

LAWRENCE BURKE, by Mr. Orsborn

1 INQUIRY RECONVENED: 11:06 a.m.

2 MR. ORSBORN:

3 Mr. Chairman, the next witness, Mr. Lawrence Burke.

4 LAWRENCE BURKE, being called and duly sworn, testified as follows:

5 BY MR. ORSBORN:

6 Q. Mr. Burke, what is your full name please, sir.

7 A. Lawrence Thomas Burke.

8 COMMISSIONER EVANS:

9 B-O-U-R-Q-U-E?

10 BY THE WITNESS:

11 A. B-U-R-K-E.

12 BY MR. ORSBORN:

13 Q. Where do you live Mr. Burke?

14 A. I live at 122 Sherwood Drive, in Sydney River.

15 Q. And where do you work?

16 A. I work at Family Court in Sydney.

17 Q. In what capacity?

18 A. As a youth court worker.

19 Q. A youth court worker?

20 A. Which was formerly known as the probation officer.

21 Q. And how long have you worked as a probation officer?

22 A. Eighteen years.

23 Q. Eighteen years?

24 A. Yes.

25 Q. Who is your employer?

LAWRENCE BURKE, by Mr. Orsborn

1 A. The Department of Social Services, Provincial Government.

2 Q. Provincial Government.

3 MR. ORSBORN:

4 Just point out, my Lord, in so far as Mr. Burke is an employee  
5 of the -- a Department of the Provincial Government, my friend,  
6 Mr. Saunders, may wish to examine him last. He's not openly --  
7 he's strictly employed by the Department of the Attorney General  
8 but --

9 BY THE WITNESS:

10 A. No, I'm not.

11 BY MR. ORSBORN;

12 Q. You are an employee of the Provincial Government?

13 A. Department of Social Services.

14 Q. Okay, in 1971, I take it, you were employed as a probation  
15 officer?

16 A. Yes, I was.

17 Q. Where were you based in 1971?

18 A. The office was based out of Sydney. But we all had different  
19 areas to cover.

20 Q. Yes, what areas did you have to cover?

21 A. The areas that I covered at that time were the Northside,  
22 being North Sydney, Sydney Mines, Florence area, the  
23 Membertou Reserve, and Louisbourg, Mira area.

24 Q. I see. Could you give us a brief description of the duties  
25 and responsibilities of a probation officer?

LAWRENCE BURKE, by Mr. Orsborn

1 A. Well, basically when a young person appears before a court  
2 and receives a disposition from the court. And the kids  
3 we're talking about here are now twelve to sixteen years  
4 of age. Back in 1971 it was seven to sixteen years of age.

5 Q. Yes.

6 A. And they are given a disposition by the court, then the  
7 probation officer is responsible to become involved with  
8 that disposition. For example, being a boy or girl are  
9 placed on probation then during the period of that probation  
10 you'd be responsible in supervising the individual who is  
11 on probation by way of home visits, school visits and visits  
12 to police departments and just keep a general run down on  
13 how they are doing and to offer any help or assistance  
14 you can in any way.

15 Q. Yes. Apart from the children and their homes and the --  
16 and the schools, who would you have contact with? Would  
17 you have contact with police?

18 A. We would have contact with the police.

19 Q. Would you have contact with lawyers?

20 A. Not really.

21 Q. Would you have an ongoing contact with the court, with the  
22 judges?

23 A. Well, yes, yes.

24 Q. How would you have ongoing contact with the -- you said  
25 the judges, the judge in the Family Court, I guess, was it?

LAWRENCE BURKE, by Mr. Orsborn

- 1 | A. Well, we're -- we're all in the same office so you're --  
2 | you're, you know, you're seeing them or -- you mean in  
3 | regard to a particular case or --
- 4 | Q. No, I'm thinking about in the sense of the supervision of  
5 | probation?
- 6 | A. No, the judge wouldn't be involved again unless you brought  
7 | him back to court for violation of that probation.
- 8 | Q. Okay, would the police be involved in your supervision of  
9 | probation?
- 10 | A. Usually when you went out to, you know, the individual area  
11 | whether it be North Sydney or Louisbourg or whatever, you'd  
12 | drop in to see the police to see how things were going in  
13 | the area.
- 14 | Q. In the areas that you mentioned you were covering in 1971,  
15 | how big a case load would you be responsible for?
- 16 | A. My recall would be that the average case load at that time  
17 | probably would have been around forty-five.
- 18 | Q. Forty-five kids?
- 19 | A. Yes.
- 20 | Q. Okay, and how often would you be involved in direct contact  
21 | with those kids?
- 22 | A. We would have been expected to see an individual on probation  
23 | once every two weeks. Again because of time and priorities  
24 | it sometimes might depend on the -- on the particular case.
- 25 | Q. Were there varying lengths that kids would be placed on  
probation?

LAWRENCE BURKE, by Mr. Orsborn

- 1 A. Yes.
- 2 Q. What would they range?
- 3 A. Three months. Six months. A year.
- 4 Q. Any minimum?
- 5 A. Entirely the judges decision.
- 6 Q. I see, so if a kid were placed on probation say for three  
7 months, you would see that child every two weeks within that  
8 three month period?
- 9 A. We would attempt to do that.
- 10 Q. All right. When you met with the child would you met with  
11 them alone?
- 12 A. Usually you went to the homes. So the parents was there.  
13 It would be -- it could be you alone -- it could be with  
14 the parents present.
- 15 Q. What was your intention or your hope in dealing with these  
16 children. Was it your intention that you would be regarded  
17 as an authority figure or part of the justice system or you  
18 would be more of a friend and councillor to them?
- 19 A. Well, the hope would be to be more of a friend or a councillor.  
20 You tend to explain to the individual that you have two  
21 functions and that's one to see that the court order is  
22 carried out. The probation order but you're also there to  
23 be a friend and to help in any way you possibly can.
- 24 Q. Would you get calls from kids outside your normal visits to  
25 them?

LAWRENCE BURKE, by Mr. Orsborn

1 | A. I have, yes.

2 | Q. Okay, you mentioned that you were responsible for the -- the  
3 | Membertou Reserve. Would your activities take you on to the  
4 | Reserve?

5 | A. Yes.

6 | Q. Into the homes on the Reserve?

7 | A. Yes.

8 | Q. From your experience and observations, was there anything  
9 | about the -- the culture of the Indians kids that you --  
10 | you had to supervise that meant that you had to treat them  
11 | or look after them any differently?

