

14 | BY THE WITNESS:

15 | A. No, I'm just -- What I was trying to say was, if I hadn't have
16 | went with them, he was going to go down to the school and
17 | pick her up and take the thing from then on his own like as
18 | far as that there.

19 | Q. Thank you. Now, when you got to the police station, you weren't
20 | encouraged to go into the room with Joan and the police
21 | officers?

22 | A. No, I wasn't asked, no.

23 | Q. Do you remember who motioned you to sit down outside?

24 | A. Well, they just made a gesture towards a chair.

25 | Q. Do you remember which police officer it was?

EMILY CLEMENS, by Ms. Derrick

1 A. No, I didn't because when you're upset, you just don't pay
2 attention to those things.

3 Q. Could you overhear the discussion in the interview room
4 clearly?

5 A. I could hear some of it like at the point that he was quite
6 harsh with her and he was demanding and stuff like that. I
7 could hear that.

8 Q. Were there parts that you couldn't hear?

9 A. Yes, there were -- As I said --

10 Q. Excuse me, My Lord, what I wondering is whether you heard
11 a mumbling and weren't able to make out the words.

12 A. Well, what I was trying to explain is, there was times that
13 when things were kind of, you know, in a low key -- toned voice,
14 and there was times it was more forceful than others. It's
15 when -- I found that when she kind of refused to give them
16 the answers that they had wanted to give, he seemed to be
17 more forceful on to that part of it like, you know.

18 Q. Did you hear a raising of voices at that point?

19 A. Oh, yes, it was quite loud because it brought my attention.
20 That's what brought my attention.

21 Q. Could you see into the room?

22 A. No, not exactly. All I could see there was the table and she
23 was sitting over there; so I couldn't see the -- her expression
24 her face, or I couldn't see his. All I could go by -- that I
25 knew that she was upset by her, you know, her tone of voice

EMILY CLEMENS, by Ms. Derrick

1 and that.

2 Q. And -- From what you could hear, was John MacIntyre doing
3 the interview? Was he conducting the interview?

4 A. Well, I wasn't familiar with his voice and that, but I mean --
5 I gathered -- He was the one closest to her at that time; so
6 I gather that's who the person was giving all the questions
7 to her.

8 Q. Did it sound to be the same person asking the questions?

9 A. Yeh, the same voice. It was the same voice. Yeh. And every
10 once in a while like there was another voice came in, but I
11 didn't know who that was.

12 Q. From what you could hear before you were in the room, and then
13 afterwards when you went into the room, did it seem to you
14 as though the principal concern of John MacIntyre was Junior
15 Marshall?

16 A. Right.

17 Q. And when you -- What was Joan's reaction?

18 A. Well, she was -- At that time, she was kind of nervous, upset,
19 you know.

20 Q. Was she protesting that she was telling the truth?

21 A. Well, she had kept on insisting that she was telling the truth.

22 Q. And what was John MacIntyre like? Was he in an irritated --

23 A. Well, he just told her at one point --

24 Q. -- state?

25 A. -- that if she didn't come across and tell the truth that she

EMILY CLEMENS, by Ms. Derrick

- 1 | could be brought up, you know, with -- How do you say that now?
2 | Juvenile Court or something like that.
- 3 | Q. Did he seem angry or irritated to you?
- 4 | A. Well, he wasn't pleased with her because he figured out, well,
5 | that she wasn't telling the truth at that time.
- 6 | Q. You -- When you went into the room, what was it -- As soon as
7 | you came into the room that John MacIntyre said this to you
8 | about not being a proper person to raise a child --
- 9 | A. No. No. He kept on asking her the same questions over and
10 | over again and I told him -- I told him about -- that she
11 | always -- when she went anywhere, she always phoned. If she
12 | was going to be late -- and started telling him that. And
13 | then he --
- 14 | Q. So it was after you had been in the room for a few seconds --
- 15 | A. Yes.
- 16 | Q. -- that this exchange happened between the two of you.
- 17 | A. When I was trying to explain to you, you know, the situation
18 | that I was in -- the point that I knew that she was telling
19 | the truth at that time.
- 20 | Q. Did you see anybody taking notes, Mrs. Clemens?
- 21 | A. To tell you the truth, no. I didn't pay no attention to him.
22 | I was only one concern and that was my daughter at that present
23 | time.
- 24 | Q. And when you went into the room, was Joan crying or --
- 25 | A. Well, she wasn't exactly crying, but she didn't look good.

