

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME XXI

Held: October 29, 1987

At: St. Andrew's Church Hall  
Bentinck Street  
Sydney, Nova Scotia

Before: Chief Justice T. A. Hickman, Chairman  
Assoc. Chief Justice L. A. Poitras, Commissioner  
Hon. G. T. Evans, Commissioner

Counsel: George MacDonald, Q.C., Wylie Spicer, & David Orsborn:  
Commission Counsel  
Clayton Ruby, Ms. Marlys Edwardh, & Ms. Anne S. Derrick:  
Counsel for Donald Marshall, Jr.  
Michael G. Whalley, Q.C.: Counsel for City of Sydney  
Joel Pink, Q.C.: Counsel for John F. MacIntyre  
Donald C. Murray: Counsel for William Urquhart  
Frank L. Elman, Q.C., & David G. Barrett:  
Counsel for the Donald MacNeil estate  
Jamie W. S. Saunders, & Darrel I. Pink:  
Counsel for Attorney General  
James D. Bissell: Counsel for the R.C.M.P.  
Al Pringle: Counsel for Correctional Services Canada  
William L. Ryan: Counsel for Evers, Green and MacAlpine  
Charles Broderick: Counsel for Carroll  
S. Bruce Outhouse: Counsel for Wheaton & Scott  
Guy LaFosse: Counsel for Davies  
Bruce H. Wildsmith, & Graydon Nicholas:  
Counsel for Union of Nova Scotia Indians  
E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale  
E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front

Court Reporters: J. Graham Robson, & Judith M. Robson, OCR, RPR

INDEX - VOLUME XXI

ROY A. GOULD

By Mr. Spicer .....	3719
By Mr. Chairman .....	3847
By Ms. Derrick .....	3848
By Mr. J. Pink .....	3852
By Mr. Murray .....	3864
By Mr. D. Pink .....	3865
By Mr. Ross .....	3867
By Mr. Wildsmith .....	3880

COURT REPORTER'S CERTIFICATE .....	UU
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INQUIRY RECONVENED AT 9:39 o'clock in the forenoon on Thursday, the 29th day of October, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

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MR. SPICER:

My Lord, the first witness is Roy Gould.

ROY A. GOULD, being called and duly sworn, testified as follows:

MR SPICER:

Just before I commence questioning Mr. Gould, My Lord, there were --  
Some documents were handed out to Counsel yesterday, which, for  
convenience sake, I've now had marked as exhibits. I'll just  
indicate to Counsel that the blue volume is now Exhibit 63 and  
the four or five pages with the newsclipping on the front is  
now Exhibit 64.

BY MR. SPICER:

Q. State your full name please, Mr. Gould.

A. Roy A. Gould.

Q. And how old are you?

A. Forty-one.

Q. Where were you born?

A. Born in Sydney.

Q. Born in Sydney? In 1946.

A. Right.

Q. And where were you living from the time you were born? At  
Membertou?

A. Mostly in Membertou, yeh.

Q. As a child, can you describe to us the Membertou Reserve, what  
the facilities were at the reserve, for instance?

ROY A. GOULD, by Mr. Spicer

1 A. Pretty deplorable in my days. There was no running water,  
2 no water and sewer. As I was growing up, only a few families  
3 had electricity. Over the years, it's improved.

4 Q. When was it that the reserve got water and sewer?

5 A. Water and sewer came in about mid 1950's and --

6 Q. And were you living on the reserve at that time?

7 A. Yes, I was.

8 Q. Who were you living with, Roy?

9 A. My grandparents.

10 Q. And do you in fact know who your father is?

11 A. No.

12 Q. Are you adopted by your grandparents?

13 A. Yes, I am.

14 Q. And lived with them as you were growing up?

15 A. Yeh.

16 Q. What about paved roads? When --

17 A. They came in later. Probably around the '60's through a  
18 program by the Extension Services. They had a Community  
19 Development Program, and that was part of the overall reserve  
20 improvement project in those years.

21 Q. And that was through St. F.X.?

22 A. The field workers that were responsible for developing the  
23 reserve were from St. F.X. Extension Services. The people  
24 themselves initiated most of the project.

25 Q. Can you explain to the Commissioners how the -- how this

1 relationship with the Extension Department and the reserve  
2 developed?

3 A. Well, if you know anything about the Extension Movement or  
4 the Coady International Institute, they have done a lot of  
5 community development work in the Cape Breton and Eastern  
6 Nova Scotia areas, and in the mid '50's up to the late '60's,  
7 they moved into the Membertou and some of the other Indian  
8 reserve areas to develop the reserves, to get better housing,  
9 better roads, street lighting, and this sort of stuff, and  
10 including paint-ups projects, yards, which we never had  
11 before. You'd have to picture the reserve and the state  
12 that it was in --

13 Q. What state was the reserve in?

14 A. Well, very rural for a community that was situated within the  
15 City of Sydney and the fact that, you know, there is only one  
16 entrance to the area. Housing was old, probably being built  
17 between 1920 and 1925 and they were basically three-room  
18 houses with a lot of extensions over the years, and a lot  
19 of these houses had large families, of course, and they relied  
20 on wells for their water. They relied on outside -- outhouses --

21 Q. Outhouses.

22 A. -- for proper bathroom facilities, and basically that's the  
23 shape of the area. We did have a schoolhouse on the reserve  
24 and a church. The church not being used as much as it is  
25 today, but the one-room schoolhouse -- Of course it started

1 off with probably eight or nine grades. Over the years it  
2 has dwindled and eventually closed down as the children moved  
3 to the non-Indian schools.

4 Q. Was there some initiative from the reserve to get the Coady  
5 Institute and St. F.X. Extension Department involved in the  
6 upgrading of the facilities at the reserve?

7 A. Other than in cooperation with the Band Council at the time and  
8 our Parish Council, they jointly worked together to get the  
9 services, and the Department of Indian Affairs financed the  
10 projects and the program.

11 Q. And when would this have been? What --

12 A. You're starting in -- It started of in the mid '60's and  
13 continued right on to the late '60's until the Union of  
14 Nova Scotia Indians took over the program.

15 Q. So up until the time that the Union of Nova Scotia  
16 Indians came along, which was in 1968, 69?

17 A. Yes.

18 Q. The work that was being done was being done in conjunction  
19 between the Band Council, St. F.X. Extension Department, and  
20 the Department of Indian Affairs?

21 A. Right.

22 Q. Is that fair to say?

23 A. Sure.

24 Q. And by the time that the Union of Nova Scotia Indians came  
25 into being in 1969, at that point in time, were there paved

ROY A. GOULD, by Mr. Spicer

1 roads on the reserve?

2 A. Yes. The paved road came in -- I'm not sure, but you have it  
3 on the sheet of paper there somewhere. It would've been  
4 after the water and sewer came in. Then the paved roads were  
5 established. There is still no sidewalk or gutter service  
6 there. It's just basically -- The main road was paved and  
7 then over the years, side roads were added.

8 Q. And to the present date are there any sidewalks on the reserve?

9 A. No.

10 Q. There's street lighting?

11 A. Yes.

12 Q. Street lighting on the side streets?

13 A. Yes, there's adequate street lighting now.

14 Q. Adequate street lighting?

15 A. Yes.

16 Q. What language is spoken at home, Roy? What language would  
17 you speak if you were at home?

18 A. Mostly Micmac spoken on the reserve especially when the  
19 reserve's school system was in place. It's not so today  
20 because of the integration of children into --

21 Q. But when you were being -- When you were a child on the  
22 reserve, was the language that you spoke Micmac?

23 A. All Micmac, yeh.

24 Q. All Micmac? Was there any -- Was English used for any pur-  
25 pose at all on the reserve then?

ROY A. GOULD, by Mr. Spicer

1 A. Just in the schools. Just in that school, I should say, not  
2 in the schools. Just that -- those grades. So you learned  
3 English and no Micmac in school.

4 BY COMMISSIONER POITRAS:

5 Q. What was that?

6 A. You learned English, and you were taught in English but not --  
7 no Micmac. Taught --

8 BY COMMISSIONER EVANS:

9 Q. No Micmac in the school on the reserve?

10 A. No.

11 BY MR. CHAIRMAN:

12 Q. Mr. Gould, the reserve is within the municipal boundaries of  
13 Sydney?

14 A. Yes, it is.

15 Q. Is the reserve subject to municipal taxation?

16 A. No. It's Crown land.

17 Q. Is there a grant, do you know, by Indian Affairs to the  
18 municipality in lieu of taxes?

19 A. No. We -- They do have a contract and an agreement in place  
20 to provide these services to Membertou now. It is something  
21 that was started over -- between -- It started off in the  
22 late '60's and then the contract or the agreement was added  
23 or amended in around 1970, 1971. And I believe now that that  
24 contract is up and they're negotiating for a new agreement.

25 Q. So the city provides garbage collection and that sort of thing?



ROY A. GOULD, by Mr. Spicer

1 A. Right. Fire, policing, road maintenance, snow removal, any-  
2 thing and everything that's involved with the municipal  
3 services.

4 Q. Is there a responsibility for capital works as well? Is it  
5 just a --

6 A. No, that's still --

7 Q. Sidewalks?

8 A. No, that's still Department of Indian Affairs and the Band, and  
9 they provide X number of dollars to the reserve, for example,  
10 and it's up to the reserve to list their priorities. If  
11 sidewalks are not a priority and it may go to housing or  
12 housing repairs, you know. It depends on the Council of the  
13 day.

14 MR. SPICER:

15 A copy of the agreement between the city and the reserve will  
16 be introduced during the course of the day. I think that  
17 Mr. Whalley from City Solicitor's Office is getting it for us.

18 BY COMMISSIONER POITRAS:

19 Q. Is Micmac still the predominant language today with --

20 A. It -- We're losing it. Yeh.

21 Q. Is it still not being taught at school?

22 A. No. No, it's -- I think the only place where you can learn  
23 Micmac now is that College of Cape Breton.

24 Q. Right.

25 A. And that's -- I don't know if that's a credit program or not.

ROY A. GOULD, by Mr. Spicer

1 BY COMMISSIONER EVANS:

2 Q. How many people live on the reserve?

3 A. Now? You're looking at approximately five hundred.

4 Q. Is that population down considerably from --

5 A. No, it's increased.

6 Q. It's increased?

7 A. From the time that I was Chief.

8 BY MR. SPICER:

9 Q. Your own experience in the school system, Mr. Gould, where did  
10 you start going to school?

11 A. Attended Indian -- the Indian day school from grade primary  
12 to grade four.

13 Q. What -- Where was that school located?

14 A. Right in the center of the reservation. It's a one-room  
15 school. All four grades were being taught by one teacher.

16 Q. And is that the school that all the Indian kids on the reserve  
17 would've gone to?

18 A. Since 1920's, yes.

19 Q. Since 1920's? And has the school been situated in the same  
20 physical building since that time, to your knowledge?

21 A. Yes.

22 Q. And who administers that school? Or who did at the time?

23 A. It was a federally run school by the Department of Indian  
24 Affairs.

25 Q. And you went to that school through grades one to four?

ROY A. GOULD, by Mr. Spicer

1 A. Right.

2 Q. And the language that you spoke in that school, I believe you  
3 told us earlier, was English?

4 A. In the school was English.

5 Q. You were taught in English?

6 A. Taught in English.

7 Q. Were you taught Micmac as a school subject?

8 A. No.

9 Q. Were you permitted to speak Micmac?

10 A. Not really.

11 Q. When you say, "Not really," what do you mean?

12 A. The teacher wouldn't prefer us to speak Micmac for fears that  
13 we might be talking about her, I guess, in some point and --

14 Q. Probably were sometime.

15 A. Probably were. And -- No, her chore was to make sure that  
16 we had good penmanship and good English.

17 Q. And was your teacher able to converse with you in Micmac?

18 A. No. No. Of all the years that she spent there, I've never  
19 heard her speak Micmac.

20 Q. How many years did this particular teacher spend at that school?

21 A. Well, she transferred from the old Kings Road Reserve which  
22 would have been -- Again, you're looking at the transfer of  
23 Indians between 1915 and 1925; so she was there right up  
24 until her retirement.

25 Q. She wasn't there from 1915 --

ROY A. GOULD, by Mr. Spicer

1 A. Sure, she was.

2 Q. Was she?

3 A. She taught my grandmother. She spent half a century.

4 Q. And was she teaching all four grades?

5 A. Yes, and she taught even more before me.

6 Q. You would've had the -- So there would've been the one teacher  
7 that would've taught all four grades? And were all four  
8 grades situated in one room?

9 A. Yes.

10 Q. Yes?

11 A. Yes.

12 Q. Well, how would you -- How would you divide up when you were  
13 taught in grade one, in grade two, in grade three, and four?

14 A. I really don't recall how that would've been possible, but  
15 it was. She spent so much time with each grade, and I think  
16 this is the problem that we had in some areas was a lot of  
17 us repeated some grades because maybe there may have been a  
18 mix-up.

19 Q. What sort of a mix-up?

20 A. Well, I mean, she might be teaching grade two or grade three  
21 to a certain number of students, and in those days, and I  
22 don't know if anybody can recall, some books were grade one  
23 to grade six level, and you went with that one book right  
24 up that level.

25 Q. All your school books were in English?

ROY A. GOULD, by Mr. Spicer

1 A. Yes.

2 Q. When you started school and started using your school books,  
3 did you have to learn English in order to be able to deal  
4 with the books, or did you know -- Did you speak English by  
5 the time you got into the school system?

6 A. No, we had to learn as we entered the school.

7 Q. And from the time you entered the school, were you expected  
8 to speak English?

9 A. I'm not sure. It was just something that we started off at  
10 the ABC's and worked our way up, if you were fortunate enough  
11 to be able to learn.

12 Q. Were there children in your time at the Membertou day school  
13 that you sensed were having trouble dealing with learning  
14 because they didn't understand English?

15 A. There was quite a few that didn't pass or didn't bother  
16 attending. There was a problem with attendance a lot of  
17 times, but it wasn't something that was rigidly enforced.  
18 The teacher, who was well known to the community usually went  
19 to the home and picked you up and took you to school.

20 Q. Did you have any trouble yourself with the fact that you were  
21 being taught in English?

22 A. Yeh. I had a lot of troubles. My grandparents were totally  
23 speaking Micmac and as a result, I was a very slow learner.

24 Q. And did you -- If you went home with your -- Could you get  
25 any help with your school work after you left the school from

1 anybody other than your teacher? From your grandparents, for  
2 instance?

3 A. No.

4 Q. Were you able to get help with your school work from anybody  
5 else on the reserve?

6 A. Probably, but I never bothered.

7 Q. Never bothered? Your grandparents weren't able to help?

8 A. No, they didn't -- They just assumed that I went to school  
9 and got an education.

10 Q. How many years did you spend in the Membertou day school?

11 A. I don't really remember. Maybe four or five years. I think  
12 you had indicated to me earlier -- I think you were there  
13 from '51 to '57.

14 A. Yeh. Seven years? Six years?

15 Q. And that would've been to complete four grades?

16 A. Right.

17 Q. Right. So you had some problems along the way? And can you  
18 give us any indication of what the nature of that problem was?

19 A. No, other than that I just couldn't catch on as fast as some  
20 other students. I was pretty lazy. I still am.

21 Q. From the -- At that point in time, was the Indian day school  
22 teaching grades other than up to grade four?

23 A. Not in my days.

24 Q. Not in your days. Prior to that --

25 A. It went as far as grade six.

ROY A. GOULD, by Mr. Spicer

1 Q. As far a grade six?

2 A. And before that they went up to eight and nine and in my  
3 parent's times, I would imagine, it -- they went right up  
4 to grade ten.

5 Q. Then your time was only as far as grade four?

6 A. Yes.

7 Q. So where did you go after you completed grade four?

8 A. We were transferred over to St. Anthony Daniel.

9 Q. And where's that?

10 A. That's within the Ward Two area of the -- of the City of  
11 Sydney. It's a non-Indian school, Catholic.

12 Q. Is Membertou situated within Ward Two?

13 A. Yes, we are a part of Ward Two.

14 Q. And would all the Indian kids who completed grade four at  
15 Membertou then go St. Anthony Daniel?

16 A. Yes.

17 Q. Okay. And what language were you taught in St. Anthony Daniel?

18 A. All English.

19 Q. All English? Did you converse in English with the other  
20 Indian kids, or would you be speaking Micmac to them?

21 A. Micmac with our own.---

22 Q. Yes.

23 A. -- basically, and English with the non-Indian students.

24 Q. You were at St. Anthony Daniel for grades five and six and  
25 you were there for a while?

ROY A. GOULD, by Mr. Spicer

1 A. Yes.

2 Q. From 1957 to 1961?

3 A. Right.

4 Q. Can you give us some appreciaiton of what the racial mix was  
5 in that school, say in your grade five class? How many  
6 Indians would there be in that class?

7 A. I would say there may have been more than one grade five  
8 class, and in the class that I was in there was only about  
9 five or six of us.

10 Q. And what -- How many people would there be in total in your  
11 class?

12 A. Thirty. Yeh, about thirty.

13 Q. Would there be any Black kids in your class?

14 A. None.

15 Q. No. How did you feel that you got along with the White kids  
16 in your class?

17 A. It was fair. Good as can be expected. There were some minor  
18 scuffles here and there. We also -- We were fortunate enough  
19 to be able to go to school with the kids at the nearby  
20 orphanage. We got along better with them.

21 Q. Let's deal with those two things separately. When you -- You  
22 said as to be expected to be some scuffles. What sorts of  
23 things would give rise to those sorts of scuffles?

24 A. The terms that the kids would use on us.

25 Q. What sorts of terms would those be?



ROY A. GOULD, by Mr. Spicer

1 A. Derogatory terms like "redskin" or to the girls "squaws."

2 That sort of stuff, and we'd battle it out.

3 Q. So from time to time, you'd have scuffles arising out of that?

4 A. Yes. So it wasn't easy going through the school system.

5 We ended up going to the principal class -- principal's room  
6 or whatever more times than an average kid would.

7 Q. And for what reasons would you be going down to the principal's  
8 office?

9 A. You got strapped.

10 Q. Strapped? You mention that it was easier to get along with  
11 the kids from the orphanage. Can you give us some under-  
12 standing of why that would've been?

13 A. I don't know. I think the kids in the orphanage felt a  
14 little more at home with us than they did with the people  
15 from that ward. These would be kids that came from different  
16 parts of the city and some probably from the counties; so  
17 the relationship was closer, and I can't really define it  
18 but in my own experience, we got along better with them than  
19 we did with our own kids from the same ward.

20 Q. Are you able to characterize for us, generally, what Ward Two  
21 is like? I mean, were the kids that were coming to that  
22 school poor kids, middle- class kids? What sort of kids were  
23 they?

