

ROY A. GOULD, by Mr. Chairman.

1 MR. SPICER:

2 I have no further questions. Thank you.

3 BY MR. CHAIRMAN:

4 Q. Before I -- While it's still fresh in my mind, Mr. Gould, you  
5 have covered a great deal -- you've given us a great deal  
6 of very valuable information concerning problems you've  
7 encountered during your career. You've indicated that --  
8 Well, you've given us a great deal of evidence on the drop-  
9 out from the school system by Indians in the -- in this area.  
10 Can you tell me how many Indians have completed high school  
11 from your Reserve?

12 A. A handfull. Several have gone through university obtaining  
13 full degrees in commerce, in nursing field, in the religious  
14 profession, accountants. Most of the Indians that are  
15 employed now by Indian associations have pretty well gone  
16 through university.

17 Q. Have any entered the legal profession to your knowledge?

18 A. None, but a couple have tried.

19 Q. The -- Are there any in the police force? Either the  
20 R.C.M.P. --

21 A. Not from here.

22 Q. No.

23 A. No, there's various policing programs in place in Nova  
24 Scotia. Some under the R.C.M.P. and some under the town.

25 And a couple on the Reserve type -- there's three different

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1 types of policing services available. One is the Indian  
2 Constable program and then there's the R.C.M.P. option 3B  
3 program and then there's one in place in Truro now with  
4 the town police.

5 MR. CHAIRMAN:

6 Fine. Ms. Derrick?

7 MS. DERRICK:

8 Thank you, My Lord.

9 BY MS. DERRICK:

10 Q. There are just a few areas I wanted to ask you some questions  
11 about. I'll try to be brief. Is it your feeling now when  
12 you look back over your own schooling that you were at a  
13 significant disadvantage being taught in english when  
14 in fact your first language was Micmac?

15 A. I would say it had to do with my progress, yes. Or the lack  
16 of.

17 Q. So, was it that you were really left to catch on as best you  
18 could?

19 A. Catch up was the term. Yes.

20 Q. And so there were no special allowances by virtue of the  
21 fact that you were learning in the language that wasn't your  
22 own.

23 A. If you mean special tutoring and that sort of stuff, no there  
24 was nothing --

25 Q. Yes.

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1 | A. -- in place in those days.

2 | Q. Nothing like that?

3 | A. No.

4 | Q. Were you ever punished in fact for speaking in Micmac?

5 | A. No, I was punished but not for speaking Micmac.

6 | Q. Were you actively discouraged from speaking in Micmac?

7 | A. No, not really.

8 | Q. It was simply that the classroom language was english and  
9 | you had to conform to that?

10 | A. Sure.

11 | Q. I take it though at school you spoke Micmac with your friends?

12 | A. Yes.

13 | Q. Now, you personally have testified in court, is that correct?

14 | A. Yes.

15 | Q. And on those occasions, which I understand was some time  
16 | ago, would you have been translating from english in to  
17 | Micmac in your own mind and then having to give the answer  
18 | in english?

19 | A. No, not particularly. I can't say if I don't understand  
20 | a word it's just I -- cross it out and go to the next one.

21 | Q. But how did you engage in that process of testifying in a  
22 | courtroom in a second language?

23 | A. You do the --

24 | COMMISSIONER EVANS:

25 | He understood it.

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1 BY MS. DERRICK:

2 Q. I think that's what I'm trying to get at. Did you in fact  
3 understand when the english was spoken to you such that you  
4 didn't have to go through this translation process?

5 A. You understand the best you could. I mean, not everybody  
6 understands legal terms and --

7 Q. So you would understand in a partial sense?

8 A. Sure.

9 Q. Was this a stressful situation?

10 A. I didn't go to court that much, Ms. Derrick, so --

11 Q. But on the occasion or the occasions when you did, did you  
12 find it stressful?

13 A. No, I pleaded guilty right away and got out of there.

14 BY MR. CHAIRMAN:

15 Q. Before we proceed, have you had difficulty today with the  
16 questions that have been put to you?

17 A. No, not today. I'm -- came up a long way. I took several  
18 courses in community relations in the law.

19 Q. Good.

20 BY MS. DERRICK:

21 Q. Did you ever have occasion to talk to Indian kids about  
22 their experiences of talking either to the police or  
23 testifying in court and the difficulties that they experienced  
24 in terms of language?

25 A. They would have a lot of problems compared to what I would have.

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1 Q. And what sorts of things did they explain to you they were  
2 having problems with? Problems with comprehension?

3 A. Not that in particular. They - a lot of Indian kids don't  
4 know their rights and they don't know their legal rights  
5 in terms of interrogations or taking of statements and  
6 whether nowadays a lawyer is required and police warnings  
7 and that sort of stuff. All this is all new.

8 Q. Back when you were Chief and you had quite extensive contact  
9 it sounds like with Indian kids on the Reserve, I take it,  
10 you would have spoken Micmac with them at that time?

11 A. Yes.

12 Q. And they would have been speaking Micmac in their homes?  
13 Is that correct?

14 A. Yes. In my age category, yes.

15 Q. And with the younger kids like the kids that were Junior's  
16 age -- Junior Marshall's age?

17 A. They all speak Micmac.

18 Q. And did you have any discussions with those kids about their  
19 experiences in dealing with the police or being in court and  
20 dealing in English back then?

21 A. That never came up. The only problems that were discussed  
22 were the problems they had with the policemen themselves and  
23 the hassles that they had to go through.

24 Q. Do you anticipate that they may have been having problems?  
25 Was it simply something that wasn't discussed?

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1 A. It wasn't discussed with me.

2 Q. You received some complaints from the teenagers at the time  
3 when you were Chief? Is that correct?

4 A. Yes.

5 Q. Were there any specific ones with respect to Sergeant MacIntyre  
6 in particular?

7 A. No, I think it was mostly the foot patrols and the actual  
8 people -- what do they call them -- when they --

9 MR. CHAIRMAN:

10 Foot soldiers.

11 THE WITNESS:

12 The foot soldiers, that's them.

13 BY MS. DERRICK:

14 Q. When you were Chief were you aware of what reputation Sergeant  
15 MacIntyre had around the Reserve? Was that ever a subject  
16 of discussion?

17 A. Not in my presence.

18 Q. So you had no consciousness of any particular reputation  
19 he may have had?

20 A. Not with Sergeant MacIntyre.

21 MS. DERRICK:

22 Thank you. Those are my questions.

23 BY MR. J. PINK:

24 Q. Mr. Gould, my name is Joel Pink and I'm here in behalf of  
25 Sergeant MacIntyre. Just a couple areas, sir, that I would like

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1 | to deal with you. I'm not quite sure about back in 1970 and  
2 | '71, who had the policing powers over the Reserve?

3 | A. City of Sydney.

4 | Q. And how long had they had the policing powers over the Reserve?

5 | A. I would say their clarification must have gave in in around  
6 | '70, 1969, '70 as a result of our correspondence with the  
7 | R.C.M.P. They were also already in patrol at Membertou  
8 | way before my time.

9 | Q. That's the Sydney City Police?

10 | A. Right.

11 | Q. Did the R.C.M.P. ever have anything to do with the Reserve?

12 | A. The only thing that I recall of the R.C.M.P. they took over  
13 | a murder investigation.