EMILY CLEMENS, by Ms. Derrick

1 She had kind of a frightful look on her face like, you know,
2 she was -- In my way of thinking, she ws kind of bewildered.
3 You know. She didn't know exactly what was --

4 Q. So she was clearly upset from what you observed?

5 A. Yes, she was really --

6 Q. And I take it from your evidence, that you didn't feel that
7 you could leave with Joan. You didn't feel that you could
8 just scoop her up and go home.

9 A. No, I didn't think because I didn't that -- He didn't give me
10 permission to leave or anything like that.

11 Q. And you felt that you needed his permission before you could
12 do that?

13 A. Well, he was an authority at that time; so I mean I didn't --
14 I probably could've went, but I didn't think that I was in
15 a position to go.

16 Q. I take it from the way that the questioning was going, that
17 it was your impression that John MacIntyre had it in his mind
18 that Junior Marshall had given Joan some liquor?

19 A. Yeh, that's right. Yes.

20 Q. Later on when the police officers took Joan and yourself home,
21 you were in the police car with them for a few moments, is
22 that correct?

23 A. Yeh, that's right.

24 Q. And was it on that occasion that something was said to you
25 about, "Yes, Junior Marshall's going to make a mistake, and

EMILY CLEMENS, by Ms. Derrick

1 we're going to get him at court."?

2 A. Well, he -- to that effect, yes, because he figured out, well
3 he was supposed to be doing so many different things that
4 eventually that he would slip up and they would eventually --

5 Q. What impression did this create on -- with you?

6 A. Well, I was kind of bewildered in one sort of way because I
7 didn't know what my daughter or myself -- got myself into.
8 You know, as I said, I didn't know the lad at the time.

9 Q. Was it your impression that John MacIntyre wanted to get
10 Junior Marshall for something?

11 A. Well, let's say he didn't like him.

12 Q. While you were in the police car, did John MacIntyre tell you
13 that Junior Marshall was responsible for pushing over a tomb-
14 stone?

15 A. Well, he didn't exactly say that in so many -- that he was
16 involved in some way or another, that they were up around the
17 graveyard fooling around with tombstones and that.

18 Q. Some mention was made of the graveyard and the --

19 A. Yeh.

20 Q. -- tombstones?

21 A. Because, I mean, I didn't know anything about it; so --

22 Q. Do you have any recollection, Mrs. Clemens, of John MacIntyre
23 coming back to your house on a subsequent occasion after
24 Sandy Seale was stabbed?

25 A. He did come back one time or another and he was asking questions

EMILY CLEMENS, by Ms. Derrick

1 | but --

2 | Q. What did he want on that occasion, do you recollect?

3 | A. Well, he -- I guess, as far as I understood, that he was just
4 | asking questions -- if she was down around the dance at that
5 | one time or another and if she was anywhere in the area.

6 | Q. If she, meaning Joan?

7 | A. Yeh.

8 | Q. Do you remember when that was?

9 | A. No, not right offhand.

10 | Q. On that occasion, were you present when John MacIntyre came
11 | to the house?

12 | A. Yeh, I was sitting in the front room. So was my husband at
13 | the time.

14 | Q. And did he actually speak to Joan on that occasion?

15 | A. Yes.

16 | Q. And do you have any recollection of what his demeanor was
17 | like then?

18 | A. Well, he wanted to know all the details and everything else
19 | so far as I could understand from the conversation, but she
20 | didn't know that much about it.