24 A. There was a mixture of all three, and the only minority in  
25 that school would've been Indians.

ROY A. GOULD, by Mr. Spicer

1 Q. Other than the Indians and the kids from the orphanage, were  
2 the White kids that were coming from -- to that school, would  
3 they've been drawn from the Ward Two area?

4 A. Well, the Protestant kids wouldn't be going to that school.

5 Q. Right.

6 A. They would've gone to Argyle. But basically, I think Ward  
7 Two starts from Wentworth Park, around that area there.  
8 Beyond that they would've gone to St. Joseph's.

9 Q. Okay. And the kids that were coming to the school, the White  
10 kids, from the Ward Two area, can you tell us whether they  
11 were -- Were they also a mix of poor kids, middle-class kids?

12 A. There was quite a mixture --

13 Q. Quite a mixture?

14 A. -- from poor to well-to-do.

15 Q. Did you have any sense during the years you were in that  
16 school that you were treated differently by your teachers by  
17 reason of the fact that you were Indian?

18 A. I don't know if it -- In my particular case, I don't know if  
19 it was because I was an Indian or because I was slower, but  
20 I know I was -- I had a hard time going through.

21 Q. But you're not able to --

22 A. I can't really say --

23 Q. You can't judge?

24 A. -- because, you know, I was Indian. I think it may have been  
25 because I was pretty slow.

ROY A. GOULD, by Mr. Spicer

1 Q. Were you slow in English or were you just -- by your own  
2 characterization, just slow at the time?

3 A. Just slow.

4 Q. By the time that you got to St. Anthony Daniel, were you  
5 satisfied that you had a sufficient facility in the English  
6 language to be able to comprehend properly the material that  
7 was being put in front of you?

8 A. No, I still had a problem with English and spelling.

9 Q. And spelling? And did you ever express that problem to your  
10 teachers?

11 A. No.

12 Q. Why not?

13 A. I was more anxious to get out of the class than to stay and  
14 go back home.

15 Q. Did any of the teachers that you had during the four years  
16 you were at St. Anthony Daniel make any attempt to speak to  
17 you about language difficulties that you might be having?

18 A. No.

19 Q. Were any of those teachers able to speak Micmac?

20 A. No.

21 Q. And would you have had a different teacher for grade five than  
22 from grade six?

23 A. Yes, I had two different teachers in the four years I was  
24 there.

25 Q. After you left St. Anthony Daniel, where did you then go to

ROY A. GOULD, by Mr. Spicer

1 school?

2 A. Sheriff Junior High.

3 Q. And where is that located?

4 A. In the Ashby area of Sydney. I don't know how else to  
5 describe it. It's that way.

6 Q. It's within the City of Sydney?

7 A. Oh, yes.

8 Q. Would all the Indian children that had got through grade six  
9 at St. Anthony Daniel then go to Sheriff?

10 A. Most of them did.

11 Q. Most of them did?

12 A. Yes. There were some that eventually ended up at Park Junior  
13 High.

14 Q. Sorry, Heart?

15 A. Park. Park --

16 Q. Park Junior High? Why would some go to Park and some go to  
17 Sheriff?

18 A. I don't know. I think the -- My opinion would be that the  
19 distinction between Catholic and Protestant started diminishing  
20 and they weren't particular if you were Protestant or Catholic.

21 Q. I see. All the kids that were at St. Anthony Daniel were  
22 Catholic, were they not?

23 A. Right.

24 Q. Okay. And would some of them then, notwithstanding that  
25 distinction, have gone to Park as opposed to Sheriff?

ROY A. GOULD, by Mr. Spicer

- 1 A. They do now depending on the availability of space, I believe.
- 2 Q. Yes. And did they at the time that you were going to Sheriff
- 3 in 1961?
- 4 A. Was there any Indian kids going to Park?
- 5 Q. Some of the Catholic Indian kids have gone to Park.
- 6 A. There was only a couple there, yeh.
- 7 Q. You were at Sheriff Junior High for just the one year, 1961,
- 8 62?
- 9 A. Right.
- 10 Q. In grade seven?
- 11 A. Right.
- 12 Q. What was the size of your class?
- 13 A. It would've been the same as St. Anthony Daniel. About thirty.
- 14 Q. About thirty? How many Indian kids would there have been in
- 15 that class that year?
- 16 A. About five.
- 17 Q. Were there any Black kids in your class?
- 18 A. None that I could recall, no.
- 19 Q. Did you -- How did you get along with the White kids in your
- 20 class?
- 21 A. At Sheriff? Fairly well. I had no problems at all and we
- 22 mostly stuck to ourselves anyway.
- 23 Q. The Indian kids stuck to themselves?
- 24 A. Yes.
- 25 Q. Is there any particular reason why you did that?

ROY A. GOULD, by Mr. Spicer

1 A. Well, there weren't that many of us; so -- We all came from  
2 the same community and we were more comfortable.

3 Q. Are you able to tell us in 1961 what the total population of  
4 the -- Sheriff Junior High was? How many kids were there?

5 A. No.

6 Q. Do you know generally how many Indian kids were there?

7 A. In '61?

8 Q. Yes.

9 A. Wouldn't have been that many. Maybe a dozen.

10 Q. Four or five in your class?

11 A. Yes.

12 Q. And that school would've covered which grades?

13 A. Seven to nine.

14 Q. Seven to nine? And would there've been more than one grade  
15 seven class?

16 A. Yes, there would've been.

17 Q. And would the Indian kids have been in all three years? Seven,  
18 eight, and nine?

19 A. Yeh, we started -- Most of us in my years, we started dropping  
20 out in seven, eight, and nine. Very few made it past nine.

21 Q. And for the most part, would -- At recess, for instance, would  
22 the Indian kids all hang out together?

23 A. Yes, we would.

24 Q. Were -- Are you able to tell us whether or not there were the  
25 same sorts of scuffles that you referred to as having experienced  
at St. Anthony Daniel. Would that sort of stuff occur when you got to Sheriff as well

ROY A. GOULD, by Mr. Spicer

- 1 A. I've never encountered any.
- 2 Q. You never --
- 3 A. -- encountered any.
- 4 Q. Can you tell us from your own experience then whether things  
5 were different in that respect from St. Anthony to Sheriff?
- 6 A. In terms of --
- 7 Q. In terms of -- For instance, you indicated to us earlier that  
8 when you were at St. Anthony Daniel, that some of the White  
9 kids would refer to the Indian girls as "squaws." Could you  
10 see that sort of behavior going on when you were at Sheriff?
- 11 A. No. I wasn't there that long at Sheriff to be able to give  
12 you an opinion on it. Others may have had problems. I know  
13 I personally didn't --
- 14 Q. Did you have any sense from any of your friends whether or  
15 not that sort of behavior was occurring?
- 16 A. No. I left Sydney for three years after that.
- 17 Q. During that one year, though, did you get any sense that even  
18 though it maybe wasn't happening to you, it might've been  
19 happening to some of the other kids?
- 20 A. No.
- 21 Q. Did you complete grade seven at Sheriff?
- 22 A. No.
- 23 Q. Did you complete the school year? Physically, did you --
- 24 A. Yes. No.
- 25 Q. Were you there at the end of the year?

ROY A. GOULD, by Mr. Spicer

1 A. I don't think so.

2 Q. Did you then drop out at some time during the year?

3 A. Yes, but I'm not sure what part of the year.

4 Q. Was it before Christmas or after Christmas?

5 A. No, it would've been way after Christmas, yes.

6 Q. Why did you leave?

7 A. I had a hard time. I was spending more time in the principal's  
8 office and library than I was in the class.

9 Q. The principal's office again was going down to be disciplined?

10 A. Yes.

11 Q. And what about in the library? What were you doing in the  
12 library?

13 A. That's when the teacher would discipline you rather than the  
14 principal.

15 Q. And at that point in time, Mr. Gould, were you then still  
16 living with your grandparents?

17 A. Yes, I was.

18  
19  
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22 JMR  
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ROY A. GOULD, by Mr. Spicer

1 Q. After you left grade seven where did you -- where did you  
2 go from there?

3 A. I went and applied for a trade and the only trade that I  
4 qualified for at the time was cooking and upgrading.

5 Q. Cooking?

6 A. Yes.

7 Q. And did you have to leave Sydney in order to take that training?

8 A. Yeh, I had to go to Halifax for it.

9 Q. And where did you go in Halifax?

10 A. The Nova Scotia Trade School.

11 Q. And you were there taking cooking for how long?

12 A. One full year, completed it and passed it.

13 Q. Did you then come back to Sydney?

14 A. No. They put me on placement at one of the hospitals, I  
15 believe it was Cole Harbour and I lasted there for a couple  
16 of months and didn't catch onto the institutionalized type  
17 cooking and left.

18 Q. And went?

19 A. And then I hung around Halifax for awhile until I found other  
20 sources of employment.

21 Q. Where did you then find a source of employment?

22 A. The Halifax Infirmary had a program where they were teaching --  
23 not teaching but recruiting nursing attendants.

24 Q. And you then worked as a nursing attendant at the Halifax  
25 Infirmary and then at St. Rita's Hospital in Sydney, I believe.

ROY A. GOULD, by Mr. Spicer

1 Is that correct?

2 A. Yeh. What I basically did was I transferred from the Infirmary  
3 into St. Rita's. They were -- Both hospitals were run by  
4 nuns and it was not hard to get into St. Rita's.

5 Q. When you came back to St. Rita's, that would have been  
6 1964 --

7 A. Yes.

8 Q. --to 1966?

9 A. Right.

10 Q. Are you able to -- At that point in time from '64 to '66 were  
11 you then still living with your grandparents?

12 A. Yes, I went back home.

13 Q. You went back home. And you went from St. Rita's to St. F.X.,  
14 back to St. Rita's and on to Spring Garden Villa over the  
15 years?

16 A. Right.

17 Q. Okay, and during that period of time were you working for the  
18 most part as a nursing attendant?

19 A. Except for that one year at the St. F.X. Extension Department?

20 Q. And what were you doing during that one year?

21 A. I was hired on as a trainee to work in community development  
22 on Indian Reserves.

23 Q. And that was in 1966?

24 A. Sixty-six. In the summer of '66 I took a course in adult  
25 education at St. F.X. University's Coady Institute and continued

ROY A. GOULD, by Mr. Spicer

1 working with the Extension Services until my year was complete.

2 Q. Can you explain to us in a little more detail what it was that  
3 you were hired on to do at the -- at the Coady Instititue? You  
4 said you were hired on to train to be a community worker?

5 A. Yeh. The Coady Institute is a social leadership course that  
6 you can take there. They have a degree program and they also  
7 have a certificate program. I took the summer course, and what  
8 they basically do there is they teach you adult education,  
9 public relations, communications, social leadership, the  
10 co-operative movement, anything and everything that would have  
11 to do with Doctor Moses Coady.

12 Q. And did you have to pay in order to take that course?

13 A. No, I was sponsored by the Extension Services.

14 Q. Sporsored by the Extension Services of St. F.X.?

15 A. Right.

16 Q. St. F.X. University?

17 A. Right.

18 Q. Do you know whether or not St. F.X. had any sort of a grant?

19 A. Yes, they did. They had a grant from the Department of  
20 Indian Affairs to provide community development services to  
21 Indian communities in Cape Breton.

22 Q. And as a result of that grant then you were hired on as a  
23 trainee?

24 A. Right. There was cne other native person there who was hired  
25 to my coming on staff, Noel Doucette.

ROY A. GOULD, by Mr. Spicer

1 Q. Who then went on to become?

2 A. The President of the Nova Scotia Indians.

3 Q. President of Nova Scotia Indians. And you spent the summer there?

4 A. I spent -- No, in my year with St. F.X. I worked out of Sydney,  
5 but during the -- in the summer months I went to the Coady  
6 Institute which is the certificate course that I took.

7 Q. From what is the -- What was the certificate that you came  
8 away with?

9 A. Adult Education.

10 Q. Okay, and during the year that you worked in Sydney out of  
11 St. F.X., what sort of work were you engaged in?

12 A. The same type of work that other Extension staff were doing,  
13 mostly field work on Indian Reserves. My responsibilities  
14 were Membertou and Nyanza.

15 Q. What's Nyanza?

16 A. That's another Reserve out in -- near Baddeck, and my other  
17 partner took care of Chapel Island and Whycocomagh.

18 Q. Chapel Island and Whycocomagh?

19 A. Right, that's the other two Reserves in Cape Breton. The  
20 senior staff took care of the Reserve of Eskasoni.

21 Q. What sort of work were you doing on the Reserves in that year?

22 A. Organizing self-help groups, community development groups,  
23 socials, money raising for the community, projects similar  
24 to the ones that Membertou went through like painting  
25 projects and community improvements, anything and everything

ROY A. GOULD, by Mr. Spicer

1 | that you could do to improve the conditions of the Reserve.

2 | Q. How were you received on the Reserve as a community worker.

3 | A. Very well. I enjoyed it.

4 | Q. Can you -- Was there anything specifically that you did  
5 | with respect to Membertou in that year?

6 | A. No, just the same thing, organizing socials and concerts.  
7 | The people themselves are the ones that are doing the actual  
8 | community development work. I mean you're only there to  
9 | provide support services and encourage them.

10 | Q. Were you there functioning as a catalyst to some extent to get  
11 | things going?

12 | A. Pretty well.

13 | Q. Pretty well, and were you being supported in those endeavours  
14 | by people at St. F.X.?

15 | A. Yes, you had -- always had a senior staff --

16 | Q. And would you be co-operating with the Band Council at  
17 | Membertou?

18 | A. Yes, to a large degree but basically it's a community -- it's  
19 | a community orientated type thing. The Band Council would--  
20 | wouldn't necessarily be involved.

21 | Q. You were working as an individual and just doing the best  
22 | you could?

23 | A. That's right.

24 | Q. What happened after that one year? Why didn't you continue  
25 | doing that sort of work?

ROY A. GOULD, by Mr. Spicer

1 A. What did I do after that?

2 Q. Well, it ended. You told me you got a certificate in Adult  
3 Education?

4 A. Yeh, then just continued working until my contract was up.

5 Q. And when was your contract up?

6 A. Oh, it would have been in '68 -- yeh, '68, the winter of '68.

7 Q. Is -- Was there a reason that you didn't continue to work on  
8 the Reserve as a community development worker?

9 A. Well, it wasn't -- after I was -- After I finished with the  
10 Extension Department there was no -- no way I could earn money  
11 on the Reserve so I just went back to the --

12 Q. Back to being a nursing attendant?

13 A. Right.

14 Q. Would it still have been your practice other than when you were  
15 dealing with -- with Whites, to speak Micmac? In other words,  
16 if you were up on the Reserve would you still be speaking  
17 Micmac?

18 A. Yes.

19 Q. Is that still your practice today?

20 A. Yes.

21 Q. When you're speaking English or when--for instance, when I'm  
22 speaking to you do you still translate into Micmac and then  
23 respond in English or is your facility in English sufficient  
24 enough now that you don't have to do that any more?

25 A. I think it's quite sufficient.

ROY A. GOULD, by Mr. Spicer

1 Q. Are there any circumstances where -- where the vocabulary  
2 would be unusual to you or you would want to be able to  
3 translate it into Micmac and then --

4 A. Yeh, occasionally that would happen but not very much.

5 Q. What sorts of situations would that occur in?

6 A. Oh, I'll let you know when -- when I get stuck.

7 Q. Quite apart from here, I'm just thinking of whether or not  
8 it might occur to you in more formal circumstances, for  
9 instances, in a court room?

10 A. Yeh, the language would be a problem at times, legal  
11 language.

12 Q. Have you felt that problem with legal language over the years  
13 yourself in court rooms?

14 A. Yes, but I wouldn't be able to identify them at this particular  
15 point in time.

16 Q. You have had occasion to be in a court room yourself as a  
17 defendant on a few -- a few occasions?

18 A. Yes.

19 Q. And are you able to -- other than to say that you sense that  
20 there was a problem with the language, are you able to help  
21 us any more with respect to what the problem was in your own  
22 mind?

23 A. No, I -- I would have to say it would be my lack of understanding  
24 or my lack of education in that field.

25 Q. And can you attribute -- Are you able to tell us whether or not

ROY A. GOULD, by Mr. Spicer

1 | you -- you attribute that to the -- to the fact that you just  
2 | weren't familiar with the court room as would be the case with  
3 | a lot of White people as well or whether or not you felt that  
4 | there was a language problem going on as well as the fact that  
5 | you were generally not familiar with the Court?

6 | A. I wouldn't be familiar, for example, back in the early 1970's  
7 | of the difference between the main jury or the petit jury or  
8 | the grand jury. That type of situations I would not be  
9 | familiar with until over the years -- I really -- I was very  
10 | ignorant of the law, you know. I still am.

11 | Q. Did you have words in Micmac, for instance, take the word,  
12 | "jury", and "petit jury", would their be Micmac equivalents  
13 | for those so that if those words were expressed to you in  
14 | English in a court room, would you know what those words meant?

15 | A. No.

16 | Q. You wouldn't know?

17 | A. No.

18 | Q. What about the word, "guilty", did you know -- Was there a  
19 | Micmac equivalent for the word, "guilty"?

20 | A. No, not that I know of.

21 | BY COMMISSIONER POITRAS:

22 | Q. What about responsible?

23 | A. Responsible? Yeh, I suppose you could weed your way around it.  
24 | I wouldn't even know how to translate it to you though right  
25 | off the bat.



ROY A. GOULD, by Mr. Spicer

1 | MR. SPICER:

2 | There will be a witness later, My Lord, that's going to speak to --  
3 | the Micmac words for "guilty", and that sort of thing and how that  
4 | works but I was just from Mr. Gould's point of view, just trying  
5 | to get his own personal experiences.

6 | BY MR. SPICER:

7 | Q. In 1968 or '69 or so, you were elected, were you not, Chief at  
8 | Membertou?

9 | A. Yes, I was.

10 | Q. Can you explain to us how one goes about becoming Chief?

11 | A. In my area I was approached by a group of people from the  
12 | Reserve to run on their behalf and run against an incumbent or  
13 | the candidate that was already Chief.

14 | Q. Was that Lawrence Paul?

15 | A. Yes, it was, and the same people that approached me campaigned  
16 | on my behalf and I did some campaigning myself. It's very  
17 | short. It's only in a matter of a week or so and then your  
18 | nominations took place and your election followed and I was  
19 | successful.

20 | Q. So you became Chief in 1968?

21 | A. In '68.

22 | Q. In '68, and what is the process of election actually on the  
23 | Reserve, does everybody get to vote for the Chief?

24 | A. Anybody that's twenty-one and over.

25 | Q. And is there in addition to the Chief a Band Council?

ROY A. GOULD, by Mr. Spicer

1 A. Yes, there is. In my term -- In my time, I should say, there  
2 were two people that were running for Council positions.