12 | A. I don't think any differently.

13 | Q. Okay, do you have a degree or diploma in social work?

14 | A. I took a course in Halifax. It was a ten month Social  
15 | Welfare Worker course at that particular time back in '69.

16 | Q. Yes.

17 | A. That followed Grade twelve.

18 | Q. I see. You had any subsequent training or up-grading,  
19 | attend any courses?

20 | A. Just courses here and there. But nothing like a B. S. W.  
21 | or anything.

22 | Q. Okay. Have you had any training or been asked to do any  
23 | reading with respect to cultural differences with Indians  
24 | or Blacks that might mean a social worker would have to  
25 | take a different approach. Anything along those lines?

LAWRENCE BURKE, by Mr. Orsborn

1 | A. No.

2 | Q. No. Are you still responsible for the Membertou Reserve?

3 | A. Yes, I am.

4 | Q. And have you been responsible for it for the past eighteen  
5 | years?

6 | A. Yes, I have.

7 | Q. What's your case load presently?

8 | A. Present case load is thirty-four.

9 | Q. So over the last seventeen or eighteen years, has it sort of  
10 | ranged between forty-five and thirty-five or have there been --

11 | A. Basically, yes.

12 | Q. Okay. And of that number, thirty-five to forty-five, are  
13 | you able to give us any indication what percentage would be  
14 | Indians, Whites and Blacks?

15 | A. At this very moment or --

16 | Q. Is there any average over -- over the past number of years  
17 | you've been working?

18 | A. Most areas fluctuate.

19 | Q. Yes.

20 | A. You know, you find through the years that at one point in  
21 | time Glace Bay maybe really busy. Another point in time  
22 | New Waterford maybe really busy. It's really hard to -- the  
23 | areas just fluctuate. It is extremely difficult to put an  
24 | average on it.

25 | Q. Would you expect though that at any given time say half of

LAWRENCE BURKE, by Mr. Orsborn

- 1           your case load would be Indian children?
- 2    A.   Oh, no.
- 3    Q.   No?
- 4    A.   I wouldn't expect that, no.
- 5    Q.   Okay, five? Five children?
- 6    A.   It's very minimal right now.
- 7    Q.   What do you call very minimal?
- 8    A.   If my memory serves me right, I don't think I have anybody
- 9           right now from Membertou.
- 10   Q.   Do you have Black children that you're responsible for?
- 11   A.   Yes.
- 12   Q.   Do you have any now that you're responsible for?
- 13   A.   Yes.
- 14   Q.   And how many?
- 15   A.   There's two.
- 16   Q.   Have you then worked with Indian children and Black children
- 17           and White children over the last eighteen years?
- 18   A.   Yes, I have.
- 19   Q.   Gone into their homes?
- 20   A.   Yes, I have.
- 21   Q.   Talked to them about their problems?
- 22   A.   Yes, I have.
- 23   Q.   Talked to their teachers?
- 24   A.   Yes.
- 25   Q.   Police?



LAWRENCE BURKE, by Mr. Orsborn

- 1 A. Yes.
- 2 Q. Parents?
- 3 A. Yes.
- 4 Q. From that observation and lengthy experience, are you able  
5 to give the Commission any assistance as to whether or not  
6 different approaches are required in dealing with any of  
7 these three groups? Whether different problems are  
8 experienced that people in the justice system should be  
9 sensitive to?
- 10 A. That's kind of a complex question. I --
- 11 Q. So we're finding out.
- 12 A. Right. I don't recall through my experience in dealing  
13 with the kids that we deal with. And again, I repeat that  
14 we deal with the younger --
- 15 Q. Yes.
- 16 A. -- younger kids. You know, of anything different or unusual  
17 happening --
- 18 Q. You deal with --
- 19 A. -- because of their colour or race.
- 20 Q. Okay, you also deal with the parents?
- 21 A. Yes.
- 22 Q. You find -- it's been suggested to us that Indians are less  
23 likely to open up and have conversation with you rather than say a  
24 White person might be particularly when the situation is  
25 one of stress. Is it your experience that in talking to

LAWRENCE BURKE, by Mr. Orsborn

1 an Indian family is any more difficult or any easier than  
2 talking to a White family?

3 A. I feel in general that kind of applies to a lot of the  
4 younger kids we deal with. You get a lot of one word  
5 answers. They don't elaborate on things.

6 Q. When you say a lot of the kids you deal with, you mean  
7 of all groups?

8 A. I mean of all groups, yes. I'm not singling out any group.

9 Q. When you visit the -- the home of a child, what are you  
10 looking for?

11 A. Talk to the parents to see how the boy or girl is doing as  
12 far as the probation is concerned. See how they are doing  
13 otherwise in their life, in school. To give the boy or  
14 girl an opportunity if they have anything they want to  
15 discuss with us as councillors. To give them the opportunity  
16 to see if they have any questions about their probation.

17 Q. Do you yourself approach an Indian family any different  
18 than you approach a White family?

19 A. I don't feel that I do.

20 Q. Okay, do you approach a Black family any differently?

21 A. I don't feel that I do.

22 Q. All right. Have you over your experience noticed any variation  
23 in probation terms between Blacks, Indians and Whites?

24 A. Not through our court.

25 Q. Not through your court?

LAWRENCE BURKE, by Mr. Orsborn

1 A. I can only speak towards our court --

2 Q. I understand that.

3 A. -- By my experience --

4 Q. I understand that. Do you know Maynard Chant?

5 A. Yes, I do.

6 Q. Okay, did you know Maynard Chant back in 1971?

7 A. Yes.

8 Q. And in what context did you know him in 1971?

9 A. I guess this is breaking no confidentiality at this point.

10 It's --

11 Q. I think he's already told us --

12 A. -- been in the newspaper --

13 Q. -- that he was in probation.

14 A. -- yeh, right. So he was on probation, yes.

15 Q. And was he in your area of responsibility?

16 A. Yes.

17 Q. And do you recall what -- how long he was on probation for  
18 in 1971, in June of '71?

19 A. No, I don't.

20 Q. At that time were you following this practice of a visit  
21 every two weeks?

22 A. I can't say whether it was every two weeks. But I would  
23 have to assume I was visiting, yes.

24 Q. Would it have been likely a longer period, every three or  
25 four weeks?

LAWRENCE BURKE, by Mr. Orsborn

1 A. I wouldn't be able to recall that.

2 Q. Okay, do you have any recollection of being in Louisbourg on  
3 June 4th, '71, when the statement was taken from Maynard  
4 Chant in respect to the Seale stabbing?