21 | Q. Was he different towards Joan on that occasion than he had
22 | been on the occasion with respect to the liquor?

23 | A. He wasn't exactly as forceful as far as he was into the
24 | thing, but he still had what you call a voice of authority
25 | and that he was in charge and we were there to answer his

EMILY CLEMENS, by Ms. Derrick, by Mr. J. Pink

1 questions as he asked them.

2 Q. Thank you, Mrs. Clemens.

3 BY MR. J. PINK:

4 Q. Mrs. Clemens, how many of your children were at home in 1971?

5 A. Oh, gosh, now let me think. I have -- I guess around about
6 eight or nine of them roughly.

7 Q. Would you not agree with me that it would be very difficult
8 to keep track of where your eight or nine children were at
9 all times?

10 A. Well, let's put it this way. I had about five young children.
11 One is in Grade One and is in Grade Two and Three and Four;
12 so, therefore, they weren't very hard to keep in contact with.
13 And I had like a couple of -- Like three of them going to
14 high school and they were very good to keep track with because
15 they were open with me and I was open with them.

16 Q. So is your evidence that when Joan was not at school, she was
17 at home most of the time?

18 A. Well, if she wasn't at school, I think that at time that the
19 teacher or somebody would've phoned me up and notified me and
20 asked me why.

21 Q. That's not my question. After school hours --

22 A. Well, they had to catch a bus home from school; so if they
23 didn't get that one bus, well, then they wouldn't get home
24 until a later date. So she always got home around about four
25 o'clock, roughly.

EMILY CLEMENS, by Mr. J. Pink

1 | Q. Did you know where daughter was on Friday nights and Saturday
2 | nights?

3 | A. Yes, she went to St. Joseph's school, the dance, and one of the
4 | nights, I forget if it was Friday or Saturday, but -- And the
5 | majority of the time she was either down to Sandra MacNeil's
6 | house or to the --

7 | Q. Did you know that Sandra MacNeil and some other girls were
8 | hanging around the park area, Wentworth Park?

9 | A. No, I can honestly say, no, I didn't.

10 | Q. Did you -- At any time did you realize that a number of young
11 | kids were hanging around Wentworth Park and were drinking?

12 | A. No, because, as I said, I was new to the area, and I wasn't
13 | familiar with the situation and the lifestyle of the people
14 | down here; so, therefore, I couldn't know what the young
15 | teenagers did.

16 | Q. Did your daughter ever sleep over at any of her friends'
17 | residences?

18 | A. Well, she went -- Like the type of people that she slept over
19 | with -- The people always made sure that they're -- Once they
20 | got there at a certain hour, they weren't allowed out after-
21 | wards.

22 | Q. Did you ever go to bed before your daughter ever came home?

23 | A. I hate to say it. I'm a late person. I -- In nighttime, I
24 | don't -- Right now, roughly, I don't go bed until after the
25 | late movie is over. I happen to like my old fashioned movies.

EMILY CLEMENS, by Ms. Derrick

1 Q. My question to you is, At any time had you gone to bed before
2 your daughter came home?

3 A. No, I am not an early person.

4 Q. On a Friday or Saturday night, when your daughter came home
5 after being out, did you always check her to see whether or
6 not she had been drinking?

7 A. Well, if you want to know the truth, we -- She always had an
8 appetite, and her and I always sat down and we always had a
9 lunch together -- a cup of coffee or tea or cocoa, whatever
10 we had at the present time.

11 Q. And did that happen on every Friday or Saturday night that
12 she was out?

13 A. Well, she always raided my fridge.

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JMR

1 Q. Now, let me ask you this question, as I understand your
2 evidence, you are basically against people giving liquor
3 to minors. Do I understand that?