3 Q. And are the Band Council positions also elected by the entire  
4 population of the Reserve?

5 A. Yes, it is.

6 Q. And in your time, from -- commencing in 1968, then there was  
7 yourself as Chief and two Band Council members?

8 A. Right.

9 Q. What determines how many Band Council members there are at  
10 any given time?

11 A. By Population. My population would have been small then and  
12 your minimum would have been two. Over the years the  
13 population has increased and now I understand that they have  
14 four.

15 Q. And who would -- who would determine whether or not there can  
16 be more than two Band Council members?

17 A. You're governed by the Indian Act.

18 Q. And the Indian Act would indicate that for a certain population  
19 you have a certain number of Band Council members?

20 A. Right.

21 Q. And during your tenure as Chief was there always only the  
22 two?

23 A. Yes, there was.

24 Q. For how long were you Chief, Mr. Gould?

25 A. I completed one full term and half of the other.

ROY A. GOULD, by Mr. Spicer

1 Q. And how long is a term?

2 A. Two years.

3 Q. So you would have been Chief for three years?

4 A. Right.

5 Q. From 1968 to 1971?

6 A. Right.

7 Q. Okay. What were your responsibilities as Chief of Membertou?

8 A. There is a wide range of responsibilities. Pretty well you're  
9 running the entire Municipality as you would be in a Mayor.  
10 At the same time in '68, '69, there was no administration in  
11 place and that was -- the number one priority was to  
12 establish an office and get staff and programs, you know,  
13 incorporated in.

14 Q. When you took over in 1968 was there a physical building, the  
15 Band Council office?'

16 A. No, there wasn't.

17 Q. No, and did you start one, find one?

18 A. Yes, we emptied out the school house which was used as a  
19 storage area and we established a couple of offices and as  
20 we progressed and started finding out what programs were  
21 available, we started taking them over.

22 Q. What had happened to the school in the meantime? You say you  
23 emptied out the school house.

24 A. We -- That had already been intergraded completely into  
25 Sydney and the teacher retired.

ROY A. GOULD, by Mr. Spicer

1 Q. What was the last year then that the Membertou Indian day  
2 school functioned as a school on the Reserve?

3 A. I'm not sure of the exact year. Is it in there anywhere?

4 Q. No.

5 A. No. I can't remember.

6 Q. But by 1968 it was no longer functioning?

7 A. No.

8 Q. Where were the -- Where were the kids going then from grade  
9 one to grade four?

10 A. St. Anthony Daniel.

11 Q. St. Anthony Daniel. Is that where they continue to go to today?

12 A. Yes.

13 Q. Was part of your responsibilities as Chief dealing with the  
14 Sydney City Council?

15 A. Yes, we did.

16 Q. And with the Sydney Police Department?

17 A. Yes.

18 Q. What was the state of policing on the Reserve when you took  
19 over as Chief in 1968?

20 A. Very poor. There was no co-operative efforts to improve the  
21 policing situation on the Reserve. I don't think there was  
22 even a contract in place for the policing services and during  
23 those years that I was in power we started negotiating for a  
24 contract.

25 Q. At the time you took over then in 1968, who was carrying out

ROY A. GOULD, by Mr. Spicer

1 the policing function on the Reserve?

2 A. They were still coming in with --

3 Q. Who?

4 A. The Sydney Police.

5 Q. The Sydney City Police Department? And did they have on their  
6 force at the time any native Constables?

7 A. No.

8 Q. Would the responsibility then for policing of the Reserve in  
9 1968 have rested entirely with the Sydney Police Department?  
10 Is that your understanding of it?

11 A. That's my understanding that they have always worked -- They  
12 have always provided service on a call -- on-call basis.

13 Q. Could you explain just a little bit more what that means?

14 A. If -- If there was any trouble on the Reserve or if there was  
15 any major incident, then when they were called they responded.

16 Q. Would they patrol the Reserve?

17 A. No, I've never seen them patrol it.

18 Q. So it would then be your experience that you wouldn't expect  
19 to look out your window and see a Sydney Police Department car  
20 patrolling the Reserve?

21 A. No, and I think if I looked out my window today you wouldn't  
22 see too much of that.

23 Q. We'll get to that later. Let's stay with '68 for the moment.  
24 At that time then there was no patrolling on the Reserve?

25 A. No, not as such.

ROY A. GOULD, by Mr. Spicer

1 Q. Would you, in fact, have placed calls to the Department from  
2 time to time and said, "Look, there's a problem out here, will  
3 you come out"?

4 A. I've had an occasion to be able to do that and I required the  
5 services of the Sydney Police, at times they responded and  
6 other times they haven't.

7 Q. And would this have occurred during the time that you were  
8 Chief?

9 A. Yes.

10 Q. Can you give us some indication of the sorts of circumstances  
11 where you would -- where you would, in fact, call them and they  
12 would respond?

13 A. Well, usually sometimes families would first call and they  
14 wouldn't get any response so then they would call me and then  
15 I in turn would have to call the Sydney Police to come up.

16 Q. And who would you call at the Sydney Police Department if you  
17 did have to call?

18 A. The Desk Sergeant, whoever works -- There has been times when  
19 I had to go directly to the Chief of Police and there was other  
20 times when I wasn't satisfied with their services and I had  
21 to go directly to the Crown Prosecutor's office.

22 Q. And the times when you had to go to the Chief, who would that  
23 have been at the time?

24 A. Gordon MacLeod.

25 Q. And how did you feel he responded to your requests?

ROY A. GOULD, by Mr. Spicer

1 A. He was a good listener. I don't know if any of my complaints  
2 or discussions have gone beyond his office. When I look back  
3 now I -- they haven't or they -- he kept them to himself.

4 Q. What sorts of -- What sorts of circumstances though would  
5 prompt you to call the Chief?

6 A. In particular we were negotiating for a Reserve Constable in  
7 those years so a lot of the discussion took place with him.

8 Q. Okay. That's -- That's -- If I can just stop you there, that's  
9 a bit of a different issue.

10 A. Okay. You're wondering what complaints and --

11 Q. Complaints on the reserve that would cause you to call the Chief  
12 to ask him to send people to the Reserve?

13 A. To investigate complaints of vandalism or break and enters.

14 Q. Okay, and with respect to those sorts of incidents, who did  
15 you feel that -- How did you feel you were being responded  
16 to by the Chief?

17 A. He listened.

18 Q. Would he sent somebody out?

19 A. No.

20 Q. When you say, "No", do you mean no, never, or no, sometimes?

21 A. No, no, not right away. I mean he didn't just jump at my  
22 request. I think the Sydney Police took their time with their  
23 own investigations and I can't say -- like if I did file a  
24 complaint they certainly didn't come right away and see me.

25 Q. But if you had a circumstance where there was danger and somebody

ROY A. GOULD, by Mr. Spicer

1 had called you and said that there's a fight going on or  
2 something like that and you called down to the Sydney Police  
3 Department, would they respond and send somebody out in that  
4 sort of circumstance?

5 A. At times they did.

6 Q. Well, would there be any circumstances where there was a  
7 dangerous situation where they wouldn't respond?

8 A. I can't pinpoint one at this moment.

9 Q. And other than -- other than the specific incidents of phoning  
10 to have somebody come out from the Sydney Police Department,  
11 you also had dealings with the Sydney Police Department by  
12 way of negotiations for a Constable?

13 A. Yes, we did.

14 Q. And I believe you also had circumstances where you had complaints  
15 that were made and brought to you that you then took to the  
16 Sydney Police Department. Is that correct?

17 A. Yes.

18 Q. Who were those complaints from?

19 A. Generally the complaints started with a group of teenagers.  
20 Finally after listening to them at various times at my offices,  
21 as Chief I finally asked them at one point to delegate somebody  
22 amongst themselves who would be willing to put their complaint  
23 in writing.

24 Q. Okay. I'll show you a document which I've had marked as  
25 Exhibit 65, Mr. Gould.



ROY A. GOULD, by Mr. Spicer

1 MR. SPICER:

2 For the benefit of the other Counsel, this is the sheet that  
3 Mr. Wildsmith has been showing to everybody. I think all of us  
4 have copies of it. I don't know if you still have them or not but  
5 I'll give you an extra one. Is there anybody still without  
6 one. It's Exhibit 65.

7 BY MR. SPICER:

8 Q. Mr. Gould, can you tell us what Exhibit 65 is, the document  
9 I've placed in front of you?

10 A. This is the -- I don't know what to call it. This is the  
11 complaints that were alleged by the teenagers at the time  
12 in 1970 about their incidents with various members of the  
13 Sydney Police and where they were hassled in various -- at  
14 various times.

15 Q. And that document was prepared by Cameron Paul?

16 A. Yes, signed by Cameron Paul.

17 Q. And was it Cameron Paul that -- that you -- that was delegated  
18 to your understanding the job of putting this compilation  
19 of complaints together and bringing it to you?

20 A. That's right.

21 Q. And upon receipt of this document what did you do with it?

22 A. A copy of this original was made and a letter was addressed  
23 to the Chief of Police Gordon MacLeod, and I'm not sure  
24 if I hand delivered it to him and discussed this with him  
25 or if I -- if this was sent in the mail. I can't locate the --

ROY A. GOULD, by Mr. Spicer

1 the letter, the enclosing letter so I assume that it  
2 probably was hand delivered.

3 Q. Did you -- Did you have an opportunity to discuss the  
4 contents of that document with the Chief?

5 A. Yes, I did, and I never heard any more of it after that.

6 Q. Can you remember what the -- what the nature of that discussion  
7 was?

8 A. Oh, the fact that the boys were getting tired of being hassled  
9 when they go into town. I was asking the Chief of Police  
10 if there was anyway that he could talk to his police officers  
11 and if we can get this straightened out, possibly even have  
12 a meeting with the teenagers.

13 Q. And what was Chief MacLeod's response to those requests?

14 A. That he would just look into it.

15 Q. Did you ever hear back from him?

16 A. No.

17 Q. To your knowledge were any of these complaints investigated?

18 A. Not to my knowledge.

19 Q. Not to your knowledge. Did you follow it up with the Chief?  
20 Did you get back to him and ask, "What's going on"?

21 A. No. I can't recall if I did or not.

22 Q. And other than your one meeting with him when you requested  
23 something be done, is that the extent of your discussion with  
24 Chief MacLeod?

25 A. On this subject?

ROY A. GOULD, by Mr. Spicer

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Q. On that subject?

A. Yes.

Q. And other than the specific document, Exhibit 65, Mr. Gould, did you have occasion to generally discuss with Chief MacLeod the sorts of -- any complaints from the Reserve?

A. No, the fact that they were not -- they weren't responding to the calls because of the complaints by the so called vigilante group that was formed in around 1969, '70.

Q. Sir, what's the vigilante group?

A. This was a group of citizens that had organized themselves and the pressure on the Council at the time was that if you don't do anything about it, we will, and their complaints were that there was just too much vandalism and too much -- too many uncontrolled kids roaming around the Reserve.

Q. These are citizens on the Reserve that were forming what you called the vigilante group?

A. Yes.

Q. Mr. Gould, I'll show you Exhibit 64, the first page of which seems to be referring to the topic you were just discussing, that is the vigilantes, and it's dated January, 1970. Is that about the time that this issue came up?

A. From '69 to 1970, yes, very much so.

*JMB.*

ROY A. GOULD, by Mr. Spicer

1 Q. And what was happening on the Reserve? Were people on the  
2 Reserve getting concerned that there was too much violence  
3 on the Reserve itself?

4 A. I didn't notice any violence on the Reserve myself. What I  
5 did notice was that there was very little control of young  
6 people by their peers, by their parents. There was very  
7 little in terms of property damage; but some people, and  
8 in particular, this particular group of people thought  
9 that that was a little too much for them.

10 Q. And what was your view of that at the time?

11 A. As Chief you go by the wishes of your Band members and if  
12 they bring this to your attention you act on it. It wasn't  
13 something that I would have-try to hide, although it's  
14 mentioned in there that I did at one point take it of the  
15 City Council's agenda. But in 1970, I thought that we had  
16 a good committee in place consisting of Aldermen in  
17 the City of Sydney and our Band Council which at the time  
18 we were still negotiating for full Municipal services.

19 Q. And at the time in early 1970, was there-the article from  
20 the Highlander would indicate that you had suggested special  
21 Indian Constables to patrol the Reserve?

22 A. We were -- we had started the discussions at that stage of  
23 employing an Indian Constable and we had to explore how we  
24 would be able to do that.

25 Q. And who were you having those discussions with at the time?

ROY A. GOULD, by Mr. Spicer

1 A. In cooperation with the City of Sydney and the Department of  
2 Indian Affairs.

3 Q. And I believe in Exhibit 63, it's the blue volume, starting  
4 on page 2 of this exhibit, Mr. Gould, can you tell us what  
5 that is?

6 A. This is what is known as a Band Council Resolution. When  
7 you apply for programs or monies from the Department of  
8 Indian Affairs, it requires the full support of your Band  
9 Council and this particular one is requesting the appointment  
10 of two part-time Band Constables.

11 Q. And would that be a request that you would be making to the  
12 Department of Indian Affairs?

13 A. Yes, we did.

14 Q. And how would -- how would that request to the Department  
15 of Indian Affairs for Constables, have fitted in with your  
16 negotiations with the City of Sydney to have a Constable on  
17 the Reserve?

18 A. Well, after doing some researching into the jurisdiction of  
19 the Reserve at some point in time we thought that it might  
20 be under the jurisdiction of the R. C. M. P., who in turn  
21 had really did their own research and has -- have indicated  
22 to us that because of the unique situation where we're  
23 situated in the City of Sydney, that it is the responsibility  
24 of Sydney Police. So the -- the discussions continued right  
25 up until the -- May of or April of 1970 or so when we finally

ROY A GOULD, by Mr. Spicer

1 got approval from Indian Affairs for some monies to be able  
2 to appoint at least a part-time Indian Constable who would  
3 work in cooperation with the City of Sydney.

4 Q. Prior to May though--you made this request in January or so  
5 of 1970 through your Band Council Resolution, that, I take it,  
6 was a request to the -- to the Department of Indian Affairs?

7 A. Yes.

8 Q. Okay, at the same time we're you also asking the City of  
9 Sydney for a Constable?

10 A. Not the City of Sydney. But we were asking the City of  
11 Sydney if that -- they could supervise and train the Constable.  
12 And that, you know, in working with -- with the special  
13 committee that was set up within City Council that we would  
14 jointly recommend a position.

15 Q. And the committee that was set up by City Council, what was  
16 that?

17 A. That was about four Alderman from within their ranks who  
18 would work with the Band Council.

19 Q. And was that set up specifically to deal with the policing  
20 issue?

21 A. No, it was also an overall service that we required from the  
22 City of Sydney. And the Chairman at the time was the  
23 Alderman for Ward Two.

24 Q. Who was that?

25 A. Alderman Jim Lovelace.

ROY A. GOULD, by Mr. Spicer

1 Q. Lovelace?

2 A. Right.

3 Q. And was that committee then -- as-a committee of council set up  
4 to deal with the general servicing, if I can put it that way,  
5 of the Membertou Reserve by the City of Sydney?

6 A. It was to expand the previous agreement on water and sewer  
7 and street lighting and include also in there the remainder  
8 of what we now have, which is garbage collections, snow  
9 removal and maintenance.

10 Q. And did they also take under their umbrella then the question  
11 of policing?

12 A. Yes, that was part and parcel, police and fire.

13 Q. As part of Exhibit 64, Mr. Gould, towards in fact the last  
14 letter in that package. We'll just look through. There's  
15 a letter dated February 13th, 1970, I believe, from yourself  
16 to the Chief of Police, Sydney, and various other people.  
17 Can you indicate to us how that letter arose and what it  
18 was intended to accomplish?

19 A. This would have been as a result of a Band Council meeting  
20 after we received approval, I take it, from the Department  
21 of Indian Affairs to hire a Constable. And the Council  
22 themselves had set down these items that are listed here.

23 Q. And are you then asking -- asking at that point in this  
24 letter for future meetings to discuss in detail how you're  
25 going to work out the mechanics of this?

ROY A. GOULD, by Mr. Spicer

- 1 A. Yep, apparently.
- 2 Q. Is that your recollection of what you were doing at that time?
- 3 A. Sure.
- 4 Q. And if you'd just turn back to Exhibit 63 again, I'm sorry,
- 5 yeh, Exhibit 63, page 5, there's a letter to yourself dated
- 6 May 12, 1970?
- 7 A. Yes, this is the official appointment of Fred Googoo as
- 8 the Reserve's Special Constable approved by the Sydney Police
- 9 Commission.
- 10 Q. Was it -- was it your understanding at the time that Constable
- 11 Googoo was appointed, that the City of Sydney would be
- 12 responsible for his training?
- 13 A. The agreement was that Constable Googoo would come under the
- 14 direction of both the Band Council and the Sydney Police.
- 15 And that the Sydney Police would provide his supervision
- 16 and training.
- 17 Q. And would he be exclusively assigned to work on the Reserve?
- 18 A. The position was part-time but it required his full services
- 19 just for Membertou alone.
- 20 Q. And would it be fair to say that other than providing
- 21 the training facility, he would be expected to be under the
- 22 direction of the Band Council and his activities on the
- 23 Reserve?
- 24 A. He would report directly to us in terms of reporting and/
- 25 or if there were any complaints. The Band Council was



ROY A. GOULD, by Mr. Spicer

- 1 responsible for his salary, which wasn't very much at the  
2 time. And also --
- 3 Q. And what's -- I'll stop you there. Where did that -- where  
4 did that funding in turn come from to pay his salary?
- 5 A. Department of Indian Affairs.
- 6 Q. Okay, and it was a part-time position?
- 7 A. Yes, it would be.
- 8 Q. On the basis of what a number of hours a week?
- 9 A. The hours were flexible. As a matter of fact that's one of  
10 the biggest problems that we had -- had with his timings  
11 where -- because it is a twenty-four on-call position.
- 12 Q. Was he a resident of Membertou?
- 13 A. Yes, he was.
- 14 Q. Did he have any background in any sort of police work?
- 15 A. No, he was just one of a number of applicants that were  
16 entertained and at that time he was the most suitable  
17 candidate.
- 18 Q. Who would have been the person who selected him?
- 19 A. The selection committee, I believe, was consisting of the  
20 Band Council and the Chief of Police.
- 21 Q. The Chief of Police for Sydney?
- 22 A. Yes.
- 23 Q. Were you -- were you part of that process, sir?
- 24 A. Yes, I would have been.
- 25 Q. Once Constable Googoo had been appointed, did the Sydney Police

ROY A. GOULD, by Mr. Spicer

1 Department respond any further to requests that were made  
2 from the Reserve or was it the fact, that Constable Googoo  
3 would be the person who'd be totally responsible for  
4 policing on the Reserve?