5 A. Yes, I know the occasion you mean.

6 Q. Could you -- do you -- do you now have a recollection of that?

7 A. Yes.

8 Q. Could you give us that recollection please?

9 A. At that particular point in time the Junvenile Court as it  
10 was known travelled the circuit in that there would be  
11 court on a certain day in a certain town. And it happened  
12 on that particular that I was out in Louisbourg at the  
13 Town Hall because court was being held. I can't remember  
14 who asked me but I can remember that I was asked to sit in  
15 on a statement to be taken from Maynard.

16 Q. Yes.

17 A. At that point in time my recollection is that I discussed  
18 the matter with the judge who was presiding at court that  
19 day. Was informed that if a parent was present, that the  
20 probation officer would not have to sit in on the statement  
21 taking. And I followed that direction.

22

23

24

25

LAWRENCE BURKE, by Mr. Orsborn

- 1 Q. That if a parent was not present you would not have  
2 to sit in -- If a parent was present --
- 3 A. If a parent is present I would not necessarily have to sit  
4 in on that statement taking.
- 5 Q. You gave a statement, I believe, to the R.C.M.P. in 1982  
6 and that's reproduced in volume 13 at page 204 which I think  
7 is in front of you. And you mentioned there the name of  
8 a Judge Lewis Edwards. Was this the judge that you're  
9 referring to?
- 10 A. Yes.
- 11 Q. Why would you discuss with a judge whether or not you would  
12 sit in on an interview with Mr. Chant?
- 13 A. Basically because I was young, new to the job, probably scared  
14 to death when they asked me sit in on it knowing how serious  
15 the situation was and I had a good relationship with the  
16 judge so I went to him and asked him about the situation.
- 17 Q. Do you recall at the time if you had a good relationship  
18 with Maynard?
- 19 A. I don't recall much about the actual workings with the boy  
20 so long ago?
- 21 Q. Now, the advise that you received was that if the parents  
22 were present you did not have to --
- 23 A. Sit in on the statement taking.
- 24 Q. -- sit in on the interview? What did you do after you  
25 received that advice?

LAWRENCE BURKE, by Mr. Orsborn

1 A. I -- Again, I wouldn't be able to remember if you were  
2 to ask me who I passed that on to but I did not sit in on  
3 the statement taking.

4 Q. You say you did not sit in on the statement taking?

5 A. Statement taking.

6 Q. Your statement on page 204 indicates, this was taken in  
7 1982, four lines from the bottom:

8 I don't recall being present when Chant was  
9 interviewed by the police.

10 Is it possible you were there and do not now recall it?

11 A. I don't believe that's possible. I think I would know if  
12 I was there and I think I would remember if I sat down and  
13 heard someone describe the incident.

14 Q. I see.

15 A. I personally don't believe I was there.

16 Q. I see. If you'd direct your attention to exhibit 31 which  
17 is the handwritten statement which is in front of you there.

18 MR. ORSBORN:

19 And this, My Lord, is reproduced in Volume 16 at page 50. Again,  
20 the handwritten version of that.

21 BY MR. ORSBORN:

22 Q. I'd ask you to look at the bottom of the first three pages, does your  
23 signature or your name appear anywhere on the -- on those  
24 pages, Mr. Burke?

25 A. I don't see it.

LAWRENCE BURKE, by Mr. Orsborn

- 1 Q. If you would turn to the last page, I think you'll see  
2 your name written down there. Is that your name?
- 3 A. That's my name.
- 4 Q. Is that written in your handwriting?
- 5 A. I'd have to say no.
- 6 Q. I take it it's not your signature?
- 7 A. It's not my signature.
- 8 Q. Now, we have had testimony from Mr. Chant -- from Maynard  
9 Chant and also from his mother and we anticipate testimony  
10 from Sergeant MacIntyre -- Chief MacIntyre and Wayne Magee  
11 to the effect that you were, in fact, present during the  
12 interview. Does that in any way shake your recollection  
13 that you were not there?
- 14 A. No.
- 15 Q. So is your testimony today before this Commission that, not  
16 withstanding that evidence of other people, that you were not  
17 in fact, at that interview?
- 18 A. I was not at that interview.
- 19 Q. Once you received that advice from Judge Edwards do you recall  
20 if you checked to see if there was in fact a parent present?
- 21 A. I don't recall.
- 22 Q. Do you recall seeing and visiting Maynard Chant in the normal  
23 course of your duties after June 4th, 1971?
- 24 A. Pardon me?
- 25 Q. After this date, do you recall visiting Maynard as a normal

LAWRENCE BURKE, by Mr. Orsborn

- 1 part of your supervisory duties?
- 2 A. I don't recall but I would assume that. If his probation continued  
3 I would have been visiting.
- 4 Q. Do you remember having ever discussing with Maynard or his  
5 family the events surrounding the Seale stabbing?
- 6 A. No.
- 7 Q. If somebody under your supervision were going to testify in  
8 a major proceeding such as this, would this be the type of  
9 thing that you would discuss with them in your visits?
- 10 A. No, it would be the type of thing that you'd probably stay  
11 away from.
- 12 Q. Why is that?
- 13 A. Well, you know, it's best to leave it between he and his  
14 parents and if he's represented by a lawyer or whatever, best  
15 to leave it at that situation and let them handle it.
- 16 Q. I see.
- 17 A. You might get into a situation of -- you know, giving advice  
18 or whatever that you shouldn't so it's best to stay clear of  
19 something like that.
- 20 Q. Do you, today, have any recollection of how you found Maynard  
21 in 1971? What kind of a kid he was?
- 22 A. I really don't -- I didn't even remember why he was on  
23 probation until it was in the newspaper recently.
- 24 Q. When were you first aware that Maynard said that he had  
25 given a false statement that day in Louisbourg? When did



LAWRENCE BURKE, by Mr. Orsborn

- 1       you first know that?
- 2   A.   I guess when it broke in the news.
- 3   Q.   I see. Now, other than giving evidence today and other than
- 4       this discussion with the R.C.M.P. in 1982, have you had
- 5       occasion to -- Let me ask this. When were you first aware
- 6       that your name appeared on that piece of paper?
- 7   A.   I wasn't aware of that until 1982 when I was interviewed by
- 8       the R.C.M.P.
- 9   Q.   Okay. That surprise you to find your name on it?
- 10  A.   It surprised me. I told him that my name -- you know --
- 11       he had said to me that he --
- 12  Q.   I'm sorry. When you say him, who are you referring to?
- 13  A.   Oh, Carroll. The R.C.M.P. officer.
- 14  Q.   Corporal Carroll?
- 15  A.   Yes.
- 16  Q.   Yes.
- 17  A.   Had said to me what would you say if we told you we have
- 18       a statement with your name on it. And I said to him you
- 19       may have a statement with my name on it but you don't have
- 20       a statement with my signature on it.
- 21  Q.   Did they, in fact, show you that statement at the time?
- 22  A.   No.
- 23  Q.   You didn't see it?
- 24  A.   No. Today is the first time I've seen the actual statement.
- 25  Q.   Right. Do you know Wayne Magee?