4 A. I wouldn't -- As I said, yes, I wouldn't care what nationality
5 they are. I would -- I would be against them, yes.

6 Q. At the police station, as I understand it, you daughter
7 denied receiving any liquor to the police?

8 A. Yes.

9 Q. She denied it to you?

10 A. Well, she didn't deny it. She -- I just asked her for the
11 truth and I said I wanted the truth and I said **nothing** going
12 to harm to come to you. I said I'm not going to do anything
13 to you. Ground you or anything. And I said I just wanted
14 to know the truth.

15 Q. And did --

16 A. And she had no reason to not to tell me.

17 Q. And then she told you at that time she didn't?

18 A. Yeh, that's right.

19 Q. And as I understand it, you have checked with her subsequently --

20 A. Yes.

21 Q. And she still denies it to you?

22 A. Yes, and she has no reason to lie. She's a grown woman.

23 Q. Let me ask you this. You are not aware that your daughter
24 testified in a Court of Law and under oath admitted to the fact
25 that Junior Marshall had given her liquor?

1 A. No, I wasn't but at that one time he might have gave her
2 liquor before but not at that time that MacIntyre had her
3 down. That time that was -- she was -- he wasn't involved
4 with it.

5 Q. Were you aware that Junior Marshall admits giving liquor to
6 your daughter?

7 A. No, I'm not aware.

8 Q. If, in fact, that is the truth, that those two statements
9 are correct, number one that your daughter, under oath, said
10 that she, in fact, did receive liquor from Junior Marshall and
11 number two, that Junior is going to admit that she -- he
12 did in fact give your daughter liquor, then your daughter's
13 still not telling you the truth today, is she?

14 A. She told me that at that one specific incident that she --
15 he did not give her. Now, she never -- I never asked her
16 anything before that or after that but at that one time he
17 did not give it to her.

18 Q. Did you realize that there was a problem in Wentworth Park
19 about minors receiving liquor?

20 A. I heard something about it but, I mean, everybody is just
21 talking about it but I didn't take any stock in it because
22 I didn't know the area.

23 Q. Now, at the police station, as I understand it, up until the
24 time that you arrived at the police station, you're main
25 complaint with the police officers were -- was that they

1 did not tell you why they wanted to speak to your daughter.

2 Is that correct?

3 A. Well, I asked them and I -- as far as I can remember, they
4 did not volunteer any of that because if they did have I would
5 have asked that -- right there and then about the point
6 of the liquor. And I don't know --

7 Q. That is your main complaint up until the time you arrived
8 at the police station?

9 A. No, it was not only my complaint. I just didn't like the
10 way he conducted -- he -- afterwards.

11 Q. I'm talking about when you arrived at the police station.
12 They treated you nicely at your home.

13 A. I wouldn't exactly -- just coming in abrupt.
14 Not saying hello, how are you or anything like that nicely.
15 I -- they just came in and sayed, I'm here, you're there
16 at my -- to my convenience. That's my -- There's where I --

17 Q. They did not kick you out of their police car?

18 A. They -- If they did I would have damn well stayed there.

19 Q. Right. When you were down and they asked your daughter to
20 get into the police car, they didn't drive off without you
21 accompanying them to the police station?

22 A. No, I was into the car right there 'cause I told them I was
23 going to stay with her 'cause I had the right as her -- as
24 a minor, that I had a right.

25 Q. And you're sure that there was only two people, other than

1 | police officers, in the --

2 | A. If you're trying to tell me that you think that Sandra MacNeil
3 | got in that car, cause I know damn well she didn't.

4 | Q. Well, I'm just saying what she testified to. She said she
5 | did.

6 | A. Well, then I wish she had 've been there but I know exactly
7 | because I know exactly because -- cause I asked her to come
8 | in and they did not take her.

9 | Q. No.

10 | A. Because she certainly wasn't a -- she didn't get invisible
11 | between them and corner and down there.

12 | Q. Now, at the police station, how long was your daughter in the
13 | room before you decide to go into the room where she was?

14 | A. I didn't put a time limit on it. I was just setting there
15 | and I was just playing it by ear.

16 | Q. And I take it there were moments when you heard nothing?