5 A. It ended up that Constable Googoo was doing most of the  
6 police work on the Reserve. We still had some problems  
7 getting calls responded by the Sydney Police.

8 Q. But from -- from May of 1970, from the time that Constable  
9 Googoo was appointed, was it your understanding or was it  
10 the Band Council's understanding that Constable Googoo would  
11 be the person who would be responsible for policing on the  
12 Reserve and further that the Sydney Police Department would  
13 no longer have any responsibility or would they still have  
14 some responsibility?

15 A. No, they would form as a backup to calls or they were  
16 supposed to. Also that they would have to be called for  
17 major investigations or -- or the laying of complaints.

18 Q. And are you able to tell us how -- how it in fact worked?  
19 And were you satisfied that the Sydney Police Department  
20 was providing the backup services?

21 A. No, as a matter of fact I think there was a letter of complaint  
22 filed with the Sydney Police Department again.

23 Q. Yeh, again if you'll look in Exhibit 64, there's a letter on the  
24 second page dated September 7, 1970, from yourself to the  
25 Chief of Police. Is that the letter of complaint that

ROY A. GOULD, by Mr. Spicer

1       you've mentioned?

2       A. Yes, this was filed September 7th, of 1970, problems that  
3       we encountered or that were encountered by the Constable  
4       and some of the complaints of the Constable himself that  
5       were lodged by some people from the Reserve.

6       Q. Did you discuss the substance of this letter, Mr. Gould,  
7       yourself, with -- with the Chief of Police for Sydney?

8       A. I don't really remember if we sat down and really discussed  
9       the letter at length, but I believe that, maybe, Fred Googoo  
10      may have.

11     Q. You're not aware -- you don't recollect whether you did  
12     yourself?

13     A. No.

14     Q. Are you able to tell us what the response of the -- of the  
15     Sydney Police Department was to the substance of what was being  
16     said in this letter?

17     A. No, again, I would have to see if I could find some records  
18     on this. I believe Constable Googoo has an occurrence  
19     record of his time that he was there. We -- while we  
20     received reports from him, we didn't really try to  
21     interfer too much in his -- in his duties.

22     Q. But insofar as -- as a response and on behalf -- on behalf  
23     of the Sydney Police Department to this letter of September  
24     7, 1970, you're -- you're not privy yourself to any  
25     discussions with --

ROY A. GOULD, by Mr. Spicer

1 A. With the Chief of Police, no.

2 Q. -- the Chief of Police?

3 A. I don't remember any.

4 Q. And are you aware other than through discussions with the  
5 Chief, whether or not there was any response to the matters  
6 that are raised in that letter?

7 A. There probably were some but I can't recall any at the time.  
8 But it wasn't long after that Constable Googoo resigned.

9 Q. Did you have any discussions with Constable Googoo about his  
10 relations with the Sydney Police Department?

11 A. I don't think they had very much respect for him and he was  
12 pretty disgusted and frustrated with his position. And the  
13 fact that, you know, on top of that, we weren't paying him  
14 for the amount of problems that he was encountering.

15 Q. Did it become a part-time in name only but full-time in  
16 reality, is that what was happening?

17 A. That's pretty well what it ended up to be.

18 Q. When did Constable Googoo resign?

19 A. It's in somewhere -- 1971.

20 Q. Around 1971?

21 A. 1971.

22 Q. Subsequent to his resignation, have there been other  
23 Constables on the -- on the Reserve?

24 A. No, not to my knowledge. Not during my time. There was  
25 a symbolic position, I believe, back in the thirties or

ROY A. GOULD, by Mr. Spicer

1 forties, around there.

2 Q. No, no, but after -- after Constable Googoo left?

3 A. After Constable--there was one other position that was  
4 opened up by the previous administration -- by the present  
5 administration.

6 Q. From the period that Constable Googoo resigned '71-'72 to  
7 the present, what's happened then to policing on the Reserve?

8 A. My understanding is that it's still continuing in the rate  
9 that it was when I was there. And I don't think it has  
10 improved very much.

11 Q. And it's being provided by the Sydney Police Department?

12 A. Yes, it is.

13 Q. Pursuant to an agreement between the City and the Reserve?  
14 Were you one of the persons who negotiated that -- finally  
15 negotiated that agreement with the City?

16 A. In 1970-71?

17 Q. Yes.

18 A. Yes.

19 Q. And was Constable Googoo part of that arrangement?

20 A. He wouldn't have been part of the B. C. R., no.

21 Q. I'm sorry, the what?

22 A. The Band Council Resolution. He wouldn't, no. It's just  
23 mainly the -- between the City, Indian Affairs, and the  
24 Band.

25 Q. You have an agreement though between the City and yourself

ROY A. GOULD, by Mr. Spicer

1 | which -- for the provision of services to the Reserve which  
2 | includes policing?

3 | A. Yes.

4 | Q. Okay, Constable Googoo was to be trained by the City and paid  
5 | for by the Band?

6 | A. Right.

7 | Q. And was his employment contemplated by the agreement between  
8 | yourselves and the City of Sydney?

9 | A. That's a separate agreement altogether. It has -- it is  
10 | separate from the Municipal agreement that we have with the  
11 | City of Sydney. Googoo would not be part of a B. C. R.,  
12 | for example, other than the fact that we apply for funding  
13 | to employ that person.

14 | Q. So quite apart -- quite apart from Constable Googoo then,  
15 | was -- was there contemporaneously with the time Constable  
16 | Googoo was on the Reserve, was there also an agreement  
17 | between the City and the Reserve?

18 | A. For these services.

19 | Q. Yes.

20 | A. Yes.

21 | Q. And including policing?

22 | A. Including policing.

23 | MR. SPICER:

24 | We don't have that agreement at the moment, My Lords. We're  
25 | going -- it's being brought down to us and we can perhaps speak

ROY A. GOULD, by Mr. Spicer

1 to it after the break, I hope.

2 BY THE WITNESS:

3 A. I'm not sure if the agreement has terminated by now. But I  
4 understand that negotiations are taking place today.

5 BY MR. SPICER:

6 Q. Yeh, you can't speak to that in any event?

7 A. No.

8 Q. So during the time that Constable Googoo was functioning  
9 on the Reserve, was he then the person that people on the  
10 Reserve turned to if they needed police assistance?

11 A. They would have to call him first. At times--and if they  
12 couldn't get a hold of him, then the calls would go  
13 directly to the Desk Sergeant.

14 Q. And if calls were made directly to the Desk Sergeant, would  
15 those calls be responded to to your knowledge?

16 A. Some times.

17 Q. So in fact there was -- both things were going on at that  
18 time. There was Constable Googoo plus there was the  
19 Sydney Police Department?

20 A. Yeh.

21 MR. SPICER:

22 Perhaps, it would be a good time as any, My Lord, for a break.

23 MR. CHAIRMAN:

24 Okay.

25 INQUIRY ADJOURNED: 10:53 a.m.

ROY A. GOULD, by Mr. Spicer

1 INQUIRY RECONVENED: 11:16 a.m.

2 BY MR. SPICER:

3 Q. Mr. Gould, when was it that you completed your second -- your  
4 half term as Chief?

5 A. It would have been around 1971.

6 Q. 1971. And from 1971, after you completed your term as Chief,  
7 what was it that you then did?

8 A. While I was Chief I was also employed with the Union of  
9 Nova Scotia Indians.

10 Q. Okay. Can you give us some idea of how it was that the Union  
11 of Nova Scotia Indians came into being?

12 A. When I left the Extension Services and working in between,  
13 I'm not sure if it was St. Rita's or the Spring Garden Villa;  
14 however, I was one of the organizers of the Union of Nova  
15 Scotia Indians. I worked with five other Indian people  
16 from the various parts of the Province.

17 Q. What year are we talking about here?

18 A. You're looking at 1969, 1970 and '71, in particular when  
19 we finally got our first Constitution in place.

20 Q. What was it that gave rise to the -- to the need for a Union  
21 of Nova Scotia Indians, in your view?

22 A. We would've been about the only group of native Indians that  
23 had not formed a Provincial Association.

24 Q. The only group -- the only group in --

25 A. In Canada.



ROY A. GOULD, by Mr. Spicer

1 Q. -- in Canada.

2 A. And these are more what you consider as political groups or  
3 pressure groups that would address the concerns of a wide  
4 area of native concerns. And in particular in 1969, the  
5 White Paper Policy was established or was brought up by  
6 the Department of Indian Affairs, which --

7 Q. And what was that White Paper Policy?

8 A. Basically my interpretation of it would be to integrate  
9 services that were provided by the Department of Indian  
10 Affairs to the Provinces and the elimination of Indian  
11 Affairs.

12 Q. And what was -- what was your concern about that?

13 A. I was also employed by the Department of Indian Affairs as  
14 a consultations worker in those --

15 Q. Sorry, as a what?

16 A. As a consultation worker.

17 Q. What's that?

18 A. My job was to implement the 1969 White Paper Policy to --  
19 to the Reserves and to educate Bands on the implementations.

20 Q. Okay, wearing that hat for a moment, what was it that you were  
21 supposed to be implementing on the Reserves when you  
22 say implement the White Paper Policy?

23 A. Actually, it's more of an educational process where you have  
24 native people more aware of what's contained in that White  
25 Paper Policy and their reaction to it.

ROY A. GOULD, by Mr. Spicer

1 Q. As a person involved in the organization of the Union of  
2 Nova Scotia Indians, wearing that hat for a moment, what  
3 was it that concerned you about the White Paper Policy?

4 A. There was so many. I was not in favour on the 1969 White  
5 Paper Policy and I worked against it. And I worked  
6 cooperatively with Bands and Band Councils throughout Nova  
7 Scotia to form a union.

8 Q. Okay, why -- why was it that you were not in favour of it?

9 A. I'd have to get the White Paper Policy and dissect information  
10 from it. I can't get it to you right off the bat --

11 Q. But you --

12 A. -- but I do have it. The elimination of Indians and the  
13 elimination of Indian Affairs, you know. That's --

14 Q. Well, those are two separate things. When you say the elimination of Indians, what  
15 do you mean by that?

16 A. My understanding is that we would have lost our rights as  
17 Indians.

18 Q. Is it the loss of the Indian culture, is that what you're  
19 getting at?

20 A. That's--overall. you're losing just about everything. You  
21 would have been incorporated into the main stream of the  
22 Canadian -- Canadian society. You would have just been a  
23 Canadian.

24 Q. Is it fair to characterize your opposition as opposition  
25 to what you perceive to be the integration policy of the

ROY A. GOULD, by Mr. Spicer

1 1968-69 White Paper, is that a fair comment?

2 A. That's a fair comment.

3 Q. Right, and would it have been that that would have at least  
4 in part produced the -- the desire to have the Union of  
5 Nova Scotia Indians?

6 A. It was in our best interest at the time to organize Indians  
7 on the Band levels on the various Indian communities, and  
8 come up with some kind of a counter organization. And we  
9 did manage to do that over a three year period.

10 Q. And that is -- those are the years from 1969 to 1971?

11 A. Right.

12 Q. And were you -- you one of the founding organizers or founding  
13 members rather of the union?

14 A. Yes.

15 Q. Okay, when the Union finally got it's first Constitution which  
16 I believe you indicated was 1971, did you hold a position with  
17 the Union?

18 A. I was still their communications officer or a better term at  
19 the time was a liaison person amongst the Bands and the Union.

20 Q. In 1971?

21 A. '70-'71, yeh.

22 Q. During the time that you were working towards the organization  
23 and founding of the Union of Nova Scotia Indians, were you  
24 being paid for this job by somebody?

25 A. Yes, I was -- after the Department of Indian Affairs

ROY A. GOULD, by Mr. Spicer

1 terminated my position.

2 Q. When was that?

3 A. That would have been 1970.

4 Q. Yes, sir.

5 A. 1970. I was then put on payroll with the Union of Nova Scotia  
6 Indians.

7 Q. I see, and at the time that the Union came up with it's first  
8 Constitution, did you take on any role other than your role  
9 as communications officer with them?

10 A. That would have been--My main role was to establish the  
11 Communications Department of the Union.

12 Q. And that period of time, Mr. Gould, would have been what,  
13 1970 to 1972-ish?

14 A. Yes, I took a brief leave in '72.

15 Q. And when you took that brief leave in 1972, what did you do?

16 A. We opened a Micmac Native Friendship Center in Halifax. And  
17 I was the organizer to open up an establishment for native --  
18 natives in the Halifax/Dartmouth area.

19 Q. And what -- what was it that caused you to do that? What was  
20 the need that had to be fulfilled?

21 A. Years before that there was an application into the -- the  
22 Department of Indians Affairs or the Department of Secretary  
23 of State at the time for funding to open up some kind of a  
24 -- it's not a half-way house but it can be termed as a half-  
25 way house or a -- or a center where native Indians can go

1 into Halifax/Dartmouth and you -- you would receive the  
2 services, for example, like they'd help you with your housing  
3 problems or getting housing or it -- or assist you with your  
4 educational needs. Not in terms of finances, but just to  
5 assist Indians coming into a city and at that time there was  
6 an influx of native people going into Halifax/Dartmouth to  
7 look for work and to attend universities.

8 Q. And at that time that would have been 1972 - 1973?

9 A. Yes.

10 Q. Why was it that you felt you needed a special place for the  
11 Indians to go when they got to Halifax?

12 A. Well, there was nothing in place at that time other than --  
13 I don't even -- I'm not even sure if there was a Department  
14 of Indian Affairs office in Halifax. There was no facility  
15 available for Indians that where they can go and seek help.  
16 So my -- my job was to establish a building and staff it  
17 and obtain the money for it.

18 Q. And did you in fact do that?

19 A. Yes, I did.

20 Q. And was that -- was the Micmac Friendship Center originally  
21 on Brunswick Street?

22 A. It started off on Inglis Street through --we had the loan of an office  
23 space at the Unitarian Church building. And then our first  
24 building was on Inglis and then eventually it moved to  
25 Brunswick. And then moved to Gottingen.

ROY A. GOULD, by Mr. Spicer

1 Q. And currently is on Cornwallis, is that?

2 A. Gottingen.

3 Q. It's on Gottingen Street now?

4 A. Right.

5 Q. What sorts of services other than job related services,  
6 assistance, that sort of stuff, were being provided by the Micmac  
7 Friendship Center? Was it a place where people could come  
8 and stay for a few days?

9 A. There was a hostel, you know, where there were a half a  
10 dozen or so beds. Recreational room. In -- after I had  
11 left, of course, it had improved into taking on outreach  
12 programs. Penitentiary liaison programs.

13 Q. Are there any other Micmac Friendship Centers in any other  
14 cities or towns in Nova Scotia?

15 A. Not in Nova Scotia. The other nearest one would be in  
16 Nain, Labrador. And then one in New Brunswick and then they  
17 would go right across Canada to Vancouver.

18  
19  
20  
21  
22 STR.  
23  
24  
25

ROY A. GOULD, by Mr. Spicer

1 Q. Is the one in New Brunswick Micmac as well? Would that  
2 be --

3 A. It would be a combination of Micmac and Malecite.

4 Q. And what about Labrador?

5 A. Innuit.

6 Q. Innuit. And from 1973 to '75 you, again, were working  
7 with the Union of Nova Scotia Indians as their Director  
8 of Communication.

9 A. We turned and continued.

10 Q. Came back from your leave and then from '75 to the present  
11 you've worked for the Native Communications Society of  
12 Nova Scotia?

13 A. Yes. In 1975 we separated from the Union of Nova Scotia  
14 Indians.

15 Q. Who's we?

16 A. We as in the Native Communications Society and a couple of  
17 people that were working for them and --

18 Q. What caused that?

19 A. Well, we also had a newspaper in operation with the  
20 Union of Nova Scotia Indians, The Micmac News, and they  
21 were not receiving funding from Secretary of State.

22 Q. Who wasn't? The Micmac News?

23 A. The Union of Nova Scotia Indians to be able to employ enough  
24 staff and to be able to continue publishing a native  
25 newspaper of that size. So the only other way was to

ROY A. GOULD, by Mr. Spicer

1 incorporate and work separately from any political  
2 association and that is the Secretary of State's criteria.

3 So with the cooperation of the Union and other native  
4 associations across Nova Scotia we were able to do this.

5 And I became the director.

6 Q. And can you tell us, in general terms, what your responsibilities  
7 have been over the years as a director of the Native  
8 Communications Society of Nova Scotia?

9 A. Again to establish an office structure, employ staff, produce  
10 the newspaper. When we first started out we also had a  
11 radio program. We do public relations work for Indians.  
12 We also help coordinate activities -- social activities,  
13 tournaments, anywhere that our services are required in that  
14 respect.

15 Q. How many people are employed by the society?

16 A. Now?

17 Q. Yes.

18 A. Five but we've had as many as twenty-five and thirty  
19 when we first started out.

20 Q. And is that fluctuation related to your grant support?

21 A. Yes.

22 Q. Is one of your major responsibilities at the moment the --  
23 taking care of the newspaper?

24 A. That's the only thing that we do right now.

25 Q. And how often is the newspaper published?



ROY A. GOULD, by Mr. Spicer.

1 A. Monthly.

2 Q. And distributed to where?

3 A. Our total circulation is around forty-five thousand.  
4 Primarily Nova Scotia Reserves and non-status and Metis  
5 locals. Our newspaper goes right across Canada to  
6 various subscribers and Newfoundland, the Maritimes. It's  
7 pretty well generally all over.

8 Q. And you -- in fact you've been here everyday covering the  
9 Inquiry for the newspaper?

10 A. Yes, you could say that in a way. I have written a couple  
11 of stories.

12 BY MR. CHAIRMAN:

13 Q. Is -- What language is the paper printed in?

14 A. English.

15 BY COMMISSIONER POITRAS:

16 Q. No Micmac?

17 A. No Micmac.

18 BY MR. SPICER:

19 Q. Why is that, Mr. Gould?

20 A. Well, a lot of us that speak Micmac do not write Micmac  
21 and there is very few that can write Micmac proficiently  
22 and it's only been the last few years that the written  
23 language has been reinforced. The problem that we had back  
24 in the early '70's -- we did try to get some Micmac incorporated  
25 in but there is two styles of Micmac. As a matter of fact

ROY A. GOULD, by Mr. Spicer

1 | there is really three styles of Micmacs -- Micmac language.  
2 | You can go into hieroglyphics or you can go into the  
3 | English language. Now, when you go into the English alphabet  
4 | there is only 15 that it's being used and somebody else  
5 | will be here to explain that, I take it, and then there is  
6 | also two styles. There is a Pacific style and then there's  
7 | Francis Smith style.

8 | Q. At the --

9 | A. So it's complicated in that we would not want to get in to  
10 | any controversial issues with our readers on it. So we don't  
11 | encourage it.