LAWRENCE BURKE, by Mr. Orsborn

- 1 | A. Yes, I do.
- 2 | Q. And do you know Chief MacIntyre?
- 3 | A. I know who he is.
- 4 | Q. Yes. Do you know Detective Urquhart?
- 5 | A. I know who he is.
- 6 | Q. Have you at any time discussed the circumstances surrounding  
7 | the taking of the Louisbourg statement with Wayne Magee?
- 8 | A. I don't believe.
- 9 | Q. Have you discussed it at any time with Sergeant MacIntyre --  
10 | with Chief MacIntyre?
- 11 | A. I discussed it with lawyers throughout different episodes  
12 | of what's been happening over the last number of years. So  
13 | I discussed it indirectly with his lawyer, like, not with  
14 | him but with his lawyer.
- 15 | Q. When was that discussion?
- 16 | A. At the time that there was the involvement with the C.B.C.  
17 | And there was a lawyer from the C.B.C. interviewed me and  
18 | there was also a lawyer representing Mr. MacIntyre who  
19 | interviewed me.
- 20 | Q. Do you have any recollection of having discussed it directly  
21 | with Chief MacIntyre?
- 22 | A. Oh, no.
- 23 | Q. Prior to the R.C.M.P. coming to see you, do you have any  
24 | recollection of having discussed it with Wayne Magee?
- 25 | A. No.

LAWRENCE BURKE, by Mr. Orsborn, by Ms. Derrick

1 Q. Detective Urquhart?

2 A. No.

3 Q. Sergeant MacIntyre?

4 A. No.

5 MR. ORSBORN:

6 Those are my questions Mr. Chairman. Thank you.

7 BY MS. DERRICK:

8 Q. Mr. Burke, my name is Anne Derrick and I represent Junior  
9 Marshall. You said in your direct evidence that you took  
10 a course in 1969. Is that correct?

11 A. Yes.

12 Q. And that was immediately after you finished grade 12 was it?

13 A. No. There was a year in between.

14 Q. And did you, after taking this course, immediately become  
15 a probation officer?

16 A. I finished the course in June of '69 and was hired on  
17 in September of '69.

18 Q. And how old were you then?

19 A. I would have just turned 20.

20 Q. So you were quite young and relatively inexperienced at the  
21 time?

22 A. Right.

23 Q. In fact not that much older than Maynard Chant?

24 A. Right.

25 Q. Is that right?

LAWRENCE BURKE, by Ms. Derrick, by Mr. J. Pink

1 A. Right.

2 MS. DERRICK:

3 Thank you. Those are my questions.

4 BY MR. J. PINK,

5 Q. Mr. Burke, just a couple of questions sir. When you spoke  
6 to His Honour Judge Edwards, is my understanding correct that  
7 it was he who suggested that if Chant's parents were present  
8 that there was no need for you to be present?

9 A. That's my recall, yes.

10 Q. And is -- do I interpret that correct, sir, that it -- that  
11 means that both parents were present?

12 A. I'm not sure.

13 Q. Tell me, you had a good relationship with Maynard Chant?  
14 Is that correct?

15 A. I can't recall in an individual -- I would hope that with  
16 most of my kids I've had a good relationship.

17 Q. At no time did he ever complain to you in regards to the  
18 way that the Sydney Police had treated him?

19 A. No.

20 Q. And in particular at no time had he ever complained to you  
21 that Chief MacIntyre was unduly harsh upon him in taking any  
22 statement?

23 A. No.

24 Q. Assuming for a moment, Mr. Burke, that the handwriting on the  
25 last page of this statement that you were referred to is the

LAWRENCE BURKE, by Mr. J. Pink, by Mr. Murray

1       handwriting of Chief MacIntyre and assuming that what it  
2       sets out are the people who were present at the time that  
3       the statement was taken, could it have been that you were,  
4       in fact, were there but just today do not have recollection  
5       of it since it took place some 15, 16, 17 years ago?

6     A. I don't believe that I was there. I feel that I would recall  
7       that.

8     Q. You know Wayne Magee?

9     A. Yes, I do.

10    Q. And how long have you known Wayne Magee?

11    A. For quite a while actually because at that time I was doing  
12       the Louisbourg area and he was Police Chief and I also have  
13       working relationship with him now as Sheriff.

14    Q. He's a pretty honest and decent and truthful guy, would you  
15       agree with me?

16    A. I would assume.

17    Q. Do you know Mrs. Chant?

18    A. Well, I remember who she is.

19    MR. J. PINK:

20       I have no further questions.

21    BY MR. MURRAY:

22    Q. Yes, Mr. Burke, just a few questions. My name is Donald  
23       Murray. I'm here on behalf of Mr. Urquhart. Do you recall  
24       me, sir, coming to speak to you with respect to the C.B.C.  
25       matter?

LAWRENCE BURKE, by Mr. Murray, by Mr. Wildsmith

1 A. Yes.

2 Q. Yes. And the other person that you met was a David  
3 Coles?

4 A. Yes.

5 Q. And he was representing the C.B.C?

6 A. He was.

7 Q. And during the interviews with both Mr. Coles and myself,  
8 you insisted that another person be present throughout.