17 | A. I heard something but I just couldn't decipher exactly what
18 | it was. I was just going about the way the voices and
19 | there but I didn't exactly get the words, no.

20 | Q. Can you give us an approximate time, Mrs. Clemens, as to when
21 | it was or how long you were there for before you went into the
22 | room?

23 | A. Look, when you're in a situation like that and you're worried
24 | about one thing. You do not put a time limit on your time.
25 | You just sit there and you patiently wait until you get the

1 | opportunity to do what you can do.

2 | Q. Was it a short time or a long time?

3 | A. I don't know. I was just there, period.

4 | Q. When you went into the room did you knock on the door
5 | before entering?

6 | A. No, I didn't knock. The door was partly open so I had no
7 | reason to knock. I just went in.

8 | Q. Okay. So you went in and at that time was John MacIntyre
9 | standing or sitting?

10 | A. He was sitting.

11 | Q. And your daughter was seated too?

12 | A. Yes.

13 | Q. And this other police officer was at the other corner?

14 | A. He was over in the far corner.

15 | Q. Okay. Now, during that period of time there was conversation
16 | between Sergeant MacIntyre and your daughter?

17 | A. Yeh.

18 | Q. Your daughter kept on denying about receiving any liquor from
19 | Junior Marshall?

20 | A. That's right.

21 | Q. And then he used some other tactics to try to get the truth
22 | out of her?

23 | A. Well, he was trying to scare -- well, tell her if she didn't
24 | she would go to that junior hall, whatever you call it -- the
25 | heck if you want to call it that. And that's the time I stepped in

1 Q. I take it that you knew that it was against the law for
2 minors to consume liquor?

3 A. Yeh, anybody knows that.

4 Q. Okay. So it basically -- what John MacIntyre was telling
5 your daughter was a fact? That she could be charged with
6 consuming liquor under age.

7 A. The way I understood at the time, he wasn't assuming anything.
8 He was trying to get the truth out of her and he -- just the
9 way he said it and he was trying to put it across to her
10 that if she didn't say what -- the truth that she had that
11 facing her. And no young girl wants that facing her. I
12 don't care what you say.

13 Q. And was it during that period of time that you became upset
14 with Sergeant --

15 A. I wasn't upset. I was just furious.

16 Q. You were angry with Sergeant --

17 A. I certainly was.

18 Q. And it was at the time that you were angry with Sergeant
19 MacIntyre that you made these comments about the Gestapo?

20 A. Yeh, because I -- Well, you know what if you've ever watched
21 on of those guys, that's just what -- you get a flash back.
22 That's what he reminded me of.

23 Q. Okay. And it was after that, that Sergeant MacIntyre told
24 you be quiet and sit down?

25 A. He told me to shut up and sit down or be quiet, one or the

1 other. I don't know.

2 Q. Now, just a minute. It's almost --

3 A. Whatever he said, he made my daughter mad and she slammed
4 the book at him and she said he had no right talking to my
5 mother and like that so it had to be something to make her
6 mad.

7 Q. I want to make it very clear, Mrs. Clemens, you are not
8 absolutely sure as to whether or not Sergeant MacIntyre said
9 shut up and be quiet or shut up and sit down or be quiet and
10 sit down?

11 A. Well, he said something to that effect but why in the
12 hell did he make my daughter so mad. He must have said
13 something that wasn't pleasing to her ears.

14 Q. Well, he may not have liked you to be -- okay.

15 A. Listen, I don't care what he liked. I was there to protect
16 my daughter and I'd still do today. I don't care if you
17 like it or anybody likes it, I'll still do it.

18 Q. Even if your daughter was lying to the police?

19 A. If she was lying, she had a right to tell the truth but on
20 any of the circumstances that she was on at that present time.

21 Q. And throughout that interrogation, on more than one occasion,
22 Sergeant MacIntyre told your daughter to tell the truth and
23 be truthful to him?