14 | Q. Tell me: when I was looking at exhibit number 64 -- this is  
15 | the time that you complained to the council of the city  
16 | of Sydney about the formation of these vigilante groups  
17 | I read somewhere in this mass of documentation that we have  
18 | that it was the opinion of the city solicitor that this  
19 | was not a municipal problem but was an R.C.M.P. problem  
20 | as a result of the Indian act. Do you remember anything  
21 | like that?

22 | A. Yes, Mr. Michael Whalley brought that to the attention of  
23 | the city council at one point and it was that time that  
24 | we wrote to the R.C.M.P. and they dug up their files and  
25 | there's letters somewhere indicating as far back as 1946

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1 | where the Attorney General had informed the City of  
2 | Sydney that their jurisdiction can be expanded to  
3 | Membertou.

4 | Q. Now, as I understand it then that during the 1970, '71 year  
5 | when you were negotiating with the city of Sydney about having  
6 | this special constable appointed or making some arrangements  
7 | with them, none of those negotiations took place with Chief  
8 | John MacIntyre?

9 | A. No, they would have been directly with the Chief of Police  
10 | and the Police Commission.

11 | Q. Do I understand you correct from hearing your evidence today  
12 | sir, that during the whole Marshall matter the only contact  
13 | that you had, up until the time of his conviction, was  
14 | when you were brought in to the police station to give  
15 | your statement?

16 | A. That was one of them. If you're referring to the detectives  
17 | in question?

18 | Q. No, I'm just dealing with Detective MacIntyre?

19 | A. MacIntyre?

20 | Q. Yes.

21 | A. He would -- That would have been my only contact with  
22 | MacIntyre would have been when he took my statement.

23 | Q. Okay. And could you just explain to the Commission how  
24 | this statement took place. You were invited in to his  
25 | office?



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- 1 | A. Invited to the detectives office. Went in to a back room.
- 2 | Q. Yes. And who was present, do you remember?
- 3 | A. All I can recall right now is Chief -- Chief MacIntyre I still  
4 | call him. Detective MacIntyre.
- 5 | Q. And just the two of you?
- 6 | A. Just the two of us. M. J. MacDonald may have been around  
7 | but I don't think he stayed in the room.
- 8 | Q. And things were cordial between you and John MacIntyre?
- 9 | A. Yes, they were.
- 10 | Q. And he asked you a series of questions and he wrote down  
11 | your answers?
- 12 | A. That's right.
- 13 | Q. He gave you the opportunity to read the statement?
- 14 | A. He did.
- 15 | Q. Was it read to you at all? Do you remember?
- 16 | A. No, I think he just asked me if I wanted to read over it.
- 17 | Q. And you declined that offer, then you put your signature on  
18 | the page. And as I understand your evidence, today, from  
19 | reading that statement that is basically what you told him?
- 20 | A. Yes.
- 21 | Q. So he basically wrote down everything that you told him?
- 22 | A. I assume he did and that's the gist of the conversation  
23 | we had.
- 24 | Q. What was your age then back in 1970, '71?
- 25 | A. 22.

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1 Q. There was no --

2 A. 23.

3 Q. So you were in the range of 22, 23 years. During that period  
4 of time that you were with John MacIntyre there were no  
5 raising of voices?

6 A. No, MacIntyre has his -- he's a big man and --

7 Q. He is a big man. He has a deep voice?

8 A. Sure.

9 Q. And would you agree with me that there were no threats and  
10 there was no pressure put on you during the time that he  
11 was taking this statement from you?

12 A. Not from me.

13 Q. No. Now, going back to May the 28th, Mr. Gould, when you  
14 arrived back in Sydney after being in Stewiacke with Donald  
15 Marshall, do you in fact remember going to the liquor store?

16 A. Not on the way home. If there was any purchase of liquor  
17 it would have been done on my arrival in Bedford.

18 Q. I'm talking about -- No, I'm talking about when you came  
19 to Sydney.

20 A. No.

21 Q. Now the yellow jacket that you loaned to Donald Marshall  
22 Junior, am I correct in saying sir, that when you loaned it  
23 to him it only had a small tear under one of the armpits?

24 A. It's possible but that jacket was relatively new.

25 Q. When you received it back from Donald Marshall did you notice

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whether or not it had any rips or cuts or was there any blood on the sleeve?

A. Yes, there was.

Q. And that's the condition it was when you turned it over to the detectives, is that correct?

A. That's right.

Q. Would you describe Donald Marshall Junior as a secretive person?

A. Quiet, yes. Secretive in what sense?

Q. In that he would keep things to himself in order for him to later -- to possibly prove something.

A. Well if you mean he wouldn't be --

Q. If I could --

A. I could put it to you this way, he was never that honest with me about everything.

Q. I'm just wondering sir, and I'll be a little more specific. The name of Roy Ebsary was never mentioned to you by Donald Marshall until some years later.

A. Yes.

Q. And I note in the exhibit number 63. I just may refer you to that sir. And I'm -- I refer you to page 20. This is a letter, as I understand it, -- did this come into your possession or something? I'm not quite sure what it is.

A. This letter would have been turned over to me by Junior Marshall's sister.

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1 Q. And what is her name?

2 A. Donna.

3 Q. And I draw your attention to page two and I'm wondering sir,  
4 if you ever discussed this with Donald Marshall and in particular  
5 if you'd look at about eight lines down. He says:

6 I'm not a rat and I can't take any more. I  
7 did seven years for that bastard. I know,  
8 Shelly, I talked to the guy when they put  
9 him in the county gaol.

10 And then if you go down to the end of that paragraph. It  
11 says:

12 This guy did me wrong. I want him for myself.  
13 That's why I didn't finger him.

14 A. Yes.

15 Q. Now, at the time that this letter was written did you know  
16 about Roy Ebsary?

17 A. No, and he's not referring to Roy Ebsary here.

18 Q. Oh, is that not who he's referring to? This is the other  
19 person that we just -- we're not going to get in to. Okay.  
20 Now, can you explain to me the later part of the next  
21 paragraph. It says:

22 I won't get out but there's going to hear the  
23 truth. I'm ratting on them now. The whole  
24 fucking crew. I'm not going to say any names  
25 until I get my lawyer the Union of Nova Scotia  
Indians, the City Sydney Police and my parents  
all together and the only way --

And then it says: John MacIntyre.

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1 Do you know what that means?

2 A. If I was to read in to that my understanding would be  
3 that if he did get out that he would discuss this person  
4 to all these people.

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ROY A. GOULD, by Mr. J. Pink

1 Q. Okay. Now if I may now turn to document number sixty-six, and  
2 this is your community writ with relations and the law. At  
3 any time during the proposal of this project, did you ever sit  
4 down and discuss with the R.C.M.P. or Vince MacLean or anyone  
5 else that you wrote, the problems that you felt that you were  
6 having at the Indian Reserve?

7 A. No, not to sit down with them face to face.

8 Q. So basically when you say that they wrote you back and they  
9 endorsed your proposal, they did not know the complete  
10 background?

11 A. Well, this would have been the background.

12 Q. And that's all the information that they would have?

13 A. Plus the application for the funding.

14 Q. Would you not agree with me, sir, that your proposal -- in your  
15 proposal there are some direct criticism levied at the Sydney  
16 City Police?