12 | Q. And at the present time is it the case of Micmac as being  
13 | -- the written language is being taught again now?

14 | A. It's being taught now in a lot of schools as a result of  
15 | Bernie Francis' system.

16 | Q. Well, Mr. Francis will be a witness next week.

17 | COMMISSIONER EVANS:

18 | Q. One thing I want to ask you. Are there educational programs  
19 | undertaken? You said that there were various activities  
20 | undertaken but is there an educational program to upgrade  
21 | those Indians who leave school at an early date?

22 | A. On the Reserve level?

23 | Q. Any place.

24 | A. Any place. Yes. If you want to take advantage of G.E.D.  
25 | and upgrading and trades training. Yes, sure.

ROY A. GOULD, by Mr. Spicer

- 1 Q. Because in your earlier evidence it appeared that you went  
2 to grade ten on the Reserve --
- 3 A. No.
- 4 Q. I'm sorry, then. I misunderstood you. You did -- I thought  
5 you said that they could go up to grade ten but --
- 6 A. Oh, in -- yeh, earlier years.
- 7 Q. Yes.
- 8 A. In my grandmothers and my mothers terms they were taught  
9 up to grade ten.
- 10 Q. And all of a sudden it dropped down to about grade four.
- 11 A. That's right. Over that period of time.
- 12 Q. And yet you had more people on the Reserve at your time than  
13 in your grandmothers time, is that right?
- 14 A. Right. But the intergration process of Indians started in the  
15 '50s where they started eliminating Indian Reserve schools.  
16 This was a trend of Indian Affairs.
- 17 Q. That -- When they had the grade ten they must have had more  
18 than one teacher, did they?
- 19 A. No.
- 20 Q. Well, she was busy.
- 21 A. She was.
- 22 Q. She didn't belong to any teachers union that's for sure.
- 23 A. You don't remember one room school houses, Your Honour?
- 24 Q. Oh, yes, to grade 11.
- 25 A. Grade -- Oh, yeh.

ROY A. GOULD, by Mr. Spicer

1 Q. But we didn't have ten in the one room, we had two and  
2 three. That was about the best or the worst. Thank you.

3 BY MR. SPICER :

4 Q. Over the years, Mr. Gould, you also held the -- held  
5 positions with the Nova Scotia Human Rights Commission?

6 A. That was a provincial appointment where I served several  
7 terms as a commissioner.

8 Q. From '69 to '70, '70 to '72 and '72 to '74?

9 A. Yes.

10 Q. And in your position as a commissioner with the Nova  
11 Scotia Human Rights Commission, what sorts of things would  
12 you be called upon to do?

13 A. It's basically attending the meetings of the Human Rights  
14 Commission. I was not the only one that was there.  
15 There was around ten of us that were appointed. And we would --

16 Q. Ten Indians?

17 A. No not ten Indians. I was an only Indian but then ten  
18 people from throughout Nova Scotia and we would review some  
19 cases for the Commission and make recommendations.

20 Q. Were you ever involved in such cases involving Micmacs?

21 A. I know of one case were I was involved. No, two cases that  
22 I was involved in dealing with not just Micmacs but other  
23 Indians.

24 Q. And were you then able to have some input as a commissioner  
25 to the resolution of those disputes?

ROY A. GOULD, by Mr. Spicer

1 A. I helped ~~mediate~~mediate one of them. The other one I wasn't very  
2 successful in assisting.

3 Q. Were there also Blacks on the Human Rights Commission during  
4 your tenure?

5 A. There would have had to be but I'm not quite sure who it  
6 was at this particular point in time.

7 Q. But your recollection is that there were?

8 A. Sure. There was a wide range of people.

9 Q. Yeh. After 1974 you were not reappointed as a -- to the  
10 Commission?

11 A. I left it on my own along with a couple of other commissioners.

12 Q. Is there any specific reason why you left?

13 A. We locked horns with the director and we weren't getting  
14 anywhere with the minister that was in charge and we left  
15 out of frustration.

16 Q. When you say you locked horns with the director was it over  
17 any issue related to natives?

18 A. That was one. In particular was the problem we had here  
19 in Sydney.

20 Q. And what was the problem you had here in Sydney?

21 A. We had a problem where our Indian children were segregated  
22 in a kindergarten which was situated off the Reserve and we  
23 insisted that that was to be an integrated class. We wanted  
24 our Indian children integrated with White children and  
25 the owner of that particular daycare center refused so --

ROY A. GOULD, by Mr. Spicer

1 Q. Was it a private day care centre?

2 A. Yes, it's private but it's also funded by the provincial  
3 government.

4 Q. Sure.

5 A. And over a year and a half investigative work by commission  
6 officers, they weren't successful in even bringing it before  
7 the -- before the full commission. We understood that  
8 there was some political interference.

9 Q. Was the matter ever eventually resolved?

10 A. We took the children right out of the day care and we moved  
11 them to another day care in Sydney where they were integrated  
12 and eventually that -- the children were put back to the  
13 Reserve where there are now -- an effective preschool program  
14 for them.

15 Q. Funded by whom?

16 A. The one in Membertou?

17 Q. At the present -

18 A. Funded probably by Indian Affairs.

19 Q. Are you able to tell us during the time that those kids  
20 were in the preschool off the Reserve whether or not they  
21 were able to -- or were they old enough that they'd be  
22 speaking for instance -- some of them?

23 A. Yeh, a few -- in Micmac? A few of them would. By this  
24 time of course a lot of the students have lost their Micmac  
25 because of the integration process that has taken place --

ROY A. GOULD, by Mr. Spicer

1 you know. And while the parents may be able to speak their  
2 language they don't encourage it -- a lot of them.

3 Q. Well, are you able to say, from your own experience living  
4 on the Reserve and being there, generally what the -- what's  
5 happened to the Micmac language withsay the 15 year olds -- 15  
6 to 20 year olds currently on the Reserve? What's their  
7 facility in Micmac compared, for instance, to yourself?

8 A. There is none. They have a hard time speaking, pronouncing it  
9 -- pronouncing and they just don't use it. They don't  
10 practise it.

11 Q. And why has that occurred?

12 A. Well, they've been going to school right off the Reserve  
13 beginning in grade -- grades one -- grade one on.

14 Q. Would they still be speaking it at home though?

15 A. No.

16 Q. Not at all.

17 A. Very little.

18 Q. Are any efforts being made, other than through the program  
19 that Mr. Francis is involved with, to bring back the  
20 Micmac language?

21 A. I think that -- Well, I think the only place you'd see that  
22 probably would be in kindergarten.

23 Q. That's kindergarten on the Reserve?

24 A. Yes.

25 Q. And then after they leave the Reserve it's totally English?

ROY A. GOULD, by Mr. Spicer

1 A. That's right.

2 Q. Wasn't it always English though? You told me that the  
3 Membertou day-school for instance all the classes were in  
4 English.

5 Q. They were all in English but that was the only time, I think,  
6 we spoke English was in the class. Indian was not recommended  
7 by the teacher.

8 Q. What's the difference then between going to school on the  
9 Reserve and speaking English and being taught in English  
10 in the time that you were a kid and the situation now?

11 A. Well, at least we had a opportunity to be able to practise  
12 the language and use it to on the Reserve level.

13 Q. And why has that opportunity been lost?

14 A. Well, the closeness of Indians is not there as much any more  
15 and the lost started when they started eliminating grades  
16 in the day-school. So, you know, whatever method that  
17 was in those years you start off two grades at a time, eventually  
18 people that are 30, 35 -- 30 years old and down don't  
19 speak any Indian at all now -- very few. And that's -- and  
20 I'm only referring to my Reserve. I can't say the same for  
21 say like Eskasoni --

22 Q. Eskasoni.

23 A. -- and those places where they still have schools on the  
24 Reserves. Their Micmac is very well practised.

25 Q. So it would be the -- All you can speak to then insofar as the



ROY A. GOULD, by Mr. Spicer

1 | loss of the language is concerned is the loss of the language  
2 | by residents and people on the Membertou Reserve?

3 | A. That's right and there is only maybe -- well --- mainland  
4 | Nova Scotia is altogether different. I don't want to speak  
5 | to you on that one.

6 | Q. Sorry?

7 | A. I don't want to address that part.

8 | Q. I want to move from this -- these general areas to Donald  
9 | Marshall Junior himself. Did you know Junior when he was  
10 | growing up as a kid?

11 | A. Yes, I did.

12 | Q. And how was it that you knew him? Did you know him to talk  
13 | to? Did you know him to see him?

14 | A. Well, he grew up on the same Reserve as I did and his family  
15 | were there. His father was on my council when I was chief  
16 | and basically this -- the Reserve is very small so you know  
17 | everybody.

18 | Q. Right. Now, you say his father was on the council when  
19 | you were Chief?

20 | A. Yes.

21 | Q. Does he also hold some sort of title, Donald Marshall Senior?

22 | A. He is also the Grand Chief of the Micmacs.

23 | Q. Can you explain to us what -- what that title means and what  
24 | it's functions are? What responsibilities it has as such?

25 | A. For today it's strictly a religious and a spiritual position

ROY A. GOULD, by Mr. Spicer

1 | elected by the Grand Council themselves.

2 | Q. Would it have been that way, Mr. Gould, in say 1970, '71,  
3 | '72?

4 | A. Yes, it goes back a long time. Grand Council was here before  
5 | Chief in Councils were established.

6 | Q. And what is the Grand Council?

7 | A. It consists of Captains with a Grand Captain or Grand  
8 | Chief.

9 | Q. Where are all these people come from though? Just from  
10 | Membertou?

11 | A. No. No. There is -- They are appointed from their own --  
12 | nowadays their own parishes there on the Reserve level.  
13 | And it's more, like I say, a religious aspect of us although  
14 | that's starting to change again.

15 | Q. But in -- at the time that this incident occurred in 1971  
16 | Donald Marshall Senior held that position --

17 | A. Yes.

18 | Q. -- of Grand Chief?

19 | A. Yes, he did. I'm not sure what year he was appointed Grand  
20 | Chief but he took over from the late Grand Chief Gabriel  
21 | Sylliboy.

22 | Q. And would that have been a position -- that would be a position  
23 | I believe you said some sort of religious significance?

24 | A. All religious. His functions are to attend to the sick, to  
25 | people who are dying. He attends all our funerals. He takes

ROY A. GOULD, by Mr. Spicer

1 care of matters that people require from -- require of him  
2 in a spiritual nature and advice.

3 Q. Is he a person who is respected on the Reserve as a result  
4 of holding the position that he does?

5 A. He is respected by all Micmacs.

6 Q. Not just on Membertou?

7 A. No.

8 Q. And the position itself is called what again, sir?

9 A. Grand Chief.

10 Q. Of?

11 A. Of the Micmacs.

12 Q. Of the Micmacs?

13 A. Grand Chief of the Micmac Tribe, I guess.

14 BY COMMISSIONER EVANS:

15 Q. That's not only in Nova Scotia is it?

16 A. No, he has Grand Council members from Newfoundland, P.E.I.  
17 and as far as Quebec where there are Micmac communities.

18 Q. And New Brunswick?

19 A. Oh, yes. Definitely the Micmac communities in New Brunswick.

20 Q. That's all.

21 A. Thank you.

22 Q. Thank you.

23 BY MR. SPICER:

24 Q. Okay. You were saying that you knew Junior growing up as a  
25 kid on the Reserve?

ROY A. GOULD, by Mr. Spicer

1 A. Yes.

2 Q. You're a little bit older than Junior?

3 A. Yes.

4 Q. Okay. Were you able to get any idea of what Junior's reputation  
5 was during the years that he was a teenager?

6 A. It wasn't a bad reputation. He wasn't any different from  
7 all the rest of the kids. I think when I look at my own  
8 educational qualifications he may have been almost identical  
9 in that he did also attend school and didn't do as well as  
10 some others and eventually dropped out. In terms of being  
11 a trouble maker I don't think he was that.

12 Q. You didn't notice him any more than you noticed anybody else?  
13 Is that --

14 A. No.

15 Q. Do you have any recollection, yourself, of who Junior used  
16 to hang around with? Who his friends were?

17 A. There is always that same group that are being called here for  
18 witnesses. Artie Paul, Cameron Paul, Kevin Christmas, Terry  
19 Paul. There is a group in that age category that are always  
20 together. Tom Christmas.

21 Q. Are you able to say from your own observations whether or not  
22 if they wanted to -- if they were hanging out together whether  
23 they would stay on the Reserve or whether they'd head down  
24 into the city?

25 A. They liked going to dances in the city and the weekends would

ROY A. GOULD, by Mr. Spicer

1 be the times that they would go. Other times they would  
2 be hanging around the Reserve and if there were complaints  
3 of them making too much noise or that and they'd be encouraged  
4 to get off the Reserve. At times they would be chased back  
5 on to the Reserve. There was never a happy medium.

6 Q. Are there any recreation facilities on the Reserve? A  
7 baseball diamond or anything like that on the Reserve?

8 A. There has always been a ball field and occasional dances.  
9 That's about all in terms of recreation in those times.

10 Q. Were there any of those in those years say '66 through to  
11 '70 or so, would there have been -- would there have been  
12 a store or a couple of stores or anything on the Reserve  
13 where kids would hang out?

14 A. Small -- A small convectionary stores where there is a couple  
15 of binball machines!

16 Q. And would the kids hang out there?

17 A. Yeh, but not all day or all night like you do today with  
18 arcades because they were stores where people have to come  
19 in and that. If they weren't spending I think they were  
20 encouraged to get out.

21 Q. Would there be anywhere for the kids to hang out on the  
22 Reserve?

23 A. No.

24 Q. Was that point ever brought to your attention by any of the  
25 kids parents? Did anybody ever say to you why don't we have

ROY A. GOULD, by Mr. Spicer

1 | somewhere where these kids can hang out in the Reserve?

2 | A. I think they were more concerned with the smaller children  
3 | for playground facilities which I did. We did obtain a  
4 | grant to get some swings up and sliding boards and that  
5 | sort of stuff. Prior to that, I think, privately people  
6 | have put up swings and that sort of stuff at their own  
7 | expense.

8 | Q. But for the teenagers other than the baseball diamond there  
9 | was really nothing?

10 | A. No, I think adults had better fun than teenagers because they  
11 | had their socials and dances and that sort of stuff and  
12 | concerts.

13 | Q. Did you ever see many White kids hanging around with the  
14 | Indian kids on the Reserve?

15 | A. Very few. Very isolated.

16 | Q. Very isolated in what way, sir?

17 | A. Very isolated cases of non-Indians coming to the Reserve with  
18 | kids.

19 | Q. Would it be unusual enough occurrence that you'd notice it,  
20 | is that what you mean?

21 | A. I think people respected the Reserve in that they just don't  
22 | come on to the Reserve and make themselves at home to a party  
23 | or something like that.

24 | Q. What would be your perception, Mr. Gould, of why that would  
25 | occur? Why -- you say people would respect the Reserve and

ROY A GOULD, by Mr. Spicer

1 | wouldn't come on to it?

2 | A. Well, there is a couple of areas. One of them would be  
3 | they would be scared to death to come on to the Reserve for  
4 | fear something might happen to them or they might get in to  
5 | scraps. I suppose they would feel the same way as we do  
6 | when we come in to the city in that you're not very comfortable  
7 | if you're a minority and other than that the barriers were  
8 | there before and they still sort of remain.

9 | Q. Is that the way you used to feel coming in to Sydney?

10 | A. Myself? I had no problems coming in to the city.

11 | Q. Did you sense that others did?

12 | A. Sure they did. There is people still having a hard time  
13 | coming in to the city and making themselves at home at lounges  
14 | or taverns or even dances.

15 | Q. Can you explain to us at all why that would be?

16 | A. I don't think a lot of them have ever been -- felt -- have  
17 | ever felt that they were comfortable enough that they were  
18 | accepted without these hassles.

19 | Q. Mr. Gould, I'd just like to take you know to -- specifically  
20 | to May, 1971. Was it yourself that took Junior Marshall to  
21 | Bedford that week in May of 1971?

22 | A. Yes. I was on my way to attend a conference in Shubenacadie  
23 | and Junior is one of these guys that would be willing to hop  
24 | along and come in -- come on for company or occupy me for  
25 | company -- not just me, I guess he did that to other people

ROY A. GOULD, by Mr. Spicer

1 within the associations. And we did leave Sydney and we  
2 spent a couple of days in Bedford while I was attending meetings  
3 in --

4 Q. What meetings were -- would you have been attending, Mr. Gould?

5 A. In that year it would have been my dual role as a Chief and  
6 as a Union of Nova Scotia Indians field officer.

7 Q. Did Junior Marshall just tag along with you or did he express  
8 any interest in the goings on of the these organizations?

9 A. No, he just come for the ride and the drive and stick around  
10 the hotel room.

11 Q. And you're --

12 A. He never came to the conference itself.

13 Q. Did he ever discuss with you what was going on in the organization?

14 So -- I guess what I'm trying to ask is whether or not you  
15 had the feeling that he had any interest in them himself?

16 A. No, I think his only interest was just to get off the Reserve  
17 and come for a drive.

18 Q. And you were happy to take him with you?

19 A. Sure.

20 Q. And when you went to the meetings where was it that you were  
21 staying on that particular occasion?

22 A. In a motel in Bedford.

23 Q. In Bedford? Do you remember what day of the week it was  
24 you went down there?

25 A. No, it would have been mid-week because I was only there for



ROY A GOULD, by Mr. Spicer

1 two nights and coming back on a Friday. So it would have  
2 been a Wednesday. It would have been a Thursday, Friday  
3 meeting, returning on a Friday.

4 Q. Would you have spent any time with Junior during that period  
5 of --those couple of days?

6 A. Not as much. He was pretty well on his own in Bedford.

7 Q. Would you see him -- Was he staying in the same room?

8 A. Yes.

9 Q. And so would you see him then in the evenings?

10 A. Yes.

11 Q. When did you come back to Sydney?

12 A. On that Friday -- we left that Friday afternoon and arrived  
13 here around eight-thirty, nine o'clock.

14 Q. Are you able to tell us whether or not you're -- whether  
15 Junior had been doing any drinking that day?

16 A. Yes, we were doing drinking that couple of days.

17 Q. Specifically through the Friday that you came back, are you  
18 able to tell us whether or not Junior had been drinking?