24 A. He wanted the truth and she told him as she was saying it and
25 I couldn't argue with her or with him. I just didn't like the

1 -- what he was saying. How he was doing it towards her.

2 And that's where I came in at.

3 Q. And if she later testified in a Court of Law -- we know now
4 that she was not being truthful to Sergeant MacIntyre?

5 A. Well, I don't know about that part because I wasn't there but
6 I still say that didn't give him the right to do what he did
7 up to the present time.

8 Q. They drove you and your daughter home?

9 A. Right.

10 MR. J. PINK:

11 I have no further questions.

12 MR. MURRAY:

13 No questions on behalf of William Urquhart.

14 MR. BARRETT:

15 No questions, My Lords.

16 MR. SAUNDERS:

17 We have no questions, My Lords.

18 MR. PRINGLE:

19 No questions.

20 BY MR. WILDSMITH:

21 Q. Just a couple of questions, Mrs. Clemens. Taking the last
22 few points first that Mr. Pink was just exploring with you,
23 I think it's your testimony that you inquired on several
24 occasions as to the reason why the police wanted to question
25 your daughter?

EMILY CLEMENS, by Mr. Wildsmith

1 A. Yeh, that's right.

2 Q. And you never received a direct answer?

3 A. Well, if he had have mentioned it to me I would have asked
4 more questions. I would have been a little more wiser than
5 I was when I first walked in. Let's put it that way.

6 Q. Yes. Well, what I'm leading up to is asking you this. I'm
7 wondering if --

8 MR. CHAIRMAN:

9 Mr. Wildsmith.

10 BY MR. CHAIRMAN:

11 Q. You didn't answer Mr. Wildsmith's question.

12 A. Well, he asked me if I asked why my daughter was there and
13 I said -- and I said, yes. I answered him. I mean, if I
14 asked the question. If I asked why he was there at the door,
15 is that what he meant?

16 Q. I'm not sure.

17 BY MR. WILDSMITH:

18 Q. I'm sorry. Perhaps you could give the answer again, Mrs. Clemens.
19 I'm asking you if you ever received a direct answer from the
20 police as to why they wanted to question your daughter?

21 A. No, not to my satisfaction, no.

22 Q. Thank you. And what I really wanted to ask you was whether
23 any reason was given by John MacIntyre or any of the other
24 police officers as to why they thought your daughter was
25 involved in an offense involving liquor?

1 A. You mean, when I was down to the --

2 Q. Yes, while at the police station. For example did they
3 say that they say that they had evidence from some other
4 person?

5 A. I don't even know how they even got their information in
6 the first place. I never did know how it come about that they
7 did find out about the -- what happened. I never did find
8 that out.

9 Q. Was it your impression that they were talking about a
10 particular incident where they had come across your daughter
11 with liquor?

12 A. No, I did -- All I knew was, the way they said it, that he
13 had supposed to have given my daughter the liquor. He didn't
14 say -- He didn't say why or where or who volunteered the
15 information. I didn't have any idea -- and I still don't
16 know today how he come about knowing that knowledge.

17 Q. Was it your impression that he had found your daughter with
18 liquor?

19 A. Well, he didn't say that he found her with -- underneath
20 the influence of liquor or anything. All he said that he pointing
21 to was that at that time that Junior Marshall had supposed
22 to have given her the liquor.