17 A. In here?

18 Q. In here, and if I may draw your attention to the -- the page  
19 three including the title page, it would be page two. At the  
20 top of page two it says:

21 In general, relationships between the  
22 police and the Indian people have  
23 reached the stage where bitterness  
24 prevails on both sides, a constance  
25 surveillance sometimes required by  
the Indian people can under the  
circumstances harder into open  
dislike on the part of the police.  
Where this occurs the Indian people

1 in turn may respond by being  
2 withdrawn and uncommunicative  
3 when sober and highly belligerent  
4 and aggressive when drunk.

5 Would you levy that as a criticism at the Sydney City Police?

6 A. Not in particular to the City of Sydney Police. I would imagine  
7 that this is general between Indians and police informants  
8 in --

9 Q. But your basic work project was going to involve the Sydney  
10 City Police and the Reserve, is that not correct?

11 A. This involves the area of Cape Breton - The Sydneys which  
12 also includes Eskasoni which is under R.C.M.P.

13 Q. Do you know whether or not the Eskasoni Reserve was having the  
14 same problems that you appear to have been having at the  
15 Membertou Reserve?

16 A. In some aspects of it, yes, they would have.

17 Q. Were they being harassed by the R.C.M. Police?

18 A. They would have been -- If there were any harassment it would  
19 have been either both the -- either one, the R.C.M.P. or the  
20 Sydney Police.

21 Q. Were you aware of any constance surveillance being carried out  
22 by the R.C.M. Police on the other Reserve, the Eskasoni Reserve?

23 A. It comes under their jurisdiction.

24 Q. I know, but were you aware of any problems or frictions  
25 between the police and the Reserve?

26 A. I personally can't back that up. This document was prepared

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1 | by my staff under my signature.

2 | Q. Now on top of page four of Exhibit number 66 you say:

3 |                   It will hopefully bring police  
4 |                   officers to understand the Indians  
5 |                   and their problems and avoid  
6 |                   possible racial discrimination  
7 |                   which could explode if not brought  
8 |                   into the open.

9 | Would you agree with me, sir, that that is levying some  
10 | criticism at the Sydney City Police?

11 | A. I suppose you could read into it like that. Again it doesn't  
12 | say Sydney Police.

13 | Q. No, I appreciate it doesn't say Sydney Police, but here you're  
14 | asking for the endorsement of it by the Chief of Police and  
15 | yet he -- he could possibly read into it that there's  
16 | criticism being levied at his force.

17 | A. I suppose he could have read it like that. I --He didn't quite  
18 | explain to me what his objections were in particular.

19 | Q. You have no personal knowledge, sir, as to why your  
20 | proposal was not endorsed by John MacIntyre?

21 | A. No, not the type of letter he sent us. I read in that he was  
22 | not in accord with some of the comments.

23 | Q. Referring to Exhibit number 65, that's the yellow sheets of  
24 | paper, sir, that you listed the complaints on.

25 | A. Okay.

26 | Q. Were any of those complaints that are set out on page 65,  
27 | dealing with John MacIntyre?



ROY A. GOULD, by Mr. J. Pink

1 A. No, these would be uniformed officers.

2 Q. So as I understand it, sir, that throughout all your years  
3 being connected and working with the native people the only  
4 real criticism that you had of John MacIntyre was that he  
5 failed to endorse a community relations in the law program  
6 that was submitted by you to be approved. Is that correct?

7 A. In addition to that the support that we could have got from  
8 the Sydney Police in general from its officers, that is the  
9 only thing.

10 Q. Just one other thing, Mr. Gould. I want to show you a letter  
11 and it's not signed or addressed. I just want to know, sir,  
12 did you write that letter to Mr. Cretien?

13 A. Oh, no.

14 Q. That's fine. If you didn't, that's all I want to know, sir.  
15 It's not signed, you see. It's just signed by a deeply concerned  
16 citizen.

17 A. No, but I wouldn't mind having a copy of it.

18 MR. J. PINK:

19 Okay. Fine. I have no further questions, My Lords.

20 MS. DERRICK:

21 Excuse me, My Lord, in fairness the letter that Mr. Pink was reading  
22 to the witness in Exhibit 63 at page 20, it's just that Mr. Pink  
23 didn't complete the sentence. It says, in fact:

24 ...I'm not going to say any names,  
25 just one until I get my lawyer,  
Simon Khattar, and C.M. Rosenblum,

ROY A. GOULD, by Mr. MURRAY

1 the Union of Nova Scotia Indians,  
2 the Sydney City Police, and Johnny  
MacIntyre...

3 Which is circled together.

4 ...and my parents altogether, and  
5 the only way I'll see them is to  
6 try and get back to the County Gaol  
back home and if they don't believe  
me it's not my fault.

7 COMMISSIONER EVANS:

8 What's the point you're making?

9 MS. DERRICK:

10 Simply that that whole sentence was not, in fact, read and  
11 only part of it was.

12 BY MR. MURRAY:

13 Q. Mr. Gould, my name is Donald Murray and I'm here on behalf  
14 of William Urquhart. I would ask you to turn to volume 16,  
15 page 215 which my friend Mr. Spicer referred you to earlier.

16 A. Yes.

17 Q. Were you aware that the Sydney City Police had had the name  
18 of Ebsary brought to their attention in 1971 and referred  
19 that name to the R.C.M.P.?

20 A. No.

21 Q. Would you agree with me that what Mr. Paul was concerned about  
22 when he came back from speaking to Mr. Urquhart was that  
23 Mr. Urquhart wished some direct evidence about Roy Ebsary's  
24 involvement in that matter with respect to Donald Marshall, Jr.?

25 A. As he states in here, Detective Urquhart indicated to Paul that

ROY A. GOULD, by Mr. Murray, by Mr. D. Pink

1 | that was not enough.

2 | Q. That is correct. And is that your recollection, sir.

3 | A. That's basically what Mr. Paul told me.

4 | Q. And with respect to who the officer was who contacted you  
5 | at the Reserve on Wednesday between the stabbing incident  
6 | and the arrest of Donald Marshall, Junior, about the  
7 | protection that should be taken up at the Reserve. Could  
8 | that have been Michael MacDonald or William Urquhart, is  
9 | that what your evidence --

10 | A. Yes.

11 | Q. -- was this morning?

12 | A. Yes.

13 | Q. Would it like -- more likely be Michael MacDonald because  
14 | in fact, you had more contact with Michael MacDonald both  
15 | on a social and a police basis?

16 | A. Yes, it's possible.

17 | MR. MURRAY:

18 | I have no further questions of this witness.

19 | MR. BARRETT:

20 | No questions, my Lord.

21 | BY MR. D. PINK:

22 | Q. Just one very brief thing, Mr. Gould. Were you present for  
23 | the testimony of John Pratico?

24 | A. Here.

25 | Q. Yes?

ROY A. GOULD, by Mr. D. Pink

1 A. Yes.

2 Q. Okay, John Pratico said and I'm referring to his testimony  
3 at page 2044 that on Sunday he saw Junior Marshall at the  
4 police station and I'll just read from his evidence, as  
5 follows:

6 Q. Did you have any discussion at  
7 John, with the other guy on the  
8 bench?

8 A. No, sir, we just sat there. I  
9 didn't know the man so I didn't  
10 talk to him.

10 Q. Didn't talk to him. Did you see  
11 Junior Marshall at the police  
12 station that day?

12 No I believe I saw him coming  
13 out. I'm not sure.

14 Sorry, I've got, oh, yes:

15 A. No I believe I saw him coming  
16 out. I'm not sure.

16 Okay, do you remember?

17 A. And I believe it was with  
18 Roy Gould.

19 My question to you is were you with Junior Marshall at the  
20 police station on that Sunday afternoon? That would have  
21 been --

22 A. I indicated that I had driven him to the Sydney Police  
23 Station numerous times throughout that week. That's  
24 possible. That is probably true.