19 A. Not on our way home. We did have drinks -- I -- before  
20 we left Bedford.

21 Q. Can you tell us how much?

22 A. No, it was probably finishing off a bottle that I would have  
23 bought a couple of days before that.

24 Q. Are you able to tell us how much would be left in the bottle  
25 that you'd bought a couple of days before?

ROY A. GOULD, by Mr. Spicer

- 1 A. Not off hand.
- 2 Q. In any event you weren't drinking on the way home?
- 3 A. No.
- 4 Q. And what time did you get home?
- 5 A. Approximately nine -- nine-thirty.
- 6 Q. And did you drop Junior off somewhere?
- 7 A. My recollection is I dropped him off on the Reserve.
- 8 Q. At his house?
- 9 A. No at my house and he would have just walked behind. He
- 10 lived behind us.
- 11 Q. Walking distance from your house?
- 12 A. Yes.
- 13 Q. And to your observation was Junior sober when he got out of
- 14 the car that Friday evening?
- 15 A. Yes, he was.
- 16 Q. Did you see Junior again that night?
- 17 A. No, I didn't see him until the next morning.
- 18 Q. Did you hear anything that evening about the stabbing in the
- 19 park?
- 20 A. No.
- 21 Q. So when you went to bed that evening you had no idea that anything
- 22 had occurred?
- 23 A. No idea until the following morning when he knocked on my
- 24 window and told me about it?
- 25 Q. Had you given Junior your jacket a couple of days before?

ROY A. GOULD, by Mr. Spicer

1 A. Well, he wore my jacket during the two days that we were  
2 there and he just kept it on when I dropped him off.

3 Q. So he had it when he got out of your car on Friday?

4 A. Yes.

5 Q. You mentioned a minute ago that you saw him on the Saturday  
6 morning, the morning following the stabbing?

7 A. Right.

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*gme*

ROY A. GOULD, by Mr. Spicer

1 Q. Where did you see him?

2 A. He came rapping at my bedroom window, which is -- For him  
3 it was standing room and woke me up and he told me --

4 Q. Do you know what time of the day that was?

5 A. It was early. Around nine or so.

6 Q. Yes.

7 A. Or eight or so. And he was just talking about this park  
8 incident and the fact that these two fellows, whoever they  
9 were, had stabbed them -- stabbed him and stabbed his other  
10 friend, who was in the hospital at the time and indications --  
11 He didn't know what condition he was in, and I believe he  
12 was asking me if he -- I would be able to drive him into  
13 the Detective's office.

14 Q. During the course of that discussion, did he indicate to --  
15 give you any description of the people that were involved  
16 in the altercation in the park?

17 A. No, not at that time. He just mentioned that they were two  
18 men.

19 Q. Did he say what they were wearing?

20 A. Not to me.

21 Q. Did he mention their height?

22 A. No.

23 Q. No description at all at that time?

24 A. No, he was more concerned of just going down to the park,  
25 looking around, see if he could find them, asked me if I

ROY A. GOULD, by Mr. Spicer

1 would drive him around a couple of places before we headed  
2 off to the police station.

3 Q. During that conversation, when he woke you up by banging on  
4 your window, did he give you any indication as to why he was  
5 in the park himself the previous evening?

6 A. No, he didn't indicate to me in any way about it. I mean,  
7 it's -- It wasn't uncommon that he'd be hanging around the  
8 park or going to the dance.

9 Q. Right. But he didn't -- There was no indication of -- from  
10 him as to why that particular evening, he was in the park  
11 at that time of the night? He didn't say anything to you  
12 about that?

13 A. No, not to me.

14 Q. Okay.

15 A. No.

16 Q. And you indicated to us a minute ago that he wanted you to  
17 take him down to the park to look around?

18 A. He wanted to look around, see if he could spot the people  
19 himself and just generally that area. He was pretty scared.

20 Q. When you say, "He was pretty scared," what was it about the  
21 way he was handling himself that gave you the impression that  
22 he was scared?

23 A. He was jittery, shaky --

24 Q. Was that unlike him?

25 A. No, he was usually more relaxed than that and not as talkative.

ROY A. GOULD, by Mr. Spicer

1 This time he was going about a mile a minute.

2 Q. If I can just stop you there for a minute. Was Junior Marshall  
3 a person who would -- You would normally describe him as being  
4 a person who was fairly quiet?

5 A. It's -- He's quiet enough that you'd have to almost dissect  
6 information from him.

7 Q. How do you mean you'd have to dissect information from him?

8 A. He's not the person that would divulge a lot of information  
9 or even talk about incidents. Not to me anyway.

10 Q. Would he be the sort of person, who, from your experience  
11 knowing, would be a person who kept to himself?

12 A. No. He's always hung around with Indians.

13 Q. Sorry. I was -- That's one of those instances. A person who  
14 you would have to draw out to get him to say things as  
15 opposed to being somebody who'd be very talkative?

16 A. Oh, yeh. Yeh.

17 Q. And on that morning, you noticed that he was being quite  
18 talkative?

19 A. He was, yeh, quite nervous, quite jittery.

20 Q. Right.

21 A. All he was caring about -- concerned about the guy in the  
22 hospital, the other fellow in the hospital.

23 Q. What did he say to you to give you the impression that he  
24 was concerned about the other guy that was in hospital?

25 A. The fact that he may not make it. He --

ROY A. GOULD, by Mr. Spicer

1 Q. Did he refer to the other guy in the hospital as his buddy or  
2 his friend or --

3 A. I think he mentioned him by his first name, but I -- It never  
4 dawned on me who it was.

5 Q. Did you know Sandy Seale?

6 A. No.

7 Q. Did the two of you, then, leave and go down to the park?

8 A. Yeh. I got dressed and got ready and drove down. He showed  
9 me the area, I believe.

10 Q. What did he say to you in the process of showing you the  
11 area?

12 A. "This is where we were." Something to that effect.

13 Q. Can you remember today, looking at that map behind you, where  
14 it was that he said they were?

15 A. It would've been right around here.

16 Q. And you're pointing to an area on Crescent Street --

17 A. And a walkway coming back --

18 Q. -- at the junction of the walkway and Crescent Street where  
19 there's some writing in blue.

20 A. Yeh.

21 Q. When you got to the area where Junior had said he was, did  
22 you get out of the car and look around?

23 A. No, we just drove around, right around it and --

24 Q. Were you driving slowly?

25 A. Slow enough to -- Yeh, slow enough to look around and see if

ROY A. GOULD, by Mr. Spicer

1           there was anybody else in there. It was pretty quiet.

2       Q. By that point in time -- By the time you're making this drive,  
3           had Junior described to you the two people that were involved  
4           in the altercation the night before?

5       A. He never gave me any description of the two men; so --

6       Q. What were you -- Were you looking at all then?

7       A. No. I -- No, he was looking.

8       Q. Right.

9       A. I was driving.

10      Q. You were driving. Did he indicate to you that he was looking  
11           for anything other than people?

12      A. I think he had a pretty good description in his own mind  
13           what these people looked like.

14      Q. Right.

15      A. And all I did was just chauffeur him around.

16      Q. Did he indicate to you at all that he was -- wanted to stop  
17           and look around, see if he could find a knife or anything?

18      A. No. There was no mention of any knife.

19      Q. Did you do anything other than drive through once or did you  
20           go back and forth a few times?

21      A. I went back a few times myself during the course of the week.

22      Q. No, we'll get to that. But just on that morning that you  
23           went -- the Saturday morning that you went down with Junior?

24      A. No, we took one turn around there and then we proceeded off  
25           to the police station.



1 Q. Right. Now, the one turn around that you took would've been  
2 just along Crescent Street?

3 A. Yes.

4 Q. And after you'd taken that turn along Crescent Street, you  
5 then left the area of the park and went to the police station?

6 A. Right.

7 Q. Had Junior indicated to you that he had to go to the police  
8 station?

9 A. He was asked by one of the detectives to be there in the  
10 morning and --

11 Q. Is that what he told you?

12 A. Yeh. And during the course of that -- I dropped him off there.  
13 I went on my own, and during the course of the week, of course,  
14 he had made several other trips into that same police station  
15 area.

16 Q. Okay. Why don't we just follow the chronology along as we  
17 go, and we'll get to those other occasions. On the Saturday,  
18 though, when you dropped him off at the police station, did  
19 he express any idea as to why he was -- why he'd been asked  
20 to go down to the police station? Did he say anything to  
21 you about it other than, "I've been asked to go."?

22 A. I wouldn't be able to recall if he said he had to go down  
23 and make a statement or if he had to go down for questioning,  
24 but generally -- Again, I have to emphasize, generally that  
25 week he was asked to be there on several occasions.

ROY A. GOULD, by Mr. Spicer

1 Q. Yes. And is what you're telling me that it's hard for you  
2 to distinguish one time from the other at this point in time?

3 A. I wouldn't even be able to tell you the exact days and times  
4 in that week that he had to go down to that area.

5 Q. Okay. You dropped him off at the police station. Did you  
6 pick him up when he was finished that day?

7 A. I don't think so. I think he just -- He was on his own.

8 Q. And did you have contact with Junior Marshall during that  
9 week, from the Saturday to the time that he was charged on  
10 the following Friday?

11 A. Several times during the course of just bumping into him  
12 here and there or he'll drop over the house.

13 Q. During any of those times that you bumped into him, did he  
14 ever give you any description of the people that were  
15 involved in the altercation in the park?

16 A. No, I learned the description from the newspapers.

17 Q. Did he ever discuss anything about the incident with you  
18 at all during that week?

19 A. No, not to me.

20 Q. Did he ever express to you any views as to how the questioning  
21 was going at the police station of himself?

22 A. He was frustrated in that he had to wait so long to -- for  
23 the detectives to call him in and the way he described it was  
24 that he -- They made him sit out in the hallway or on the  
25 bench or let him walk around in the confines of the police

1 department, but not -- They wouldn't let him go -- sort of  
2 let him go on his own back home until they were ready to  
3 send him or to let him go.

4 Q. Did you understand from that that he had the impression that  
5 he wasn't allowed to leave the police station?

6 A. That's basically how he described it. You know, like --

7 Q. Apart from that, did he indicate to you in any way how the  
8 questioning was going? The manner in which he was being  
9 questioned and by whom?

10 A. Not to me. No.

11 Q. Not to you? Okay. During the course of that week, did you  
12 keep in contact with the Marshall family?

13 A. Yes, I kept very close contact with the family for -- One  
14 main reason is that there were threatening telephone calls  
15 arriving to the family.

16 Q. When did those threatening telephone calls to the family  
17 begin, Mr. Gould, do you remember?

18 A. I would've learned about it probably on that Monday and --  
19 because I had arranged that same day to have the Marshall  
20 phone changed -- the Marshall's phone number changed to an  
21 unlisted number Monday or Tuesday.

22 Q. Monday or Tuesday? And the reason for that was because  
23 there were calls made to the Marshall family?

24 A. That's my understanding from Mr. Marshall, Sr.

25 Q. And what was your understanding of the nature of those calls?

ROY A. GOULD, by Mr. Spicer

1 A. I can't give you the exact words, but they were threatening  
2 telephone calls, hassles, people just calling and hanging up.  
3 And at one point I think there was somebody that had called  
4 and talked about possible violence.

5 Q. Violence where? On the reserve?

6 A. On the reserve.

7 Q. As a result of these telephone calls, you had the Marshall's  
8 phone number unlisted? Changed and unlisted?

9 A. Right.

10 Q. During the course of that week, did you also have contact  
11 with any members of the Sydney Police Department?

12 A. I was in contact with M.J. MacDonald regarding the jacket.  
13 I was also in contact with Detective Urquhart regarding the  
14 complaints and the threatening telephone calls and --

15 Q. What was the nature of your discussion with Urquhart?

16 A. On that the reserve should prepare themselves for possible  
17 violence on the weekend.

18 Q. When were you advised of that possibility by Urquhart?

19 A. I would say, and I am not sure, but it would have to be a  
20 Wednesday we met -- We called a Band meeting on a Thursday  
21 and on that Friday night we reinforced the reserve.

22 Q. Okay. On the Wednesday, though, did Urquhart come out to  
23 the reserve to meet you or did he phone you or -- How were  
24 you in touch with him?

25 A. I think Urquhart came up to the reserve.

ROY A. GOULD, by Mr. Spicer

- 1 Q. And spoke to you?
- 2 A. Yes. It was either him or M.J. MacDonald.
- 3 Q. You're not certain which?
- 4 A. No, because I dealt with MacDonald because of the jacket, but
- 5 Urquhart was also, I think, cooperatively working with the
- 6 Band or at least I assumed.
- 7 Q. Did you have a long meeting with whichever police officer it
- 8 was that came out on the Wednesday?
- 9 A. Not lengthy. No, it was just the fact that we should be
- 10 prepared for the worst.
- 11 Q. Did he indicate to you why you should be prepared for the
- 12 worst?
- 13 A. There was talk in town and there was too much for them to
- 14 take any type of risk, and they were prepared to give us
- 15 backup.
- 16 Q. Sorry. There was too much what? Too much talk?
- 17 A. Too much talk of violence and possible clashes between Blacks
- 18 and Indians.
- 19 Q. Did that news surprise you?
- 20 A. Yes, we -- At that point in time, because of the entire
- 21 investigation, we didn't know what to expect but all we did
- 22 was just prepare.
- 23 Q. When you say --
- 24 A. Prepare our own people for anything.
- 25 Q. Yes. So you had the discussion on Wednesday with the police of:

ROY A. GOULD, by Mr. Spicer

- 1 |       advising of the possibility of violence. On Thursday, you  
2 |       have a Band Council meeting?
- 3 |       A. On Thursday, we called a Band meeting.
- 4 |       Q. Band meeting. This is the entire band?
- 5 |       A. This is whoever can make it to a meeting and --
- 6 |       Q. Is anybody who can -- anybody from Membertou who can make it,  
7 |       come to the meeting?
- 8 |       A. Right.
- 9 |       Q. Okay. What happened at that meeting?
- 10 |      A. We outlined the situation regarding the investigation. We  
11 |      also briefed the men on the types of threats that had come  
12 |      to the Marshall home and the fact that we were advised by  
13 |      Sydney police to prepare.
- 14 |      Q. What did you know about the investigation at that point?  
15 |      What was it that you advised the Band that day, the Thursday?
- 16 |      A. I was not briefed in -- on the investigation at all in terms  
17 |      of their progress.
- 18 |      Q. Yes.
- 19 |      A. I didn't know at what stage they were. They kept me complete  
20 |      out in the dark.
- 21 |      Q. And was there anybody on the reserve, to you knowledge, that  
22 |      was being kept advised of the progress of the investigation?
- 23 |      A. No, not to my knowledge.
- 24 |      Q. So what was it then that you would've advised the Band about  
25 |      the investigation? Just that you didn't know anything about

ROY A. GOULD, by Mr. Spicer

1 A. Well, I mean, you don't want to see your houses burnt down,  
2 and you don't want to see any clashes on the streets and it's  
3 in our best interest to reinforce the reserve and --

4 Q. Now, with respect to the investigation itself, Mr. Gould,  
5 would it be fair to say then that you really didn't have  
6 any information to convey to the Band about the way the  
7 investigation was going at that time?

8 A. We had absolutely no knowledge of their investigation.

9 Q. And was it the consensus of the Band meeting that something  
10 ought to be done with respect to protecting the reserve?

11 A. For that weekend.

12 Q. For that weekend. And what in fact was done?

13 A. As a result of the Band meeting, we obtained volunteers from  
14 the reserve who would stay for a number of hours on a Friday  
15 evening equipped with two-way radios and a road block at the  
16 entrance of the reserve.

17 Q. Is there just the one entrance to the reserve?

18 A. Yes. And the city police would also give us the backup with  
19 patrol cars on Alexandra Street and one on the reserve.

20 Q. Had that fact -- Had that arrangement been agreed between  
21 yourself and Urquhart on the Wednesday that the city police  
22 would provide that backup?

23 A. I think the city police were notified of our intentions after  
24 the Band meeting and they said that they would make that car  
25 available or that backup available for us.

ROY A. GOULD, by Mr. Spicer

1 Q. So you made a request of the Sydney -- of the police departmen  
2 following you Band Council meeting or following your Band  
3 meeting?

4 A. Right.

5 Q. And was that request favorably responded to by the Sydney  
6 Police Department?

7 A. Yes, surprisingly.

8 Q. Why do you say "surprisingly"?

9 A. Well, we didn't expect that they would give us a car, which  
10 was equipped by the two biggest police officers and with long  
11 nightsticks or batons, or whatever you call them and --

12 Q. Why didn't you expect that?

13 A. It's just uncommon for them to give us this type of police  
14 protection.

15 Q. Had you requested that sort of police protection before and  
16 been denied it?

17 A. Not in terms of protection, you know, like for the reserve.  
18 We've never had any encounters like that.

19 Q. So the Sydney Police Department then responded favorably to  
20 your request and sent a car on the Friday evening?

21 A. Yes.

22 Q. And who were the officers in that car?

23 A. My recollection is it was Wyman Young and John Mallowney.

24 Q. And I think you said a couple minutes ago those were the two  
25 biggest police officers, were they?



ROY A. GOULD, by Mr. Spicer

1 | A. At that time, they would've been the biggest.

2 | Q. Would it have been a Sydney Police Department police car?

3 | A. It was an unmarked car.

4 | Q. Unmarked car? And where did that car work that evening on  
5 | the reserve?

6 | A. The roadblock was set up at the entrance of the reserve, which  
7 | would be almost to the first house as you drive into the  
8 | reserve. On the right of that, there's a hill where a church  
9 | is located and that's where they positioned themselves.

10 | Q. And what was their job? What were they supposed to be doing?

11 | A. Basically, there were -- If there was anything occurring,  
12 | they would've been there and other backups would've occurred.  
13 | They were the ones with two-way radios to the Sydney police.  
14 | Our two-way radios were basically on loan from the Citizens  
15 | Band Radio Club.

16 | Q. And were there then people from Membertou manning this road-  
17 | block?

18 | A. We manned the roadblock and three or four different shortcuts  
19 | that people could enter the reserve, which lead to reserve.

20 | Q. And what would you do with the roadblock?

21 | A. A car was put across it and made sure no other cars crossed  
22 | it without being checked.

23 | Q. And was there -- Were there in fact any incidents that Friday?

24 | A. None. There was a couple of cars that passed the roadblock,  
25 | which were stopped by the Sydney police and it just checked

ROY A. GOULD, by Mr. Spicer

1 out that they were just our own people coming home from Bingo  
2 or whatever. Other cars that approached the reserve, as soon  
3 as they realized there was a roadblock, turned back. We  
4 never bothered them.

5 Q. Was that roadblock situation set up only for the Friday?

6 A. Well, to our surprise, the arrest of Donald Marshall, Jr., took  
7 place that same night and we didn't bother having another  
8 roadblock that Saturday night.

9 Q. Why was that?

10 A. We didn't think that there was any more threat and I think  
11 the whole reserve was in a state of shock around that time.

12 Q. You indicated to me a couple of minutes ago that you'd spent  
13 some time or kept in contact with the Marshall family during  
14 that week. Do you have any knowledge that any of them had  
15 left to go to Whycomomagh?