23 Q. Yes, so he couldn't identify a particular occasion?

24 A. No. He didn't say.

25 Q. So he had no particular reason. That's what I'm trying to get at.

- 1 Any particular reason to suggest that your daughter had
2 liquor or that Junior was the person who gave it to him?
- 3 A. Well, he never mentioned any other instance, only that
4 one specific -- that one instance at that time that we know that
5 -- personally that I can --
- 6 Q. And that no evidence, this is what I'm trying to get at,
7 any evidence --
- 8 A. No, I didn't have -- I didn't have -- I didn't have any reason
9 to -- not any knowledge to know why he -- where he got the
10 information or anything like that. I was --
- 11 Q. Okay. Perhaps you could just stop for a second. Let me
12 see if we can get on the same wave length about this. What I'm
13 trying to understand is whether John MacIntyre indicated
14 any reason why he believed Junior had given your daughter
15 liquor?
- 16 A. Well, at that time, I -- if he did I didn't understand him
17 at that time. I --
- 18 Q. Okay. He didn't say somebody had told him or identify a
19 person who told him --
- 20 A. No.
- 21 Q. -- or say that he's -- that he had a informer or some kind?
- 22 A. No, all I could get at -- from the conversation was that
23 he was asking her, did he give her the liquor, but he didn't
24 say -- he didn't say that so-and-so said that you had it
25 or anything like that because I didn't pick up any -- in fact

1 the way that I understood that -- you know -- that -- that's
2 the way it was.

3 Q. Okay. Thank you. I'll move on to a different area now.

4 If I understood you correctly, and I don't think that I
5 did quite hear the words that you used, you suggested, I think,
6 that he said something about what would happened to your
7 daughter if she did not tell the truth?

8 A. Well, yes he did. He told her that if she didn't tell the
9 truth that -- that she could be -- you know, for being a minor
10 and with the alcohol incident and all that that she could
11 go to -- you know, some kind of detention of some sort.

12 Q. Some kind of detention place?

13 A. Well, he mentioned juvenile -- how do you say that word.
14 My tongue is so dry. Juvenile.

15 Q. Yes, do you recall whether he might have used perjury?

16 A. No, I don't remember that, no.

17 Q. I see. But he was referring to the fact that your daughter
18 could go to a reformatory or detention school of some kind?

19 A. Well, he didn't mention anything else. Only that one word
20 that he mentioned. And in my mind it only meant one thing,
21 that she could go someplace or another.

22 Q. The word that you're referring to is detention?

23 A. No, the juvenile.

24 BY MR. CHAIRMAN:

25 Q. Juvenile?

1 | A. Yeh.

2 | BY MR. WILDSMITH:

3 | Q. The fact that she was a juvenile.

4 | A. Yeh. Well, he said something about Juvenile Court or something
5 | or another --

6 | Q. Juvenile Court?

7 | A. Yeh, something like that.

8 | Q. Okay, thank you. So just to make sure I understand that
9 | completely, what he was suggesting is that if she didn't tell
10 | the truth she could find herself in Juvenile Court on some
11 | kind of charge?

12 | A. Yeh, I imagine that what he meant or something similar to
13 | that.

14 | Q. Thank you. Now, another point that you mentioned was that
15 | during John MacIntyre's examination of your daughter
16 | when he was taking the statement, he let be known to you
17 | that Junior Marshall was an Indian?

18 | A. Well, he mentioned it. Most of the time he didn't say so
19 | much Indian, he mentioned Marshall. You know, as if he
20 | never had a first name or anything. He just called him
21 | Marshall.

22 | Q. Yes. Well, if I understood what you said you before correctly,--

23 | A. Yeh, but he -- but other incidences -- other conversations
24 | afterwards, he mentioned that he was an Indian and that --
25 | to that effect, you know.

- 1 Q. Which conversations afterwards?
- 2 A. The one after -- when I was out in the car, like.
- 3 Q. In the car by your house?
- 4 A. Yeh. But most of the time that -- that he would -- he
- 5 would mention it mostly as -- you know, giving his last
- 6 name as Marshall.
- 7 Q. Yes. So when he referred to him as being an Indian, you
- 8 think it was in the car while you were parked outside your
- 9 house?
- 10 A. Well, as I said, the only thing is I can't remember to much
- 11 about that part -- about the Indian but I remember him
- 12 saying that Marshall this and Marshall that.
- 13 Q. Okay. Well, what I want to be clear about is whether he
- 14 drew to your attention the fact that he was an Indian?
- 15 A. Well, he did afterwards. He did, yes, because he mentioned --
- 16 he told me that he was an Indian.
- 17 Q. Okay.
- 18 A. Oh, wait a second now. Wait, back up. Yeh, well at the time
- 19 that he told me that I wasn't -- that I wasn't responsible
- 20 and I wasn't a fit mother and that, he mentioned that one
- 21 previous time -- you know, that she was chumming around with
- 22 Indians, at that time but most of the other times it was
- 23 just Marshall.
- 24 Q. I see. Now, if I -- again, if I understand you correctly,
- 25 you're saying that during the exchange when you were angry with