25 Q. Do you recall if you went in with him on Sunday?

ROY A. GOULD, by Mr. D. Pink, Mr. Ross

1 A. I wouldn't have gone in with him into the Detective's  
2 office. I would have been in -- there's a driveway into  
3 the Detective's office that's probably where he would have  
4 seen me.

5 Q. Do you recall if you saw John Pratico?

6 A. If Junior Marshall saw John Pratico.

7 Q. No, if you saw John Pratico?

8 A. I didn't know John Pratico.

9 Q. Do you recall -- do you recall being there at all on that  
10 Sunday afternoon or is it your evidence that it was just  
11 possible that you drove --

12 A. It's possible I just drove him in or picked him up or whatever.

13 Q. Okay, thank you.

14 MR. BISSELL:

15 No questions.

16 BY MR. ROSS:

17 Q. Mr. Gould, you and Junior Marshall were pretty good friends  
18 weren't you?

19 A. I would say so.

20 Q. As a matter of fact if Junior Marshall was going to confid  
21 in anybody, he would have confided in you, wouldn't he?

22 A. Yes, he did.

23 Q. Yeh, I'm having a difficulty here, Mr. Gould, because common  
24 sense tells me that if Junior Marshall was present when  
25 Sandy Seale was stabbed, you would have had some idea of the

1 full circumstances, would you agree with that as a common  
2 sense proposition?

3 A. I would have.

4 Q. Would you agree that it's a common sense proposition that if  
5 Junior Marshall was with Sandy Seale and the stabbing occurred  
6 at that point, he would have some understanding of what  
7 happened?

8 A. Yes.

9 Q. Yeh, as I look at exhibit 63 there is a letter on page 19  
10 it appears to have been sent to Shelley Sarson?

11 A. Yes.

12 Q. Have you seen this document before?

13 A. Yes.

14 Q. Were you the person who turned it over to the Commission?

15 A. Yeh, I would imagine that they would have dissected from  
16 amongst my files, yes.

17 Q. Oh yes, okay. This is something that you had in your files  
18 and you would have read from time to time?

19 A. Yes.

20 Q. As I look over on page 20, the second page of that letter,  
21 the fourth line down, it says

22 I know who killed that guy  
23 that night.

24 A definite statement "I know who killed that guy that night".

25 Did you ever speak with him about that statement "who killed

- 1           that guy that night"?
- 2       A.   No.
- 3       Q.   You didn't.  And you weren't curious about it?
- 4       A.   This was written in '78 --
- 5       Q.   Yes.
- 6       A.   -- there were a number of names that were suggested to me
- 7           by Mr. Marshall that I had to check up for him and --
- 8       Q.   Yes, yes but you see, you retained legal counsel -- you were
- 9           involved in getting legal counsel for him in 1971, am I
- 10           correct?
- 11      A.   Yes.
- 12      Q.   And you were again involved in getting legal counsel for him
- 13           around 1978?
- 14      A.   Yes.
- 15      Q.   And I would take it that you had a definite interest in
- 16           Junior and his welfare?
- 17      A.   Yes.
- 18      Q.   And if he says to you "I know who killed the guy that night",
- 19           are you telling me that you didn't follow up on it?  You
- 20           weren't curious and you didn't ask him?
- 21      A.   This would have only been one of many names.
- 22      Q.   I see.  But this is the letter that --
- 23      A.   This is a letter to Shelley, not to me.
- 24      Q.   Yes, I appreciate that, but you're the one who turned it over
- 25           to the Commission, isn't it?

ROY A. GOULD, by Mr. Ross

- 1 | A. I also turned it over to the lawyers that were looking into  
2 | this Appeal.
- 3 | Q. Okay, fine. Let's just deal with this section. You turned  
4 | it over to the lawyers, chances are I will be able to ask  
5 | the lawyers. But I'm still going to ask you whether or not  
6 | if you followed up that particular statement?
- 7 | A. I'll say, no at this point.
- 8 | Q. Okay. Now the week -- the week of May the 29th, 1971, when  
9 | you went to Halifax and you took Junior with you. Did you  
10 | take him with you for any particular reason?
- 11 | A. No, it wasn't uncommon for him -- uncommon for Junior to just  
12 | go for the drive.
- 13 | Q. Sure, and did you have any difficulty with him on that trip?
- 14 | A. Not exceptionally. Can you be a little more specific.
- 15 | Q. Any difficulty whatsoever? You went down -- was it an  
16 | uneventful trip? You drove to Halifax, you did your business  
17 | and then drove back?
- 18 | A. No, we had a few drinks and we went out for a couple of  
19 | hamburgers and that sort of stuff.
- 20 | Q. Did you lose your car at any time?
- 21 | A. Did I lose my car.
- 22 | Q. Yes?
- 23 | A. Yes.
- 24 | Q. And did you report it stolen?
- 25 | A. Yes.



ROY A. GOULD, by Mr. Ross

- 1 Q. And was it found?
- 2 A. Yes.
- 3 Q. And who had it?
- 4 A. He had it.
- 5 Q. Who had it?
- 6 A. Junior Marshall.
- 7 Q. And this is what you call an uneventful -- this is typical  
8 of a trip between you and Junior to Halifax, is it?
- 9 A. No, it's typical of Junior to take off with my car, yes.
- 10 Q. Did you know it was Junior who took your car?
- 11 A. Yes.
- 12 Q. And you reported it stolen?
- 13 A. I reported a car had been gone.
- 14 Q. I see.
- 15 A. How'd you find that out.
- 16 Q. Now I understand that the morning after the stabbing which  
17 would have been the Saturday morning, Junior came and he  
18 knocked on your door quite early?
- 19 A. Yes.
- 20 Q. Around after eight it was?
- 21 A. It would have been, yes.
- 22 Q. You're best recollection --
- 23 A. Eight or nine.
- 24 Q. -- or well, could it have been before seven?
- 25 A. No.

ROY A. GOULD, by Mr. Ross

- 1 Q. Unlikely?
- 2 A. Unlikely.
- 3 Q. Probably between eight and nine?
- 4 A. Nine or ten.
- 5 Q. Yes, and at that time when he spoke with you, did he tell you
- 6 that he -- about any phone calls he might have made himself
- 7 that morning?
- 8 A. Not that I recall.
- 9 Q. Did he tell you any phone calls he would have received that
- 10 morning?
- 11 A. Not that I recall.
- 12 Q. You were his good friend and he had a problem and he came
- 13 to you?
- 14 A. I would say Junior Marshall came to me when he needed advice
- 15 but it's -- it's also common for Junior Marshall not to
- 16 confide in me totally.
- 17 Q. I see, he came to you for advice and for instance, did he
- 18 tell you that he had a call from Oscar Seale that morning?
- 19 A. Off the top of my head, I don't -- I don't remember.
- 20 Q. Well, with Mr. Seale being called, I'm going to suggest to
- 21 you that Mr. Seale called him and asked him what happened
- 22 the night before and he made some responses. Did he discuss
- 23 that with you?
- 24 A. No.
- 25 Q. I see. Did he speak to you about speaking to the O'Reilley

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1 sisters or Catherine O'Reilley in particular?