16 A. No, I was very surprised to learn that they had left; although  
17 it wasn't surprising that they would've gone to Whycomomagh.  
18 This is where Mrs. Marshall was born. It's her home. But  
19 I wasn't aware that it was planned.

20 Q. And you didn't know that it had occurred until you were told  
21 later?

22 A. I got a telephone call from the Grand Chief telling me that  
23 his son was arrested and that was it. I was all shocked.

24 Q. When did that occur? On the Friday?

25 A. I'm not sure if it was that same night or if it was that

- 1 same night or if it was that morning.
- 2 Q. Saturday morning?
- 3 A. Right. Or if some times during the course of the evening.
- 4 Q. Why were you shocked?
- 5 A. I never suspected that Junior was a suspect.
- 6 Q. Had he indicated to you at all during the course of the week
- 7 that he thought he was a suspect himself?
- 8 A. No, but talk around the reserve was that if they didn't find
- 9 the real murderer that it's going to be pinned on him.
- 10 Q. There was some testimony quite some time ago now to the effect
- 11 that Ambrose MacDonald had been -- a police officer, had been
- 12 up at the reserve on the Sunday, a couple of days after the
- 13 incident. Do you have --
- 14 A. I remember --
- 15 Q. Did you have any knowledge that he was up in a car -- up in
- 16 a police -- or in a car with another officer on the Sunday
- 17 and had talked to Junior?
- 18 A. I heard his testimony, but I didn't see him myself.
- 19 Q. You had no knowledge at the time that they'd been there?
- 20 A. No.
- 21 Q. Did -- Subsequent to Junior Marshall being charged, did you
- 22 see Junior yourself at any time between June 4th, the date
- 23 he was charged and the date of his Preliminary hearing?
- 24 A. No. I did obtain legal counsel for him.
- 25 Q. All right. And we'll get to that in a couple minutes. Did

ROY A. GOULD, by Mr. Spicer

1 | you have any knowledge yourself between June 4th and the date  
2 | of the Preliminary as to who the police were interviewing, who  
3 | they were thinking of as witnesses or --

4 | A. No. Other than myself.

5 | Q. Other than -- Did you make any inquiries?

6 | A. No.

7 | Q. You have two volumes in front of you, Mr. Gould. If you could  
8 | just turn to Volume 14, page 3, and if at the same time if  
9 | you could lay beside that Volume 16, page 57. I'm taking  
10 | Volume 16 at page 57 first. Do you recognize that as a  
11 | statement that you gave to the Sydney Police Department?  
12 | That's the handwritten one.

13 | A. Yes, it is.

14 | Q. And is that your signature at the bottom of page 57 and then  
15 | again on page 58? No, it's just the one at the moment.

16 | A. This one here?

17 | Q. Sorry.

18 | A. Yes, they are.

19 | Q. Okay. Do you remember giving that statement to members of  
20 | the Sydney Police Department?

21 | A. Yes, I do.

22 | Q. And can you advise us of the circumstances that gave rise to  
23 | you giving this statement?

24 | A. It was in regards, of course, to the jacket in particular that  
25 | I had already turned over to M.J. MacDonald.

ROY A. GOULD, by Mr. Spicer.

- 1 Q. All right. Now, before you go any farther, how did you get  
2 the jacket back?
- 3 A. I retrieved it from Mr. Marshall, Sr.
- 4 Q. During the week prior to Junior being charged?
- 5 A. It would've been -- Oh, yes, definitely some time during the  
6 course of that week.
- 7 Q. And that's the jacket that Junior had on.
- 8 A. That's the same jacket that Junior left with me.
- 9 Q. Did you get the jacket back when you turned it over to M.R.  
10 MacDonald, as your statement indicates?
- 11 A. M.R. MacDonald, yes.
- 12 Q. Now, tell us what the circumstances were that -- under which  
13 you gave this statement. Were you called and taken down to  
14 the police station or did you drive yourself down? What  
15 happened?
- 16 A. I'm not sure. I think I probably would've been called. I  
17 don't remember anybody picking me up to go down to the station.  
18 And Sergeant MacIntyre took the statement regarding the trip  
19 and the jacket.
- 20 Q. Do you recollect who it was that you were called by to go down  
21 to the station?
- 22 A. No, but I suspect it may have been M.J. MacDonald.
- 23 Q. Do you know how much time you spent at the station?
- 24 A. The statement says it started at 3:55 to 4:10. I would say  
25 that would be correct.

ROY A. GOULD, by Mr. Spicer

1 Q. During the -- Who took the statement from you?

2 A. John MacIntyre.

3 Q. Was there anybody else in the room?

4 A. No.

5 Q. He was by himself? And can you tell us how that proceeded?

6 In other words, were you asked questions and you gave answers?

7 A. Yes, similar here. He'd ask the question and jot it down.

8 I think he's a very fast writer. And he jotted the answers

9 down, and he said, "Do you want to read it?" and I said, "No."

10 Signed it. Signed it and left.

11 Q. You signed it without reading it?

12 A. Oh, yeh.

13 Q. Why did you do that?

14 A. I knew what I said.

15 Q. And you were satisfied --

16 A. Or at least I thought.

17 Q. And you were satisfied that what you had said was in fact what  
18 was being written down?

19 A. That's right. I didn't think there was anything incriminating  
20 in there.

21 Q. Have you'd an opportunity to look at that statement over the  
22 years?

23 A. It's been shown to me about three times at three different  
24 occasions.

25 Q. And are you satisfied that what you in fact said was in fact

1           what was written down?

2           A. Yes, except for times -- a couple of times, but that's it.

3           Q. What are those couple of times?

4           A. Well, some say eight thirty; others say nine thirty. Minor  
5           things like that. Basically, the information in there is  
6           accurate.

7           Q. Just let me be clear about what you're saying. You say some  
8           say eight thirty; some say nine thirty. What do you mean by  
9           that?

10          A. There's other police statements that were available to me.  
11          The Supreme Court one and then the one of the Discovery  
12          hearings.

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ROY A. GOULD, by Mr. Spicer

1 Q. But insofar as this statement is concerned, Mr. Gould, are  
2 you satisfied that what you said was what, in fact, was  
3 written down, the statement you have in the ones that I put  
4 in front of you?

5 A. Can I read it --

6 Q. Sure.

7 A. --briefly? It's pretty well -- pretty well what I was  
8 interviewed about.

9 Q. And other than the fact that you looked at the statement and  
10 noticed that it said three fifty-five beginning and four-ten  
11 commencing -- sorry, finishing, is it your recollection today  
12 that that's, in fact, about how much time you spent at the  
13 police station, around fifteen minutes or so?

14 A. It was very brief.

15 Q. Very brief, and did you feel at any time during the giving of  
16 that statement that things were being suggested to you or you  
17 were being asked to change your mind in any way?

18 A. No.

19 MR. SPICER:

20 My Lord, it might be as good a time as any to break. We're going to  
21 move on to another area.

22 MR. CHAIRMAN:

23 Okay, two.

24

25 INQUIRY ADJOURNED AT: 12:23 p.m.



ROY A. GOULD, by Mr. Spicer

1 INQUIRY RECONVENED: 2:06 p.m.

2 BY MR. SPICER:

3 Q. Mr. Gould, when we broke at lunch you just finished telling  
4 us about the circumstances surrounding the giving of your  
5 statement on June the 7th, 1971. You testified both at  
6 the Preliminary and at the trial of Junior Marshall?

7 A. Yes, I did.

8 Q. Prior to testifying at the Preliminary were you contacted by  
9 any of the lawyers acting for Junior in connection with the  
10 testimony you were going to give?

11 A. No.

12 Q. And were you contacted by the Crown Prosecutor?

13 A. No, I wasn't.

14 Q. And in connection with the trial, were you contacted by  
15 either the lawyers acting for Junior Marshall prior to the  
16 trial?

17 A. No.

18 Q. Or by the Crown Prosecutor?

19 A. No.

20 Q. In addition to giving testimony at the trial, did you also  
21 attend the trial?

22 A. Part -- I attended the Preliminary Hearings when I could.  
23 And the Supreme Court trials off and on but not on a regular  
24 basis.

25 Q. Not on a regular basis. Did you know who John Pratico was

ROY A. GOULD, by Mr. Spicer

1 | at the time of the trial?

2 | A. No.

3 | Q. Did you witness an incident involving John Pratico outside  
4 | the courtroom?

5 | A. I witnessed some kind of an incident between him and Donald  
6 | Marshall, Senior. And there was some kind of activity going  
7 | on between them, the lawyers and the Crown Prosecutor.

8 | Q. Are you able to tell us what you saw?

9 | A. I learned -- not at the time but I learned later from Mr.  
10 | Marshall, Senior, that Mr. Pratico had approached him outside  
11 | of the courtroom. And made a statement to him regarding  
12 | Donald, Junior.

13 | Q. You didn't hear that yourself?

14 | A. No, this is a conversation that I had with Mr. Marshall,  
15 | Senior.

16 | Q. Some time later. Was there anything -- anything that you  
17 | saw? Did you see Mr. Pratico being taken anywhere?

18 | A. There was a side room in the Supreme Court hallway that  
19 | everybody marched into.

20 | Q. Who is everybody?

21 | A. Mr. Marshall -- I'm not even sure if Mr. Marshall was there  
22 | or not. I doubt it; but the two lawyers, Mr. Rosenblum,  
23 | Mr. Khattar, Donald C. MacNeil himself, there was one of the  
24 | sheriffs and John Pratico.

25 | Q. And did -- was there a door that was closed?

- 1 A. Oh, yes.
- 2 Q. And did you see anybody coming back out of the room?
- 3 A. Portions of them came out of the room but I think Mr. MacNeil  
4 stayed with Mr. Pratico.
- 5 Q. Are you able to say whether, to your recollection, the only  
6 people that were left in the room were Mr. MacNeil and Mr.  
7 Pratico?
- 8 A. For a -- for a very short time. Everybody else at this point  
9 was marching back into the Supreme Court.
- 10 Q. Everybody else had left the room and those were the only two  
11 that were left in the room?
- 12 A. And including everybody that was in attendance.
- 13 Q. So --
- 14 A. Spectators and --
- 15 Q. -- all going back into the courtroom?
- 16 A. Right.
- 17 Q. But left in that small room for a few moments were Mr. MacNeil  
18 and Mr. Pratico for a short time?
- 19 A. Right.
- 20 Q. Okay, did you know Maynard Chant at the time?
- 21 A. No.
- 22 Q. And I think you told me you didn't know who John Pratico  
23 was?
- 24 A. No.
- 25 Q. Did you know him to see him?

ROY A. GOULD, by Mr. Spicer

1 | A. I saw him years before that when he was living with his  
2 | parents at the Pier.

3 | Q. Did you know anything about him?

4 | A. No.

5 | Q. No. There will be some testimony in the -- next week by  
6 | Bernie Francis in connection with an incident involving  
7 | the -- the alleged weapon, the knife in which Mr. Francis  
8 | will indicate that he was told by you sometime subsequent  
9 | to Junior Marshall's conviction, that the knife had been  
10 | found. Do you have any recollection of that incident  
11 | yourself?

12 | A. No, I don't. It's been brought to my attention several  
13 | times. And especially during the re-investigation but I  
14 | don't recall having spoken with Bernie Francis on that  
15 | topic.

16 | Q. Do you think if -- did you ever yourself know -- were you  
17 | in fact ever told by anybody that the knife had been found?

18 | A. I don't remember it.

19 | Q. I'm sorry?

20 | A. I don't remember it.

21 | Q. You don't remember -- you don't remember being told?

22 | A. No, I -- the only recollection that I would have of a knife  
23 | is that it was never found.

24 | Q. You indicated earlier that you had some role in retaining  
25 | counsel for Junior Marshall. Can you tell us what that was?

ROY A. GOULD, by Mr. Spicer

1 A. I obtained the services of C. M. Rosenblum in my capacity  
2 working with the Union of Nova Scotia Indians. And another  
3 worker, another employee of the same association, employed  
4 the services of another lawyer.

5 Q. Mr. Khattar?

6 A. Mr. Khattar.

7 Q. Did you have any discussions with Mr. Rosenblum concerning  
8 the merits of Junior Marshall's case? Did he talk to you  
9 about the case at all?

10 A. No, I asked him if he would just represent him and find out  
11 the details and we would take care of his expenses.

12 Q. And did he agree to do so?

13 A. Pardon?

14 Q. Did he agree to do so?

15 A. Yes, he did.

16 Q. Did he make any requests of you to provide him with  
17 information if you found anything out in the Indian community?

18 A. No, I pretty well left it to the court workers program after  
19 that. I had very little to do with it because of the fact  
20 that I was also a witness then.

21 Q. So subsequent to the arranging for the retention of Mr.  
22 Rosenblum, you didn't have anything further to do with it  
23 at all?

24 A. None whatsoever.

25 Q. After Junior Marshall was convicted, did you in subsequent

ROY A. GOULD, by Mr. Spicer

1 years take it upon yourself to see what you could do to get  
2 Junior out of gaol?

3 A. Yes, I actively pursued the file on Junior Marshall. The  
4 files between 1970 to 1975 remained with the Union of Nova  
5 Scotia Indians and what little information I had I started  
6 up another file in 1976 - 77 areas.

7 Q. I just direct your attention to page 6 of exhibit 63, that's  
8 volume 25, a letter from yourself of November 10 to Mr.  
9 Smith. Who did you understand Mr. Smith to be? The Ombudsman

10 A. Yes, he would have been -- excuse me -- yes, he would have  
11 been the Ombudsman for the Province of Nova Scotia.

12 Q. And was this about the time in November of 1977, when you  
13 started to make active efforts to do some work on behalf of  
14 Junior Marshall?

15 A. It was as a result of a lot of requests from the Marshall  
16 family for somebody to pursue the file and obtain various  
17 passes for Mr. Marshall. Weekend passes. Christmas passes.  
18 And in our attempts to obtain parole also at the same time.  
19 Early parole.

20 Q. Had, to your knowledge, had there been any success up until  
21 1977 in November of 1977, in getting any kind of day passes  
22 for Junior Marshall?

23 A. Not in my capacity. There may have been with the court  
24 workers program but again, even though we corresponded from  
25 the time he went into Dorchester, I haven't -- I have no

ROY A. GOULD, by Mr. Spicer

1 files to back that up.

2 Q. In the second paragraph of that letter, Mr. Gould, did Mr.  
3 Marshall's family have unsuccessfully tried to obtain a  
4 three day Christmas pass for their son, apparently the  
5 institution requires that young Marshall first admit to  
6 his crime. How did you become aware of that?

7 A. It was through Junior's correspondence that he sent to me  
8 and to various members of his family.

9 Q. And what had he indicated to you concerning that particular  
10 point?

11 A. The bottom line was that he wasn't going to get any of these  
12 passes let alone parole until he admitted to the crime.

13 Q. If you could just flip over to the next page, Mr. Gould, to  
14 page 7, it seems to be a response to your letter from the  
15 Ombudsman's office. Do you remember getting that?

16 A. Yes, I do.

17 Q. Indicating that they're going to follow it up to some  
18 extent?

19 A. Their opinion was that it didn't fall within their jurisdiction  
20 however, that they would try through another area which is  
21 the Correctional Investigator's Office. And they sent, as  
22 far as know, they sent a letter to that Department and asked  
23 them to correspond directly back with me.

24 Q. With the Correctional Investigator's Office?

25 A. Yes.

ROY A. GOULD, by Mr. Spicer

1 Q. Perhaps you could flip to page 12 -- 12 and 13, would that  
2 be the letter from the Correctional Investigator's Office  
3 to yourself?

4 A. Yes, it is. And copies sent to the Chief at the time,  
5 Mr. Alec Christmas.

6 Q. What did you understand that the Correctional Investigator  
7 was going to do?

8 A. They had in addition to telephone calls to the Institution  
9 they were going to visit Mr. Marshall and take a statement  
10 from him and just start up some kind of an investigation into  
11 his complaints. And at the same time see what was going on  
12 with his requests for passes and parole.

13 Q. Do you know what the nature of his complaints were?

14 A. He felt that he didn't stand a chance getting out. That every  
15 time that he had applied for a weekend pass, something always  
16 would come up where he would land in the hole. Or be shifted  
17 back -- if he was in Springhill, he'd be shipped back to  
18 Dorchester. That type of running around that he was getting.  
19 And the fact that he was also getting in trouble in the  
20 Institution didn't help things any.

21 Q. And was it your understanding that the Correctional  
22 Investigator's Office was going to look into that?

23 A. To my knowledge, they were investigating it.

24 Q. And to your knowledge, did that investigation, in fact, take  
25 place?



ROY A. GOULD, by Mr. Spicer

1 A. That what.

2 Q. That investigation take place. Did they, in fact, --

3 A. Oh, yes. They had several visits. And again, I think the  
4 bottom line was that part of the Institution's regulations  
5 when a prisoner goes up for parole, it is not so much to  
6 make him admit to his guilt; but rather to understand the  
7 nature of his guilt and help in his procession to a halfway  
8 home or whatever it may be.

9 Q. And was this information that you just related to us,  
10 information that you gathered amongst others from Junior  
11 Marshall himself? Did he tell you that that was part of  
12 what the problem was?

13 A. And there's letters somewhere in here and in my files that  
14 -- from the Correctional Investigator that this was their  
15 finding.

16 MR. SPICER:

17 I'm not sure that that letter, in fact, is in this volume. If  
18 it exists, we can get it and put it in for --

19 BY MR. SPICER:

20 Q. Did you have any success going back to 19 -- to Christmas  
21 in 1977, in getting Junior Marshall out for Christmas?

22 A. No, not me personally.

23 Q. Do you know whether, in fact, he got out for Christmas  
24 that year?

25 A. I don't know. I know he was out a couple of times to the

ROY A. GOULD, by Mr. Spicer

1 Friendship Center in Halifax for a Christmas dinner and that  
2 sort of stuff, for a brotherhood meeting. I don't know if  
3 that was the year though.

4 Q. Okay, on page 14, 15 and 16, there's a letter dated January  
5 28/79, do you recognize that letter?

6 A. Yes, I do.

7 Q. And who is it from?

8 A. It's from Junior Marshall.

9 Q. At the beginning of that letter, he says

10 Nice seeing you at the meeting.

11 What meeting would that have been?

12 A. That would have been the party at the -- at the Friendship  
13 Center in Halifax.

14 Q. Right.

15 A. At any time -- that was the only time that I've seen Junior  
16 Marshall in person during the time that he spent in prison.

17 Q. The second and third paragraph of that letter, if I could  
18 just read them, like it says

19 Hey, Roy, that name I gave you, that's  
20 between you and me okay. See if the  
21 wrong people get it and if something  
22 happens, I'm scared I'd get blamed  
for it. I don't think I could handle  
another ten.