9 Is that correct?

10 A. I didn't insist. I asked that, because it was work related,  
11 that my immediate supervisor be there.

12 Q. And that person was Rita MacNeil?

13 A. Yes, it was.

14 MR. MURRAY:

15 I have no further questions.

16 MR. BARRETT:

17 No questions.

18 MR. BISSELL:

19 No questions.

20 BY MR. WILDSMITH:

21 Q. A few questions, Mr. Burke. We met just prior to you giving  
22 evidence this morning and you know that I represent the Union  
23 of Nova Scotia Indians. As part of your duties do you also  
24 prepare pre-disposition reports?

25 A. Yes.

LAWRENCE BURKE, by Mr. Wildsmith

- 1 Q. And if I understood your previous testimony correctly a  
2 major portion of your duties as well is to supervise kids  
3 who are on probation orders?
- 4 A. Yes.
- 5 Q. Those are the two major activities that you're engaged in?
- 6 A. Yes.
- 7 Q. Are there others?
- 8 A. Well, there's others but that's -- that's the major one.
- 9 Q. Yes. I'm not really talking about administrative duties  
10 but ways in which you come into contact youth who've run  
11 in to trouble with the law.
- 12 A. Yes, those are the main --
- 13 Q. Okay. Can you tell us something about the kinds of things  
14 you put into pre-disposition reports? The kinds of -- the  
15 factors that you evaluate?
- 16 A. The pre-disposition report is basically divided up in to  
17 the legal history of the individual, the family history,  
18 the individual's own history, comments from the police  
19 in the community and then closing remarks.
- 20 Q. Is it fair to think that one of the major objectives of  
21 putting these factors into the report is to give to the  
22 presiding judge a good sense of who the individual is, the  
23 individual's background, the context, the social context,  
24 economic context in which the individual is set?
- 25 A. Yes, in order to help with the sentencing.

LAWRENCE BURKE, by Mr. Wildsmith

- 1 Q. Yes, because all those things ought to be taken into account  
2 in disposing of young offenders?
- 3 A. Yes.
- 4 Q. And can you also help us out with what kinds of things go  
5 in to probation orders? It is after somebody has been found  
6 to be a young offender and a disposition is made and a person  
7 is placed on a probation order, what are some of the things  
8 that are found in that order?
- 9 A. Since the young offenders act come in a couple of years  
10 ago there's three basic probation rules that go in to an  
11 order. First is to obey the law and be of good behaviour.  
12 Second is to notify of any change of address, educational or  
13 any major changes in their lives. Third is to return to court  
14 when notified to do so for whatever reason. And then  
15 depending on the individual case-I could give you some examples.
- 16 Q. Yes, I'm interested in things that would typically go in to  
17 such an order. Things like curfews, drinking.
- 18 A. Things -- There could be a direction that they take counselling.  
19 There could be a direction that they stay away from a particular  
20 store if, in fact, they were shoplifting in that store. There  
21 could be a direction that they attend school and obey the  
22 rules of that institution. The curfew can be put in to the  
23 probation order depending on the judge who gives the probation  
24 rules.
- 25 Q. Yes. Is that a typical provision in most probation orders?



LAWRENCE BURKE, by Mr. Wildsmith

1 A. The way it's handled today, I think, most of the judges  
2 are looking at that as a parental responsibility and it's  
3 not a typical thing to have it in the probation order but  
4 it is covered by that first probation rule which says to  
5 be of good behaviour because obviously if an individual is  
6 out till three or four in the morning they're not being  
7 a -- of good behaviour.

8 Q. I missed the last comment. If an individual did what?

9 A. Is out till three or four in the morning, he's obviously  
10 not being of good behaviour at 13 years of age.

11 Q. And by that do you mean being at home in ones house?

12 A. No. Being away from ones residence.

13 Q. Yes, and if you've met your curfew that means your in your  
14 own individual house. Is that the idea?

15 A. Generally yes. Yeh.

16 Q. Yes. And would it be common to have a reference to drinking?

17 A. There can be if it's brought out that there is a drinking  
18 problem. There can be a reference either to not drinking or  
19 to counselling in regard to drinking.

20 Q. And whether there was a reference to not would being drunk  
21 be not good behaviour and a violation of that order?

22 A. Again you're asking me a legal question. I assume it would --

23 Q. Would you be concerned as a probation officer that that  
24 represented bad behaviour?

25 A. I would approach the Crown Prosecutor and ask for direction

LAWRENCE BURKE, by Mr. Wildsmith

1 in regard to a breach, yes.

2 Q. Yeh. So you would be concerned about it?

3 A. Yes.

4 Q. All right. Is there any difference in the kinds of factors  
5 you take in to account or the kinds of reports you prepare  
6 for a pre-disposition or with respect to the kinds of contents  
7 judges put into probation orders when dealing with Indian  
8 youth?

9 A. I -- Could you repeat that?

10 Q. Is there any differentiation made either by you in a pre-dispositi  
11 report or by a judge, in your experience in probation orders,  
12 when dealing with Indian youth?

13 A. I would have to say no.

14 Q. Thank you. You've made some reference to your case load and  
15 Mr. Orsborn asked you about Indians in your case load. Can  
16 you tell me whether any records are kept by you or within  
17 your office in Sydney of the racial makeup of persons who  
18 are on probation orders?

19 A. I'm not sure. There -- The secretary has to fill out  
20 a form that I believe goes to either Halifax or Ottawa, whether  
21 racial is on there or not I'm not sure.

22 Q. Okay.

23 A. That's not part of my --

24 Q. Right. I take it from the fact that you have no knowledge  
25 about this particular fact that the racial makeup of your

LAWRENCE BURKE, by Mr. Wildsmith

1 case load isn't a factor of concern to you?

2 A. No.

3 Q. All right. Now, Mr. Orsborn also asked you the question about  
4 whether there were particular problems in dealing with racial  
5 groups and I'm particularly interested in the Indian youth,  
6 particular problems to be sensitive to when dealing with  
7 Indian youth. And your answer, I think, was that it was  
8 kind of a complicated question. Could you take the time  
9 now to advise us whether you think there are particular  
10 problems to be sensitive to with Indian youth?

11 A. I think basically the way I have dealt with the situation is  
12 to take it individually per case regardless of race or colour  
13 of the individual I'm dealing with so I would have to be -- say  
14 that I'm sensitive to issues pertaining to particular cases  
15 not pertaining to the nationality or whatever of the individual.

16 Q. Okay. And I think that response is consistent with another  
17 statement you made which, I think, was that you didn't approach  
18 the problem any differently whether you were dealing with  
19 an Indian youth or a Black youth or a White youth or any  
20 other racial minority. That's correct is it?