2 A. No.

3 Q. You said that Junior had a pretty good description of the  
4 people who were involved in this stabbing, what they looked  
5 like, am I correct?

6 A. Not to me.

7 Q. I thought this is what you told Commission Counsel?

8 A. No, he was trying to find out -- if you're talking to Mr.  
9 Wylie here, he was trying to find out if Junior had given  
10 me the descriptions and I said no.

11 Q. I see.

12 A. All he was doing was he's looking around himself while I'm  
13 driving around.

14 Q. Oh, yes, okay, fine. He had an idea that he was doing his own  
15 looking?

16 A. That's right.

17 Q. I see, okay, fine. Tell me about this conversation you had  
18 with Urquhart at which time you were advised that there would  
19 be violence on the Reserve. As it went on, my notes  
20 indicate that you were going to prepare for the worst and  
21 that the police was prepared to give you backup, am I  
22 -- did I get you correctly?

23 A. Yes.

24 Q. I see. So it appears so, sir, that you were of the view that  
25 they were leaving you to a degree with self help remedies and

- 1 |       they'll handle any overflow?
- 2 | A. That's one way of looking at it, I guess, yes.
- 3 | Q. But was that your way of looking at it?
- 4 | A. We braced ourselves for the worst.
- 5 | Q. You braced yourselves for the worst. Now what did you mean
- 6 | when you say "braced yourselves for the worst"?
- 7 | A. We could expect anything from people coming onto the Reserve.
- 8 | Fighting. There was talk of houses being burnt down. There's -
- 9 | Q. What done by whom? Any idea, did you have any idea who was
- 10 | going to burn these houses? Or was this put in your head
- 11 | by the police?
- 12 | A. I personally never got any phone calls of that sort. If
- 13 | anybody would have known it would have been Mr. Marshall
- 14 | himself or the police.
- 15 | Q. I see, you were repeating here what Mr. Marshall had told
- 16 | you? So you can't really respond -- you can't respond on
- 17 | these questions?
- 18 | A. No, I would be --
- 19 | Q. I see.
- 20 | A. -- no, it would be just an assumption.
- 21 | Q. I see. So when you told my learned friend and if my notes
- 22 | serve me correct, about threatening phone calls. These
- 23 | were phone calls to the Marshall residence?
- 24 | A. Yes.
- 25 | Q. I see. And when you spoke about somebody call and spoke

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- 1 about violence and then my learned friend asked you  
2 on the Reserve -- these points on the Reserve, that also  
3 came from Mr. Marshall Senior is it?
- 4 A. Some of those came from Mr. Marshall Senior. There were  
5 other phone calls received at the band administration building.
- 6 Q. I see. But you had no personal contact with these callers?
- 7 A. No.
- 8 Q. Around the time that Urquhart -- around the Wednesday when  
9 Urquhart came and told you that there might be violence,  
10 did he also tell you that Junior was a prime suspect?
- 11 A. I was never informed. I was never notified of any kind  
12 that Marshall was a suspect.
- 13 Q. Because I'm going to tell you the problem I'm having. If  
14 it is that the police was to come to you -- or come to the  
15 Reserve and suggest 'brace yourself, there's going to be  
16 problems with the Blacks when the police are really thinking  
17 of Junior it seemed as though there is a situation being  
18 set in motion without any basis. Wouldn't you agree with  
19 that?
- 20 A. I would agree with you, sure.
- 21 Q. And then against this perceived threat of violence I understand  
22 according to your words, -- you said all we did is that we  
23 prepared our own people. Now, how did you prepare your people?  
24 For instance, were there any weapons involved?
- 25 A. Yes.

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- 1 Q. Yes. No protecting the Reserve. No weapon.
- 2 A. Not to speak of if your thinking of guns and knives, no.
- 3 Q. Well --
- 4 A. But I wouldn't doubt if a couple of the men may have had
- 5 sticks or something to protect themselves besides walkie
- 6 talkies.
- 7 Q. I see. And as far as the Black people are concerned -- the
- 8 Black people in this area, they live on the opposite end
- 9 of the town, don't they?
- 10 A. Right.
- 11 Q. There is -- Membertou is on -- Perhaps I'm --
- 12 A. The other end.
- 13 Q. Perhaps you can give me the directions. Membertou, is it
- 14 south?
- 15 A. Yes. South.
- 16 Q. And Whitney Pier is far north?
- 17 A. Right.
- 18 Q. And a substantial distance between?
- 19 A. Five miles or so.
- 20 Q. Yes. As far as you know was there any special relationship
- 21 between John Mallowney and the members of the Membertou band?
- 22 A. Not to my knowledge. You mean like friends and that sort of
- 23 stuff?
- 24 Q. Yes.
- 25 A. I don't think so.

ROY A. GOULD, by Mr. Ross

- 1 Q. Well, I'll tell you the purpose for this is that I noted  
2 the people who were sent down to the Reserve were Wayman Young  
3 and John Mallowney and later on when there is a letter to  
4 be written by Junior Marshall. He writes with a copy again  
5 to John Mallowney. Do you know of any connection between  
6 Marshall and Mallowney?
- 7 A. No, other than Mallowney would have been in a -- detective  
8 by this time.
- 9 Q. I see.
- 10 A. Junior Marshall was also kept informed of situations involving  
11 Mr. Ebsary and stabbings in Sydney.
- 12 Q. By who?
- 13 A. By Ebsary.
- 14 Q. You say he was kept informed about Mr. Ebsary?
- 15 A. Mr. Ebsary.
- 16 Q. Yes, and then who would keep Junior Marshall informed about  
17 Mr. Ebsary?
- 18 A. I don't know offhand unless he gets the Cape Breton Post.  
19 Maybe there were other people that were corresponding with  
20 him but -- and there was two occasions where there was a  
21 stabbing that took place between Mr. Ebsary and Mr. Goodey  
22 that he was familiar and it was investigated by John Mallowney.
- 23 Q. When did the name Roy Ebsary first pop up as far as your  
24 concerned?
- 25 A. It would have been that summer of '81, is it? Whenever my

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1 | note was recorded.

2 | Q. Pardon me?

3 | A. Whenever -- The same afternoon that I wrote that note and  
4 | Danny Paul turned it over to Detective MacIntyre -- Urquhart.

5 | Q. There was a note that was referred to you -- Is it  
6 | volume 16 page 214?

7 | A. August, '81.

8 | Q. Is that in August, 1981?

9 | A. Yeh.

10 | Q. So it was around '81 that you first zeroed in on Roy Ebsary.  
11 | Am I correct?

12 | A. Yes.

13 | Q. So around the time that you had retained Melinda MacLean  
14 | you hadn't, at that time, zeroed in on Roy Ebsary?

15 | A. No, we hadn't.

16 | Q. I see. So that when Junior was writing -- when Mr. Marshall  
17 | Junior was writing to Shelly Sarson back in 1978: and saying  
18 | that he knew the guy who killed the guy that night. Was  
19 | he referring to Ebsary at this point, do you know?

20 | A. It could have been but I wouldn't know.

21 | Q. You wouldn't know?

22 | A. No.