23 And that last part is underlined. Is that your underlining?

24 A. Yes, it is.

25 Q. What did you understand Junior Marshall to be getting at in

ROY A. GOULD, by Mr. Spicer

- 1 | those two paragraphs? What's he talking about there?
- 2 | A. Right about this time in '79, let's see, he would be in
- 3 | there almost nine or ten years or going on ten years --
- 4 | '71, yeh -- and I took it that if he wasn't successful with
- 5 | that parole or even an appeal, that he would be spending the
- 6 | rest of his life in gaol.
- 7 | Q. Was that your understanding of those -- what those two
- 8 | paragraphs mean?
- 9 | A. Yes.
- 10 | Q. What do you think he meant by
- 11 | that name I gave you. That's between
- 12 | you and me, okay?
- 13 | A. Each time or not every time but occasionally he would ask
- 14 | me to do some investigative work for him or research work
- 15 | is a better term then investigative. And I was asked to
- 16 | check out some possible suspects who would be the people
- 17 | in the Park that night.
- 18 | Q. Would these be people that he thought might be the person
- 19 | who committed the crime?
- 20 | A. Yes.
- 21 | Q. Do you remember at this time what that name was that he
- 22 | gave you in 1979?
- 23 | A. I do; but I don't know if it's to anybody's interest here.
- 24 | That person is still -- that person is still residing around
- 25 | here.

ROY A. GOULD, by Mr. Spicer

1 Q. I don't think it serves any purpose. In 1979 did you have  
2 occasion to retain the services of Melinda MacLean? If you'll  
3 look at the next page 16 or sorry 17, Mr. Gould.

4 A. Around September and October of '79 I asked Melinda MacLean,  
5 a lawyer in Truro, if she would be kind enough to look at  
6 Junior Marshall's file that I have compiled over the years.  
7 And those files basically contained his Preliminary Hearing,  
8 his Appeal, his Supreme Court documents. Also newspaper  
9 clippings that were available by the Cape Breton Post. And  
10 to see if there was any possible way that she could look into  
11 getting an Appeal for Mr. Marshall.

12 Q. And throughout all this period of time during the time that  
13 you were taking steps to see what you could do to get Mr.  
14 Marshall out, was he through -- through this period of  
15 time indicating to you that he was innocent of the crime?

16 A. At all times he's always maintained his innocence.

17 Q. And this letter of October 2nd, of 1979, would that have  
18 been your first written contact with Melinda MacLean?

19 A. Yes, it would have been.

20 Q. Was Melinda MacLean eventually able to do anything on behalf  
21 of Junior Marshall?

22 A. She read over the file along with her and her colleagues.  
23 They made a visit to Dorchester and interviewed Junior  
24 Marshall. And as a result of that she gave us an approximate  
25 cost it would involve to pursue the matter. She said it was

ROY A. GOULD, by Mr. Spicer

1 an extensive file requiring maybe a couple of years research.  
2 And we left it at that temporarily. In the meantime, Junior  
3 Marshall, of course, was getting pretty frustrated. At one  
4 point asking me to drop the case. We had problems raising  
5 monies. Between 1979 and --

6 Q. Perhaps if you could flip to page 32, we see another letter  
7 from Melinda MacLean, which refers to some money?

8 A. There she requires a retainer fee of two hundred dollars.  
9 Later on as the file was activated, I think Junior Marshall  
10 himself had paid out the legal fees and after her review,  
11 she said it would be very substantial.

12 Q. And on page 41, in particular the last paragraph

13 As I indicated in my letter to Mr.  
14 Mallowney.

15 MR. SPICER:

16 And that letter to Mr. Mallowney, my Lords, is on page 35.

17 BY MR. SPICER:

18 Q. We would require that suitable  
19 arrangements be made to ensure  
20 that the file can be satisfactorily  
21 financed?

22 A. That would have involved two - three thousand dollars. Which  
23 we didn't have.

24 Q. And as a result of that then, no success came of any efforts  
25 that were to be made by hers, by Melinda MacLean?

A. No, we left the file for a while. We just -- just to see  
what we were going to do and explore some other avenues.

ROY A. GOULD, by Mr. Spicer

- 1 Q. And on page 40 on the next page over 42, it's a November  
2 15, 1980, letter, that's from -- again from Junior Marshall?
- 3 A. Yes.
- 4 Q. And on the third line he says
- 5 I'm dropping the appeal for my  
6 own sake.
- 7 A few more lines down
- 8 I know it won't take over night  
9 to settle this appeal. I could  
10 sit here forever waiting for it.  
I'm going for my parole. At  
11 least I know there's a set date  
to it.
- 12 Do you understand what he was getting at by that?
- 13 A. I think that he had made application for full parole. And  
14 rather than waiting two or three years for this Appeal to  
15 run through it's course, he figured he might have a better  
16 chance at getting out with the Appeals -- with the Parole  
Board.
- 17 Q. Rather than -- rather than waiting for the Appeals?
- 18 A. Right.
- 19 Q. And on the next page, on page 43, there's another letter  
20 which it seems to be from -- is that from Junior Marshall  
21 signed "Buddy"?
- 22 A. Yes, it is.
- 23 Q. Dated November 27, 1980, in which in the third paragraph he  
24 seems to be asking you whether he thinks he should go for  
25 parole or go on with the Appeal. Where he says

ROY A. GOULD, by Mr. Spicer

- 1   What do you think? Do you think  
2   it's worth it or should I try and  
3   go for parole? Give me your  
4   opinion on what I should do.
- 5                   Have you got that?
- 6                   A. Yeh, I have it. I'm just wondering if there was an answer  
7                   to it.
- 8                   Q. No, from the review of the files that we've been shown, there  
9                   wasn't a written answer to it. And what I wanted to ask you  
10                   was whether or not you did discuss that with Junior Marshall?
- 11                   A. It's probably -- if it's not in writing, then I would have  
12                   discussed it over the phone with him.
- 13                   Q. As to what he ought to do?
- 14                   A. Yes.
- 15                   Q. Do you recollect what your advice was to him at the time?
- 16                   A. No.
- 17                   Q. Now if you could have a look in volume 16 again, this is  
18                   this one over here. I'll get it for you. Page 214. Do  
19                   you recognize that letter, Mr. Gould?
- 20                   A. Yes, I do.
- 21                   Q. And what is it?
- 22                   A. It's a letter that was written to Roy Newman Ebsary by Donald  
23                   Marshall, Junior, with copies to Detective John Mallowney and  
24                   myself and Steve Aronson.
- 25                   Q. Do you know about when that letter was sent? It's undated,  
I'm just wondering if you --

ROY A. GOULD, by Mr. Spicer

1 | A. Yeh, it's -- no, I don't recall that exact date that I  
2 | received it. I do have it in some other file.

3 | Q. Do you remember whether it was the summer or the spring?

4 | A. Not off hand.

5 | Q. Do you remember whether it was 1981?

6 | A. It would have been around that same -- same time.

7 | Q. And if you could turn over to page 215 on the same volume,  
8 | you'll see a handwritten note "Roy Ebsary, age 62". Is  
9 | that your handwriting?

10 | A. Yes, it is.

11 | Q. And what is that note, Mr. Gould?

12 | A. That was as a result of a telephone conversation I received  
13 | from Junior Marshall from Dorchester giving me the name of  
14 | the suspect that he was now pretty sure was the, in fact,  
15 | the one that murdered Sandy Seale. I turned that note over  
16 | to a court worker by the name of Danny Paul.

17 | Q. Did you do that at pretty well the same day -- within a day or  
18 | two of when you got it?

19 | A. Same afternoon. Mr. Paul took it to the Sydney Detective's  
20 | office.

21 | Q. And would he have done that on about the same day too, to  
22 | your knowledge?

23 | A. Same hour.

24 | Q. And the note -- the note indicate --  
25 |



ROY A. GOULD, by Mr. Spicer

1 | COMMISSIONER POITRAS:

2 | What part is he referring to?

3 | BY THE WITNESS:

4 | A. The top part is mine.

5 | MR. SPICER:

6 | The top -- the top part is -- is Mr. Gould's and the bottom part  
7 | is, I believe, the evidence will be is the Sydney Police Departme

8 | COMMISSIONER POITRAS:

9 | Thank you.

10

11 | MR. SPICER:

12 | And so that we have the chronology correct, that part of the note  
13 | which is not in Mr. Gould's handwriting indicates that it was  
14 | turned over by Danny Paul to Urquhart on August 26th, 1981, on  
15 | the second line of the other type of handwriting.

16 | BY MR. SPICER:

17 | Q. Now were you made aware, Mr. Gould, of anything that the  
18 | Sydney Police Department did as a result of receipt of that  
19 | information in August of 1981?

20 | A. No, Mr. Paul told me that he -- when he did turn the name  
21 | over to Detective Urquhart, Urquhart wanted more information.  
22 | And -- and it was just left at that. He left him with the  
23 | note. And he came back pretty disgusted. And we said, we  
24 | were coordinating the general assembly of the Union at that  
25 | time and I said let's wait until after this is over with and

ROY A. GOULD, by Mr. Spicer

1           then we'll see what kind of strategy we can together with  
2           our lawyers can come up with.

3           Q. And what did you do subsequently?

4           A. After that I would say that we obtained the services -- we  
5           talked it over with the Executive of the Union of Nova Scotia  
6           Indians to see if we could use their legal counsel. Who at  
7           the time was Steve Aronson. We obtained our files back from  
8           Melinda MacLean and turned them over to him.

9           Q. Over to Mr. Aronson?

10          A. Right.

11          Q. And Mr. Aronson then took over carriage of -- of Junior's  
12          case?

13          A. From there on.

14          Q. Did you have any further personal involvement in Mr. Marshall's  
15          case subsequent to the retention of Steve Aronson?

16          A. I attended one interview that he had with Mr. Marshall, a  
17          Mr. Sarson from Pictou, Danny Paul and myself.

18          Q. And can you relate to us what the substance of that  
19          interview was?

20          A. We wanted to get the proper information from Mitchell Sarson  
21          so that we could proceed with the re-opening of the  
22          investigation.

23          Q. And where did this interview take place?

24          A. Dorchester Penitentiary.

25          Q. And the people in attendance once again, are yourself, Mr.

ROY A. GOULD, by Mr. Spicer

- 1 A. Yes.
- 2 Q. -- Mr. Sarson?
- 3 A. Mr. Sarson.
- 4 Q. Mr. Aronson?
- 5 A. Mr. Aronson.
- 6 Q. Junior Marshall?
- 7 A. Junior Marshall.
- 8 Q. And Danny --
- 9 A. And Danny Paul.
- 10 Q. -- Danny Paul. What was the proper information that you  
11 were seeking to get so that you could commence a re-  
12 investigation?
- 13 A. I think Mr. Aronson at that time took a statement from  
14 Mr. Sarson on his knowledge of Mr. Ebsary. And the various  
15 times of confessions that Mr. Ebsary made to Mr. Sarson.
- 16 Q. And did you come away from that meeting satisfied that the  
17 information you were looking for had been obtained?
- 18 A. I returned back to Sydney. I formed no opinion on it. I  
19 just left it entirely up to them. All I was there for was  
20 continuity of the note -- an observer.
- 21 Q. Do you know -- do you know when that meeting took place?
- 22 A. Not off hand.
- 23 Q. It took place at Dorchester?
- 24 A. Yes, it did.
- 25 Q. Did you have any further involvement in the matter

ROY A. GOULD, by Mr. Spicer

1 subsequent to that meeting?

2 A. No. I totally left it entirely into the hands of the Union  
3 of Nova Scotia Indians.

4 Q. And Mr. Aronson?

5 A. Right.

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ROY A. GOULD, by Mr. Spicer

1 MR. SPICER:

2 My Lords, I've finished questioning Mr. Gould concerning the  
3 specifics of his knowledge of Junior Marshall. There was one  
4 other area -- general area that I didn't have a document on  
5 this morning and I just want go come back to now and deal with it.

6 BY MR. SPICER:

7 Q. Mr. Gould, in -- I'm showing you a document, Mr. Gould, we  
8 just had marked exhibit 66. Can you explain to us what that  
9 is?

10 A. This is a application proposal submitted to Canada Manpower  
11 and Immigrations Canada Works Program at the time. It's  
12 entitled Community Relations and the Law submitted under the  
13 auspices of the Native Communications Society of Nova  
14 Scotia. It's for us to undertake a study of community  
15 relations and the native people in relation to the  
16 criminal justice system and in particular with policing  
17 situations.

18 Q. At the time that that application was submitted did you  
19 seek support for that program from -- from organizations  
20 in the city of Sydney?

21 A. Yes, we did.

22 Q. And from others?

23 A. And from others.

24 Q. Perhaps if you could flip to page 22 of exhibit 63.

25 A. This is a letter of support from the Honourable Robert Muir

ROY A. GOULD, by Mr. Spicer

- 1 | who supports the application.
- 2 | Q. And would the document that I've just given you a minute
- 3 | ago, exhibit 66, would that be the document that would
- 4 | have been sent to, for instance, Mr. Muir when you asked
- 5 | him for support?
- 6 | A. Yes.
- 7 | Q. Would he -- He would have exhibit 66 and what he would be
- 8 | responding to?
- 9 | A. Exactly.
- 10 | Q. Okay. On page 23?
- 11 | A. That's a letter of support by the Honourable Vincent J.
- 12 | MacLean supporting the community project.
- 13 | Q. Right, and page 24?
- 14 | A. This is a letter of support from D. F. Christian, Superintendent
- 15 | in charge of Criminal Investigations, R.C.M.P., Halifax.
- 16 | Q. Page 25?
- 17 | A. This is a letter from John F. MacIntyre, Chief of Police
- 18 | who does not support the project and did not endorse it.
- 19 | Q. And to the best of your knowledge would the document that
- 20 | John MacIntyre had be exhibit 66? That's what he would be
- 21 | saying he wasn't supporting?
- 22 | A. Yes.
- 23 | Q. Some of the --not endorsing rather. Page 26, Mr. Gould?
- 24 | A. This is a letter that I -- or this is a letter that the
- 25 | project under my name sent to John MacIntyre asking him what

ROY A. GOULD, by Mr. Spicer

1 in particular -- what in particular was he objecting to  
2 regarding our proposal and indicating to him that we have  
3 received the support of the R.C.M.P. and asking him to  
4 reconsider.

5 Q. And page 27?

6 A. This is a letter again signed by me sent to the Mayor  
7 at the time, Earl Tubrett asking him for his support and  
8 indicating to him that we have also received the support  
9 of all the others and expressing our disappointment that  
10 Chief MacIntyre has given us a negative response and looking  
11 forward to meeting with them.

12 Q. And finally on page 28?

13 A. This is a letter from the Sydney Detachment of the R.C.M.P.  
14 giving us support for the project.

15 Q. Did you, in fact, meet subsequently to receipt of these  
16 letters -- did you meet with the Sydney City Council?

17 A. We met with the Police Commission composed of members of  
18 the City Council.

19 Q. And would that have included John MacIntyre?

20 A. Yes, he was there.

21 Q. Yes. And was the Mayor there as well?

22 A. Yes, he was.

23 Q. And who was there on behalf of the Native Communications  
24 Society?

25 A. My project co-ordinators and field staff were there and they

ROY A. GOULD, by Mr. Spicer

1 | carried on the conversation.

2 | Q. Were you there?

3 | A. I was there as an observer.

4 | Q. Are you able to tell us whether or not Mr. MacIntyre was  
5 | asked what the basis of his lack of endorsement was?

6 | A. There were generalities that he expressed with regard to  
7 | our application.

8 | Q. Do you remember what they were?

9 | A. Not really other than that he was not in favour of them and  
10 | that some of the complaints that we were filing with them  
11 | regarding the need for this type of program was that there  
12 | was not need for them. Everything was in place, everything  
13 | was all right and --

14 | Q. Are you able to say whether or not he was indicating to you  
15 | that things were okay?

16 | A. He was telling -- he was denying that any of these accusations  
17 | --not accusations but these statistics were accurate.

18 | Q. And when you say any of these statistics, you're referring  
19 | to just the material that's contained in exhibit 66?

20 | A. I would take it that he had objections to several sections  
21 | of the proposal.

22 | Q. Are you able today to tell us which sections?

23 | A. I wouldn't but I'm sure the project people that were in  
24 | charge of that would.

25 | Q. And who were the project people that were in charge?



ROY A. GOULD, by Mr. Spicer

- 1 | A. The present Chief, Terry Paul. He was the -- one of the  
2 | project people. Edward John Kavatay was the project  
3 | co-ordinator. There was field officers under them. Dave  
4 | Moore and -- did I say Edward John Kavatay. Dave Moore,  
5 | Duncan Gould and Terry Paul.
- 6 | Q. And you were present at the meeting?
- 7 | A. I was there.
- 8 | Q. Did the project go ahead?
- 9 | A. Phase one of the project was -- went right through. After  
10 | that meeting with the City Council the field workers weren't  
11 | very successful in getting any interviews from the city  
12 | of Sydney Police. But we went ahead in other areas.
- 13 | Q. Was there then a phase one and a phase two to this project?
- 14 | A. Well, actually the -- from my understanding the phase one  
15 | hopefully would have covered all of the entire project but  
16 | we weren't able to do this so we applied for a phase two  
17 | to complete the project.
- 18 | Q. And at what stage of the game was it that this submission  
19 | contained in exhibit 66 would have gone to John MacIntyre and  
20 | the others?
- 21 | A. In the middle of the project. The project would have already  
22 | been started and after the orientation and questionnaires were  
23 | in place then these other letters of support, expressly to  
24 | the city police, would have gone.
- 25 | Q. And do I understand you correctly that eventually you were not

ROY A. GOULD, by Mr. Spicer

1 | able to complete the project?

2 | A. No, the project died at the Manpower office.

3 | Q. And why was that or do you know?

4 | A. There was no explanation given.

5 | BY MR. CHAIRMAN:

6 | Q. Mr. Gould, when you said the project died at the Manpower  
7 | office, you mean you -- your request for additional funding--

8 | A. Yes.

9 | Q. -- was not responded to favourably?

10 | A. No. The second phase of the program would have had to deal  
11 | with adult educational programs in the field of community  
12 | relations and the law and the other part of it would have  
13 | be our intention was to employ a liason person to work  
14 | between natives and the law enforcement agencies in a  
15 | preventative and educational role but not to serve as  
16 | a court workers program.

17 | BY MR. SPICER:

18 | Q. And just finally, Mr. Gould, over the years you've had  
19 | a couple of brushes with the law on this?

20 | A. Yes, I have.

21 | Q. It's all right. You don't have to describe them to us. Do  
22 | you have any objection to me just putting your record in  
23 | evidence?

24 | A. No.

25 |