21 A. Yes.

22 Q. In the course of your duties you indicate that you to home  
23 visits and school visits?

24 A. Yes.

25 Q. And you had the Membertou Reserve within your area of

LAWRENCE BURKE, by Mr. Wildsmith

- 1 | responsibility for 18 years?
- 2 | A. Yes.
- 3 | Q. I take it you visit the Reserve on a number of occasions?
- 4 | A. Yes.
- 5 | Q. And you'll agree with me will you not that the social  
6 | and economic conditions on the Reserve are bad?
- 7 | A. Did you say are bad?
- 8 | Q. Are bad.
- 9 | A. Generally speaking I can agree with the statement.
- 10 | Q. You can?
- 11 | A. Yes.
- 12 | Q. Yes. Okay. High rate of unemployment for example?
- 13 | A. Yes.
- 14 | Q. All right. And would you also agree with me that drinking  
15 | is a problem on the Reserve?
- 16 | A. As in any other area there's people who drink and people who  
17 | don't I suppose.
- 18 | Q. I see. So you're saying it's no worse on the Reserve than  
19 | other communities or other areas of the city of Sydney that  
20 | you've visited?
- 21 | A. There is areas as bad.
- 22 | Q. Okay. What are they?
- 23 | A. Pardon me?
- 24 | Q. What areas are as bad?
- 25 | A. Well, certain low rental districts or welfare areas.

LAWRENCE BURKE, by Mr. Wildsmith

- 1 Q. I see.
- 2 A. It's very difficult to start naming individual areas but there  
3 is, I believe.
- 4 Q. Okay. But you're saying that those are associated with being  
5 low income areas, welfare areas?
- 6 A. In more difficult situations, yes.
- 7 Q. Have you heard MicMac spoken on the Reserve?
- 8 A. Yes, I have.
- 9 Q. Would you agree with me that there are different norms of  
10 conduct present on the Membertou Reserve than in other areas  
11 of Sydney?
- 12 A. To a certain extent, yes.
- 13 Q. Can you give us some examples?
- 14 A. Parents may tend to not be so strict as far as curfew. Feeling  
15 if just in around the Reserve that that's okay.
- 16 Q. That it's okay to be around the Reserve as opposed to in your  
17 house?
- 18 A. Yes.
- 19 Q. All right. Other examples?
- 20 A. That's the biggest one that I've experienced.
- 21 Q. Okay. What about questions of sharing? By that I mean helping  
22 yourself to items that are around on the Reserve. Would you  
23 say that Indians on the Reserve, in general, have a different  
24 attitude about helping themselves to things that might be  
25 available?

LAWRENCE BURKE, by Mr. Wildsmith

- 1 | A. I don't recall having a lot of complaints from anybody about  
2 | that.
- 3 | Q. Well, not about complaints but as a part of your observations?
- 4 | A. Only from the extent, I think, that they all know each other  
5 | very well and there's -- there is a lot of coming and going.
- 6 | Q. Would you require any of the youth to visit you at your  
7 | offices?
- 8 | A. I have on occasion, yes.
- 9 | Q. Yes. And would you say that the Indian youth had a different  
10 | perception about questions of time and punctuality?
- 11 | A. I believe so.
- 12 | Q. Yes. Would you also agree that there may be different  
13 | personality traits that Indian youth exhibit?
- 14 | A. I haven't found in particular.
- 15 | Q. I see. This question that you were asked about Indian youth  
16 | tending not to very responsive to your questions, would you  
17 | say that that was a typical Indian response?
- 18 | A. Again, as I said before, a lot of the kids at that age are  
19 | quiet and you get very direct one word answers from them.  
20 | To a certain extent perhaps you can say that the -- the  
21 | Indian kids are a little quieter but I think it's a typical  
22 | thing among a lot of kids that age.
- 23 | Q. Yes. But you are, I think, agreeing that the Indian youth  
24 | tend to be, on the whole, a little quieter than non-Indian  
25 | youth?
- A. Generally speaking.

LAWRENCE BURKE, by Mr. Wildsmith

1 Q. Do you also believe that there are communication problems  
2 in dealing with Indian youth?

3 A. Do I?

4 Q. Yes.

5 A. I haven't noticed any particular situations where I can relate  
6 to that.

7 Q. Do you understand that with respect to a lot of the Indian youth  
8 the first language spoken in the home is Micmac?

9 A. Yes.

10 Q. Yes, and you're dealing with young people who have not been  
11 exposed to English to as great an extent as an adult Indian  
12 might be, for example?

13 A. Well, I mean most of the kids that we deal with have been  
14 going to school for a number of years. You know, I'm not --  
15 I'm talking a twelve or thirteen year old that's been in school  
16 for quite a number of years. They do have a working knowledge  
17 of the English language.

18 Q. Now you visited schools as well as part of your duties. Is it  
19 not the case that there was a Micmac Indian day school operating  
20 out of Membertou Reserve?

21 A. Pardon me?

22 Q. Is it not true that there was an Indian day school operating  
23 on the Membertou Reserve?

24 A. An Indian day school?

25 Q. Yes, an Indian school in the early '70's.

LAWRENCE BURKE, by Mr. Wildsmith

- 1 | A. I don't recall.
- 2 | Q. All right. Is it also your observation that with respect to  
3 | the Membertou Reserve extended families are a common  
4 | phenomenon?
- 5 | A. Yes.
- 6 | Q. That supervision is provided to children not just by the direct  
7 | parents but by grandparents and uncles and relatives?
- 8 | A. Uncles and -- Yes.
- 9 | Q. Yes. Now you've indicated something about your training and  
10 | just to be absolutely sure about this, I take it that in the  
11 | ten month course you took back in 1969 and in the subsequent  
12 | training that you received on the job that there has been no  
13 | courses directed at cross cultural understanding?
- 14 | A. No courses in particular if I can remember correctly of that--
- 15 | Q. Yeh, to point out to you differences in the cultural values  
16 | of the Black community or the Indian community?
- 17 | A. Well, I haven't taken any courses, you know. I have read, you  
18 | know -- I can't name the particular books but I have read  
19 | studies and different papers that filter in all the time  
20 | through the office, the place I work, and so forth about  
21 | what you're referring to.
- 22 | Q. I see. Can you recall anything that relates -- Do you recall  
23 | very precisely anything that relates to understanding Indian  
24 | communities?
- 25 | A. Well, I can recall articles talking about the culture and



LAWRENCE BURKE, by Mr. Wildsmith

1 sub-cultures and, you know, the background and maybe implying  
2 some differences and that type of thing.