23 | Q. But when he wrote to you in January of 1979, Volume -- I'm  
24 | sorry exhibit 63, page 14. The blue book, yes, page 14.  
25 | That was not Roy Ebsary either was it?

A. No.



- 1 Q. I see. So over the years, there were many people who Junior  
2 Marshall thought was the person who did the stabbing?
- 3 A. In 1979, that name that you see there was the name that  
4 I checked for him.
- 5 Q. The person that's referred to in this letter whose name we  
6 do not know?
- 7 A. Couldn't even find him.
- 8 Q. I see. Now, the -- One final thing. It was mentioned that  
9 there might've been this chance of violence and it appeared  
10 as though the violence was Black on Indian or Indian on  
11 Black violence back in 1971. Is this the understanding that  
12 you entertained?
- 13 A. The rumors that were circulating the week of the investigation,  
14 my understanding was that it would've been Black and Indian.
- 15 Q. I see.
- 16 A. We --
- 17 Q. That was the week after the stabbing?
- 18 A. Right.
- 19 Q. Yeh.
- 20 A. I have since been informed that there was never any problems  
21 between Indians and Blacks. To the contrary, it was always  
22 Indians and Whites.
- 23 Q. I see. When Urquhart suggested to you that there might be  
24 this Black on Indian violence, did you question it?
- 25 A. No, basically because I thought those people were in authority

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1 and that they knew what they were doing.

2 Q. I see. But you've later learned that there was no basis for  
3 that whatsoever.

4 A. That's right.

5 Q. Thank you very kindly, sir. No more questions.

6 BY MR. WILDSMITH:

7 Q. Mr. Gould, taking that last point that Mr. Ross was discussing  
8 with you, the rumors of racial tensions shortly after the  
9 stabbing, it's correct you've told us that Mr. Marshall, Sr. --  
10 His family received threatening phone calls, and he informed  
11 you of this?

12 A. Yes.

13 Q. And the Band Council Office itself received threatening phone  
14 calls, and these were reported to you?

15 A. Yes.

16 Q. To your knowledge, did any of the people that we've mentioned,  
17 Mr. Marshall, Sr., people in your Band Council office or  
18 yourself pass those rumors on to the police force?

19 A. Yes, we would have and in particular to get the quick  
20 authorization from Maritime Tel & Tel for the switch.

21 Q. So you would've gone to the police force with these complaints?

22 A. I probably would've informed somebody in that investigative  
23 branch. I don't know -- I don't recall who in particular  
24 though.

25 Q. Well, my point is this. When Sergeant Urquhart or whoever

1 | it was in the Sydney Police Department came up and told you  
2 | about the rumors, did it appear as though they had the rumors  
3 | from some other source besides yourselves?

4 | A. Oh, apparently the conversation around Sydney area was greater  
5 | than up on Membertou.

6 | Q. Yes. And so he was responding to rumors that had reached the  
7 | Police Department from some other source than yourself or  
8 | the Membertou reservation?

9 | A. That's right.

10 | Q. As far as you're aware?

11 | A. That's as far as I'm aware. There's one other person that  
12 | in particular who was close with the Sydney Police and the  
13 | Sydney Fire Department that called Donald Marshall, Sr., and  
14 | told him, you know, that, "You better prepare for the worst."

15 | Q. These are rumors that reached Mr. Marshall through a member  
16 | of the police -- or of the Fire Department?

17 | A. Yes.

18 | Q. Okay. And when you mentioned the squad car being at the --  
19 | I'm sorry. It was a plain car with the two officers in it  
20 | at the church and these long nightsticks. Is it your under-  
21 | standing that that was the extent of the riot gear that the  
22 | Sydney Police Department had at the time?

23 | A. There were indications that they were armed, but I didn't --  
24 | They were not visible.

25 | Q. I see. Maybe in the car but not visible on their persons?

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1 A. No.

2 Q. Is that what you mean? Turning now to the statement that  
3 you gave to Detective Sergeant MacIntyre in 1971, there was  
4 some reference to your age at that time. It's true, is it  
5 not, that you were born in 1946?

6 A. What's that you're referring to again, please?

7 Q. Well, I'm referring to your age at the time you gave this  
8 statement to Sergeant MacIntyre in 1971.

9 A. Oh.

10 Q. There was some reference to you being twenty-two or twenty-  
11 three, but in fact you were twenty-five at the time.

12 A. All right.

13 Q. Well, 1971, and you were born in '46, is that correct?

14 A. Yes.

15 Q. Okay. And it's possible, is it not, that you were known  
16 to Sergeant MacIntyre and Sergeant MacIntyre was known to  
17 you at the time you gave that statement?

18 A. Yes. We would've had brief encounters, I guess, in my  
19 capacity as Chief.

20 Q. And was there a particular more personal reason why you would  
21 know Sergeant MacIntyre and he may know you?

22 A. Well, I had bought a car off of him.

23 Q. Yes?

24 A. That's about it, and I thought he gave me a good buy.

25 Q. Okay. So you purchased a car from him prior to giving this

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1 statement, is that correct?

2 A. Oh, yes.

3 Q. Okay. Now, you've been shown Exhibit 65, which are these two  
4 yellow sheets that you have of complaints signed by Cameron  
5 Paul.

6 A. Yes.

7 Q. Would it be fair to say that these two sheets represent a  
8 snapshot of the kinds of problems that the Indian youth were  
9 encountering in this time period of October, 1970, and nothing  
10 more than a snapshot at a particular point in time?

11 A. I will say these would be problems that they would've  
12 encountered all that summer. There could've been more of  
13 them, but these are the main areas that they were involved in  
14 in October.

15 Q. Yes. And I guess my point to you is that the complaints that  
16 the Indian youth had about the Police Department was much  
17 more widespread than is represented in Exhibit 65?

18 A. Oh, yeh. These only involves juveniles.

19 Q. Yes. And -- But even the problems with the juveniles were  
20 much more widespread than the contents of that sheet?

21 A. Oh, yes.

22 Q. Thank you. Indeed in Exhibit 66, the Community Relations  
23 and the Law Project -- Now, looking at the last paragraph  
24 of the first sheet here. It refers to:

25 . . . a great number of Indians.

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1                   They are constantly picked up by  
2                   police officers. They don't have to  
3                   be drunk. They might be standing on  
4                   a streetcorner, driving around the  
5                   city or highways, and they look  
6                   Indian. Police officers often seem  
7                   threatened by minority groups and,  
8                   therefore, since they have the upper  
9                   hand, they enforce their authority.

10                  Would that be typical of your understanding of what was going  
11                  on in 1970 or '71?

12                  A. Yes, and throughout right up until the time this submission  
13                  was made.

14                  Q. Okay. Now, with respect to this submission, is it fair to  
15                  summarize your understanding of Sergeant MacIntyre's response  
16                  that was one of saying there was no need for this project?  
17                  No need?

18                  A. That there -- On his --

19                  Q. Yes. From his perspective, he wouldn't support it because  
20                  there was no need for the project?

21                  A. I don't think Sergeant MacIntyre felt very comfortable with  
22                  the project.

23                  Q. Yes.

24                  A. It's not a matter that it wasn't needed because we certainly  
25                  knew that the project was needed and that -- I don't know. Look  
26                  at it matter today, maybe he didn't want us to uncover anything.