- 1 | him and he was angry with you, he mentioned that your
2 | daughter was hanging around with Indians? Is that correct?
- 3 | A. Well, the time that he had mentioned it mostly, as I said,
4 | is when he -- like to interfer-- like saying that I wasn't
5 | a fit mother and that I should -- I should be -- know the
6 | knowledge of what my -- who my children -- who my daughter
7 | was hanging around with. And then he interfered then who
8 | he was and what nationality and everything he was.
- 9 | Q. But he said that Junior Marshall was an Indian and that
10 | your daughter --
- 11 | A. Oh, yes. He told me at that point, yes.
- 12 | Q. And your daughter was hanging around with Indians?
- 13 | A. Yeh, at that point yes.
- 14 | Q. Okay. And was this a point, then, that was of some
15 | significance to him then?
- 16 | A. I don't know right off hand. I don't know because I said --
- 17 | Q. What do you suppose you were supposed to get out of the fact
18 | that he was telling you that your daughter was hanging around
19 | with Indians or hanging around with Junior who was an
20 | Indian?
- 21 | A. Well, I guess that she just wasn't going around with the
22 | right crowd. That's -- because otherwise why would I be
23 | an unfit person to look after my daughter.
- 24 | Q. Okay. Would you agree that it's fair to think that
25 | he was intimating to you that Marshall should be avoided?

1 That he was undesirable for your daughter to hang around with
2 because he was an Indian?

3 A. Well, the way I thought it was, it -- I don't know what it --
4 at that time I could take it both ways. It could have been
5 for what things he was involved in at the time or as if
6 he was what he was. But I didn't quite think of it.

7 Q. Okay. Now --

8 A. Just that he wasn't just the person that my daughter should
9 be hanging around with. That's the only thing that had come
10 to my mind at the time.

11 Q. You heard the evidence, this morning, of Catherine Soltesz --

12 A. No, I was upstairs -- most of it. I just seen --heard the
13 tail-end of it, like.

14 Q. Well, part of her evidence was about her father and the
15 fact that her father didn't want her dating or being with
16 Indians. Is it the case that your husband felt the same way?

17 A. No. No, as I said, -- Now we, my husband and us, we were
18 all -- like army people and in being in the army camps we
19 met all kinds of people and we were always tolerant of each person.
20 If they treated us nice and respectful, we returned the same
21 thing. So nationality didn't mean nothing to us. As I said
22 one nationality is just as good as another in my eye at that
23 time.

24 Q. I understand that's the way you felt. --

25 A. Yeh.

EMILY CLEMENS, by Mr. Wildsmith

1 Q. Is it also the way your husband felt?

2 A. Well, my husband being in the army for 35 years, I don't
3 think he would be the type of person that would single out
4 any nationality. The question wouldn't -- the way he acted,
5 you know. Proud of his honor and that.

6 MR. WILDSMITH:

7 Thank you. Those are my questions.

8 MR. CHAIRMAN:

9 That's all. Thank you very much, Mrs. Clemens.

10 We will adjourn now until tomorrow at nine-thirty.

11

12 INQUIRY ADJOURNED at 1:15 o'clock in the afternoon on the 27th
13 day of October, A.D., 1987.

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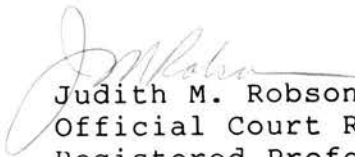
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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 27th day of October, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson
Official Court Reporter
Registered Professional Reporter