3 Q. Yes.

4 A. But I can't remember nothing specific.

5 Q. But I take it they weren't enough to persuade you to approach  
6 the question of doing pre-sentence reports or the supervision  
7 of Indian youth any different than anybody else?

8 A. Well, you know, I approached them the same as anybody and put the  
9 facts down as they're presented.

10 Q. Yes. What I am really suggesting to you is you haven't changed  
11 your practice of not paying particular attention to cultural  
12 or ethical -- ethnic values of the Indian community in your  
13 work?

14 A. Well, I think I have, you know, and I think I consider things  
15 like the curfews and the acceptance of a few minor things  
16 like that in dealing with a young person.

17 Q. Okay. Then if I understand you correctly, you're agreeing that  
18 there are particular problems to be sensitive to and that you  
19 do take those into account in your work?

20 A. Yes.

21 Q. And that, therefore, you don't approach the Indian youth in  
22 the same way as you approach others?

23 A. Well, I take --

24 Q. You take these --

25 A. No, I do --

LAWRENCE BURKE, by Mr. Wildsmith

1 Q. --problems into account?

2 A. --from the point of view that if -- you know, if it was a White  
3 family and there was particular difficulties and you're looking  
4 at curfews I consider where the direction is coming from and  
5 that way I don't think I -- I treat them any differently.

6 Q. Can you help us out as to whether you have any contact with  
7 the Indian community outside your official duties as a court  
8 worker?

9 A. Except to perhaps see people I know in town and chat with them  
10 them, but nothing -- no involvement otherwise.

11 Q. All right, and can you help us out as to whether in the eighteen  
12 years that you've been employed in this position, whether any  
13 native persons have been employed as probation officers?

14 A. In our Court?

15 Q. Yes, here in Sydney?

16 A. In Juvenile Court, in our Court?

17 Q. Yes, or more generally the Adult Probation Service.

18 A. I think there is a gentleman there now who is an Assistant  
19 Probation Officer who is a native.

20 Q. And is it correct that he's only been there for a matter of  
21 a couple of months?

22 A. I believe.

23 Q. And that's the only one in the eighteen years?

24 A. Well, I can only talk about our Court. In our --

25 Q. Yes, in your experience.

LAWRENCE BURKE, by Mr. Wildsmith

1 A. --Court there hasn't been any. There hasn't been any.

2 Q. Okay.

3 A. There's been Court workers from the union but not -- not hired  
4 by our Department.

5 Q. The Court workers from the Union you're referring to are  
6 Court workers employed through the Union of Nova Scotia Indians  
7 to work with the Indian youth in the Court system?

8 A. Yes. Yes.

9 Q. And you know that there isn't such a person now?

10 A. No, there's not.

11 MR. WILDSMITH:

12 Those are all the questions, My Lord, that I have for this witness.  
13 There is something else on my mind I would like to raise. I can  
14 wait until this gentleman's cross-examination is over before doing  
15 that or I can bring it up now. It has to do with a letter that  
16 was received by some Counsel with respect to the appearance of  
17 certain witnesses and the desirability of Counsel being there when  
18 those witnesses were giving evidence. It doesn't -- It's not of  
19 interest to this particular witness except that he was on -- on this  
20 list. I'd like to discuss that with the Commission but it might  
21 be more appropriate to do that after this witness's examination  
22 is complete.

23 MR. CHAIRMAN:

24 MR. Saunders.

25

LAWRENCE BURKE, by Mr. Wildsmith

1 MR. SAUNDERS:

2 No questions. Thank you, My Lord.

3 MR. CHAIRMAN:

4 That's all. Thank you, Mr. Burke.

5

6 (WITNESS WITHDREW)

7

8 MR. WILDSMITH:

9 The particular point that's troubling, My Lord, and frankly I  
10 didn't think that it was going to be anything that would be worth  
11 bringing up in front of the Commission until I saw the events that  
12 unfolded this morning. Commission Counsel sent to some of us, and  
13 I was certainly one of them and I believe Mr. Ross who isn't here  
14 this morning was also one of them, a letter suggesting that there  
15 would be certain witnesses called and that at this point in time or  
16 at least the point in time in which the letter was sent, Commission  
17 Counsel couldn't see that it would be in the interest of our  
18 particular client for us to be here and be represented at that  
19 particular time. As it so happened, Mr. Burke was on my list and  
20 I'm making the assumption more for Mr. Ross's benefit now that --  
21 that he was on Mr. Ross's list, and I wasn't intending until last  
22 night to be here this morning when Mr. Burke was on the stand until  
23 it appeared to me that there would be a little bit of evidence that  
24 I might want to ask him about -- and I guess the point that's  
25 really -- it doesn't bother me this morning so much for me because I

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | had anticipated that there would be an opportunity to ask him  
2 | these kinds of questions, but I was surprised that Commission Counsel  
3 | went into this area having already told me that the Union wouldn't  
4 | have an interest in examining this witness, so that what really  
5 | transpired is the Commission Counsel, I think appropriately, went  
6 | into these areas with the witness that were of direct concern to my  
7 | client and it just turned out to be fortuitous that I was here this  
8 | morning and had the opportunity to make use of them, and as it has  
9 | now turned out references were made about the treatment of Black  
10 | youth and Mr. Ross is not here. I presume he is not here because  
11 | he was on the list that Mr. Ross received. So I'm simply drawing  
12 | this to your attention as a problem in an area that is of concern  
13 | to me as to how this might unfold in the future.

14 | MR. CHAIRMAN:

15 | Would Commission Counsel help us on this? I'm not clear yet what--

16 | MR. ORSBORN:

17 | I'm not sure Mr. Wildsmith is saying we should have asked  
18 | Mr. Burke the questions we did or whether we shouldn't have asked  
19 | the questions we did or whether we should have asked them  
20 | yesterday or whether we should have asked them in a months' time.  
21 | It is true that we had attempted in response to requests from  
22 | Counsel to give them some indication of what -- of what a witness  
23 | is going to say. We had initially not planned on calling  
24 | Mr. Burke certainly at this stage dealing with the -- with the  
25 | Louisbourg statement. We appreciate that his memory is less than --

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | less than clear on that and we had thought about perhaps getting  
2 | something from Counsel as to what Mr. Burke's evidence proposed  
3 | to the Commission would be and then they said, no, the easiest  
4 | thing to do is get him on the stand and let's hear what he has  
5 | to say, and it is true that we did not anticipate a short time ago  
6 | that we would get into some detail with Mr. Burke over his particular  
7 | job -- job functions.