27                  Q. Yes. It's fair to say that the objective -- the overall  
28                  objective of the project was to improve the relationship with  
29                  the Police Department?

1 A. That's right, and with that in mind, placing a liaison person  
2 to work closely between the police and the courts and the  
3 Indian people.

4 Q. And it's also fair to say that this document suggests that  
5 from the Indian perspective, there were serious problems  
6 that needed to be addressed?

7 A. Definitely.

8 Q. Is it not the case that there was another earlier study done  
9 under the auspices of the Canadian Council of Christian and  
10 Jews here in Sydney?

11 A. There was some kind of a survey that was done in high schools  
12 here in the city of Sydney, and that was -- Again, like you  
13 mentioned, it was done by the Canadian Councils of Christians  
14 and Jews. I don't have the results of that with me.

15 Q. Are you familiar with the fact that a video tape was made of  
16 an interchange or exchange between the Sydney Police  
17 Department, the R.C.M.P., the Black Community, Black youth,  
18 and Indian youth?

19 A. Yes, and from my understanding, that's still on file some-  
20 where in the Toronto office. Or are you referring to the  
21 other one that was canned by CJCB?

22 Q. Well, actually, I'm referring to the one that C.B.C. made a  
23 television program of.

24 A. Okay, that one would've been done for the Canadian Council  
25 of Christians and Jews and it --

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- 1 Q. Yes.
- 2 A. -- would be in their --
- 3 Q. And that was approximately in the mid '70's?
- 4 A. That would be way before this project, yes.
- 5 Q. And yet, despite that, things had not improved by the time
- 6 this project was suggested?
- 7 A. No.
- 8 Q. Thank you. There's been some reference to Mr. Marshall, Sr.,
- 9 being Grand Chief; would you agree that it's more customary to
- 10 refer to him as Grand Chief of the Micmac nation? Do you
- 11 refer to him as Grand Chief of the Micmacs or Grand Chief
- 12 of the Micmac tribe?
- 13 A. Any or all as long as if they are Micmacs from here to
- 14 Quebec.
- 15 Q. Yes.
- 16 A. He is the Grand Chief, as far as I'm concerned.
- 17 Q. Okay. And the Grand Council that he is the Grand Chief of,
- 18 is it traditional structure of Micmac government?
- 19 A. It is a form of a Micmac government. They are captains --
- 20 Q. Yes.
- 21 A. -- appointed within their own ranks.
- 22 Q. And my point is that it's different than the Indian Act
- 23 Chief and Council mechanism?
- 24 A. Exactly.
- 25 Q. Okay. And the traditional area that the Micmac nation covered



1 stretches from the Gaspé in Quebec, along the north shore of  
2 New Brunswick, all of present-day Nova Scotia, and the south  
3 portion of Newfoundland, and Prince Edward Island?

4 A. Right.

5 Q. And are you aware -- You were asked this question about  
6 Micmac or about Indian lawyers in Nova Scotia. Are you aware  
7 of any Micmac Indian who is a lawyer operating in any of  
8 that traditional territory.

9 A. No. Mr. Nicholas is Malecite.

10 Q. Yes.

11 A. He's the only lawyer that I know of. There were two Micmacs  
12 that have tried to get into the legal profession, and I  
13 don't think they were very successful.

14 Q. Yes. So to your knowledge, Mr. Nicholas is the only Indian  
15 lawyer in the Atlantic Provinces?

16 A. Yes.

17 Q. And he's a Malecite rather than a Micmac?

18 A. Right.

19 Q. Now, with respect to Exhibit 64, the covering sheet from  
20 the Highlander, and the first page and Exhibit 63, which  
21 I believe comes from the Cape Breton Post, relating to the  
22 complaints that were brought to the city over the policing  
23 on the Sydney Reserve. I wanted to draw your attention to  
24 a couple of things in there. First of all, there is a  
25 reference in the Highlander article to the Police Commission,

1 and if I could direct your attention to the middle portion  
2 of that, it says:

3 The Police Commission ordered an  
4 investigation into the alleged police  
5 disinterest in Membertou complaints  
6 and set up a committee to talk over  
7 the problem with Reserve residents and  
8 authorities.

9 Do you know whether the Police Commission in fact did conduct  
10 any investigation into these complaints?

11 A. No, I don't. Basically, the committee that was set up then  
12 was to see what kind of an agreement we could come up with  
13 in relation to improving policing services and with the  
14 appointment of the Special Constable. But they, themselves,  
15 did not initiate any kind of an investigative work that I  
16 know of.

17 Q. Okay. And the Band Constable was appointed some time after  
18 these complaints were brought to the city's attention?

19 A. Finally, yes, when we received a go-ahead from the Department  
20 of Indian Affairs.

21 Q. And that Band Constable we see in the documents we've  
22 mentioned is Mr. Fred Googoo, and is it fair to say that  
23 one of the reasons for his resignation was frustration and  
24 the lack of cooperation from the Police Department?

25 A. That was one of them, and the other one would've been salary  
and hours of work.

Q. And I think you've already gone into that somewhat. I'd like

1 to direct your attention to the portion in Exhibit 64, the  
2 letter from yourself of February the 13th, 1970, with  
3 respect to the role of the Sydney Police Department in  
4 relation to the Band Constable. I'm looking at --

5 A. Yes.

6 Q. Paragraph 2 in here suggests that -- while the Contable's  
7 under the direction of the Council, that person was to be  
8 trained on all aspects of police work by the City Police staff  
9 and for that constable to work and assist the City Police  
10 in carrying out the policing on the Reserve. Is it your  
11 understanding that Mr. Googoo received any training on police  
12 work from the City Police staff?

13 A. Not to my understanding.

14 Q. All right.

15 A. And we've had -- Just to follow up that, the previous letter  
16 that you were shown of September the 7th, 1970 to Chief  
17 MacLeod of the Police Department, it's -- this is described  
18 as a Special Constable Progress Report at the top of it.

19 A. Yes.

20 Q. Is it fair to think that you directed this letter to the Chief  
21 of Police about the activities of Mr. Googoo because you felt  
22 that he was acting under their supervision, and that they  
23 could call these incidences to his attention and help him  
24 be a better policeman? That was your objective?

25 A. That was our objective and to do some corrective work with the

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- 1 constable.
- 2 Q. And it's your understanding that it's that particular kind of  
3 function that the City Police fell down on?
- 4 A. Fell down?
- 5 Q. Yes, that they didn't fulfill that function well?
- 6 A. They didn't fulfill it, no.
- 7 Q. Going back to the previous letter at the bottom, Paragraph No. 1  
8 says:
- 9 City Police, however, will patrol . . .  
10 It's at the end of that package. Number 5.  
11 City Police, however, will patrol and  
12 carry out its duties in a normal  
13 manner using the Band Constable where  
14 necessary.
- 14 A. Yes.
- 15 Q. Is it fair to think your understanding was that the City  
16 Police would continue to carry out functions on the Reserve?
- 17 A. Patrolling and doing preventive work. Yes.
- 18 Q. Yeh.
- 19 A. And that if they ever required the services of the Constable,  
20 that he would be made available to them.
- 21 Q. And the Constable wasn't a replacement for normal policing  
22 activities?
- 23 A. No. No, definitely not.
- 24 Q. He was simply an adjunct of some kind. And Mr. Googoo didn't  
25 last very long in this job, did he?

1 Q. In fact, he had resigned his position prior to the Seale  
2 stabbing? Not sure on that one?

3 A. Is it somewhere in our records? I -- We do have a letter  
4 of his resignation there somewhere, but I'm not sure exactly  
5 what date. He wouldn't have been involved in the Seale  
6 stabbing, no.

7 Q. In the investigation or dealing with police -- with the  
8 Indians on the Reserve?

9 A. No, he would've resigned way over that -- before that.

10 Q. Okay. And was there one other person who served as Band  
11 Constable?

12 A. There was one other after 1975.

13 Q. And his name?

14 A. Danny Paul, but not the same Danny Paul we referred to  
15 earlier.

16 Q. Yes. And how long was he in that position?

17 A. I'm not sure. A couple of years, I thought.

18 Q. And is there a Band Constable today?

19 A. No.

20 Q. You've been referred by Mr. Pink to a statement attributed  
21 to the City Solicitor, Mike Whalley, that the Sydney Police  
22 had no jurisdiction in the area of the Reserve. I'm not  
23 asking you to provide any kind of legal opinion on this, but  
24 is it fair to say that at about this time there was some  
25 confusion expressed as to who had authority over the actual

ROY A. GOULD, by Mr. Wildsmith

- 1           policing?
- 2           A. I think the bottom line of it was, at the time, there was  
3           a question, the City of Sydney had not been paid for their  
4           services that were extended to Membertou, and I think to  
5           get the proper jurisdiction in the -- so that the city of  
6           Sydney would benefit from extending the services, that's  
7           when the question arose whether or not they had jurisdiction.
- 8           Q. Well, without asking for a legal conclusion from you as to  
9           whether they had jurisdiction or not, it was your under-  
10          standing as Chief that they could patrol your Reserve?
- 11          A. They were doing it before I was Chief, and I assume that  
12          something must have been in place.
- 13          Q. Okay. There has been some reference to the Micmac Friendship  
14          Centre on Gottingen Street in Halifax. Can you describe  
15          something about the nature of Gottingen Street?
- 16          A. It's in the north end of the city of Halifax. It's situated  
17          right in -- predominantly in the Black community of Halifax,  
18          and right at center of the main drag, which would be the  
19          shopping areas.
- 20          Q. And is it one of the more prosperous shopping centers of  
21          Halifax or just the opposite?
- 22          A. If you compare it to Spring Garden Road and -- No. I think  
23          they're making headway now to improve it.
- 24          Q. Yes. But it's in fact that case that --
- 25

ROY A. GOULD, by Mr. Wildsmith

1 MR. CHAIRMAN:

2 Gottingen Street or Spring Garden Road.

3 THE WITNESS:

4 Pardon?

5 MR. CHAIRMAN:

6 I said Gottingen Street or Spring Garden Road.

7 THE WITNESS:

8 Oh, Gottingen Street.

9 BY MR. WILDSMITH:

10 Q. To put this in a different way, would it be fair to say that  
11 Gottingen Street is generally regarded as not one of the more  
12 desirable locations in Halifax?

13 A. Oh, you won't hear that from me. I have to go to Halifax every  
14 now and then, but basically it is a pretty run-down area.

15 Q. Okay. Thank you. There was some reference to a case that  
16 you were involved in with respect to kindergarten and with  
17 respect to Micmac children from Membertou being in that  
18 kindergarten?

19 A. Yes.

20 Q. And the way that you've described it is that the kindergarten  
21 operated on a segregated basis that the Micmac children were  
22 not integrated or mixed in with the other children. Is that  
23 correct?

24 A. That was our intention when we placed them in there, yes.

25 Q. That you thought they would be integrated?

ROY A. GOULD, by Mr. Wildsmith

- 1 A. Yes.
- 2 Q. As a matter of fact -- In fact they were separated or  
3 segregated?
- 4 A. Yes, it was some time later that we found that they had been  
5 separated.
- 6 Q. And the other children that they were separated or segregated  
7 from, were they all White?
- 8 A. Yes.
- 9 Q. Thank you. And you made a somewhat veiled reference to the  
10 Human Rights Commission not resolving this complaint after  
11 a period of time of a year and a half (I think you said) because  
12 of political interference?
- 13 A. We thought that as a result of that investigation it was  
14 hindered by some political influence.
- 15 Q. Without necessarily saying whether this was true or not, was  
16 it your belief and understanding that that political interference  
17 was because a Minister of Social Services in the Nova Scotia  
18 Government had his children in the same school?
- 19 A. That was our understanding but I don't have the exact proof  
20 whether or not those children were in there, but there was  
21 a close relationship between that particular minister and  
22 the lady that ran the school.
- 23 Q. Yes, and again without naming names is it your understanding  
24 that that particular Minister later became a County Court Judge?
- 25 A. Yes, and since deceased.



ROY A. GOULD, by Mr. Wildsmith

- 1 Q. Since deceased. Now you mentioned not having any problem  
2 coming into the City of Sydney yourself. Is that, do you  
3 think, because you don't exhibit very strong ethnic features?
- 4 A. It's possible.
- 5 Q. You think that you may have been treated in a different way  
6 because you don't look like an Indian?
- 7 A. It's possible.
- 8 Q. Do you think it's more than possible?
- 9 A. I don't take any shit off anybody.
- 10 Q. Well, I guess it's the opposite question I'm really asking  
11 you is whether you think that you don't have as much of a  
12 problem as many Indians because you don't look as Indian?
- 13 A. I would be able to go anywhere I pleased and be accepted  
14 compared to some of my own Indian friends, yes.
- 15 Q. And having -- having said that do you know of problems that  
16 other Indians, other Micmacs from Membertou have received  
17 when coming into Sydney?
- 18 A. Mostly in the -- the bars and the taverns. They would be  
19 looked down on and their service would be slower. If they  
20 do get a little loud they would be barred more easily than  
21 non-Indians and that type of situations are encountered.
- 22 Q. Okay, and if I understand you correctly you're saying that the  
23 Micmacs are treated worse than other patrons -- other White  
24 patrons in the same circumstances?
- 25 A. Not worse but differently.

ROY A. GOULD, by Mr. Wildsmith

1 Q. Slower service is not better.

2 A. No, I mean I don't want to use the word "worse". I still have  
3 to go to some of these bars, but they are certainly not getting  
4 the type of service that others are getting.

5 Q. Okay.

6 MR. WILDSMITH:

7 My Lords, I do have a number of other questions. I understand that  
8 four o'clock is the normal break day today and people are  
9 interested in catching planes.

10 MR. CHAIRMAN:

11 Only to accommodate all these people that live in Halifax.

12 MR. WILDSMITH:

13 Yes.

14 MR. CHAIRMAN:

15 Those of us who live in other places can wait. You have no  
16 objection -- Is it convenient for you to come back on Monday  
17 morning, Mr. Gould.

18 THE WITNESS:

19 Oh, I'll be here until you're finished.

20 MR. CHAIRMAN:

21 All right.

22 MR. WILDSMITH:

23 Thank you, My Lord.

24 MR. CHAIRMAN:


25 We're adjourned until Monday next.

INQUIRY ADJOURNED AT 3:56 o'clock in the afternoon on the 29th  
day of October, A.D., 1987.

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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 29th day of October, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.

  
Judith M. Robson  
Official Court Reporter  
Registered Professional Reporter

**Sydney Discovery Services**  
October 29, 1987