8 |       We were not aware that Mr. Burke was on Mr. Wildsmith's list and  
9 | that he said, "Please make sure at some time when you call  
10 | Mr. Burke that -- Had Mr. Wildsmith made us aware that he wanted  
11 | Mr. Burke called for the specific purpose of talking about his  
12 | job functions unrelated to the -- to the Louisbourg statement we  
13 | would have been more than happy to -- to accommodate him. Since  
14 | we did have Mr. Burke on the stand this morning we discussed it  
15 | with him and I think Mr. Wildsmith said it was appropriate to do  
16 | so.

17 |       I also would point out that I would think that this is the --the  
18 | sort of matter that could be more properly discussed between  
19 | Counsel. We do have a regular Counsel meeting on Wednesday afternoons  
20 | at which we have invited Counsel to raise matters which concern them  
21 | of this nature.

22 | MR. CHAIRMAN:

23 | Well, as a Commission we have taken the position that Counsel is  
24 | Officers of the Court. They are respected, of course, and skilled  
25 | in the examination of witnesses and skilled in the professional

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | courtesies of dealing with each other would do so on matters of  
2 | this kind, and we have been encouraged by the fact that we understand  
3 | there was instituted and presumably will continue meetings of  
4 | Counsel once a week which I think is a very salutary thing in  
5 | an approach and one that I'm not aware of-- It has been used  
6 | in my -- They may have been used in some but certainly in other  
7 | Commissions that I've been involved in that very salutary  
8 | practice had not been instituted.

9 |       The matter raised by Mr. Wildsmith is --comes to us new. I can  
10 | only speak for myself. I thought the Examination in Chief of  
11 | Mr. Burke elicited a lot of information, not factual, that may  
12 | somewhere down the road be of assistance to the Commission and  
13 | certainly may -- the transcript may be of great assistance to those  
14 | people who are very skilled in the areas raised by Mr. Wildsmith  
15 | who are doing some very highly professional work for us. I can  
16 | only suggest to Counsel that the spirit of co-operation that I  
17 | feel assured has been present from the beginning of this Inquiry  
18 | will continue. I can only speak for myself. I welcome the very  
19 | thorough dissertation presented by this last witness and I don't  
20 | believe anything was left out or anyone was prejudiced in any way  
21 | by having it brought forth today and I would simply ask Counsel  
22 | that they continue. I'm sure Commission Counsel will let  
23 | others -- let Counsel involved know the evidence that is  
24 | anticipated will be led from a particular witness so that then  
25 | Counsel can decide whether or not it is necessary for them to be

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 present whether anything is coming up that will be of interest  
2 to their client, and that all Counsel have assured us from the  
3 very beginning that they will be here when their matter is raised  
4 as a matter of interest to their clients.

5 MR. ORSBORN:

6 On that latter part, Mr. Chairman, if I might just reiterate and  
7 confirm for the benefit for all Counsel that we have in the past  
8 indicated to them that if by some surprise or whatever a witness  
9 testifies as to a matter which is relevant to their client and  
10 they were not aware that that was coming up and were not present,  
11 that at their request we will be prepared to recall that witness  
12 or ask the Commission to recall that witness so that they could  
13 cross-examine them on matters which were relevant to their client.

14 MR. CHAIRMAN:

15 That should take care of that, Mr. Wildsmith.

16 MR. WILDSMITH:

17 Yes, it does with respect to me and as I say, I'm not upset because  
18 I was here and I think it was appropriate for Mr. Orsborn to ask  
19 the questions he did and I'm glad he did. There was just an  
20 inconsistency between the instructions or the suggestions that  
21 I received from Commission Counsel, so it's okay as far as I'm  
22 concerned with this witness but there may be a problem with  
23 Mr. Ross.

24 MR. CHAIRMAN:

25 Well, you heard Mr. Orsborn that if any other Counsel having read



DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | the evidence of any witness that was given when he was not here, that  
2 | if he concludes that there was some question not asked that may be  
3 | relevant to his client and relevant to the Inquiry that he simply  
4 | has to request to have the -- the -- the witness recalled and we  
5 | have to rely on the professional competence of Counsel to act  
6 | responsibly in -- in that area when asking to have a witness  
7 | recalled. We have no difficulty in recalling witnesses as long  
8 | as they're within -- they can be found again. We have enough trouble  
9 | as it is trying to find some of them.

10 | COMMISSIONER EVANS:

11 | Mr. Wildsmith, do you now get a copy of the transcript of the  
12 | evidence, a daily copy?

13 | MR. WILDSMITH:

14 | Oh, yes. Yes.

15 | COMMISSIONER EVANS:

16 | Well, if you had not been here this morning and if you got a copy  
17 | of that evidence that was given and if you have felt yourself  
18 | badly prejudiced in view of the fact that you could have asked the  
19 | Commission Counsel to recall this witness.

20 | MR. WILDSMITH:

21 | Well, only --

22 | COMMISSIONER EVANS:

23 | Was there anything that you brought out that hadn't been canvassed  
24 | by Commission Counsel?

25 | MR. WILDSMITH:

Yes, I felt as though --

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 COMMISSIONER EVANS:

2 That you could not have brought out on a recall?

3 MR. WILDSMITH:

4 Oh, certainly not on -- No, and in fact maybe more on the recall.

5 It might have been better, but it might not have been as expeditious

6 to the conduct of the hearing to have brought a man back again and

7 put him through this exercise when Counsel are already here in

8 Sydney. Mr. Ross could have been here and he may request that the

9 person be brought back. It's just a question of what is expeditious.

10 MR. CHAIRMAN:

11 Well, may I once again repeat that I hope--so that we don't have to

12 waste ten, fifteen minutes on issues that are -- that I feel can be

13 resolved by Counsel, expressing the hope that Counsel should do this

14 without raising these things and taking away from the focus of this

15 Judicial Inquiry.

16 Now are you ready for the next witness?

17 MR. WILDSMITH:

18 Yes, My Lord.

19 MR. ORSBORN:

20 The next witness is Sheriff Wayne Magee.

21

22

23

24

25