

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

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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
20
21
22 JMR
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25

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

1 Q. On that subject?

2 A. Yes.

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

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

9 Q. Sir, what's the vigilante group?

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

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

17 A. Yes.

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

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

23
24 *JMB.*
25

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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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 department
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.
- 11 Do you understand what he was getting at by that?
- 12 A. I think that he had made application for full parole. And
13 rather than waiting two or three years for this Appeal to
14 run through it's course, he figured he might have a better
15 chance at getting out with the Appeals -- with the Parole
16 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 | 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 |

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

ROY A. GOULD, by Mr. Chairman, by Ms. Derrick

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.

ROY A. GOULD, by Ms. Derrick

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.

ROY A. GOULD, by Ms. Derrick

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.

ROY A. GOULD, by Ms. Derrick

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?

ROY A. GOULD, by Ms. Derrick, by Mr. J. Pink

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

ROY A. GOULD, by Mr. J. Pink

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

ROY A. GOULD, by Mr. J. Pink

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?

ROY A. GOULD, by Mr. J. Pink

- 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.

ROY A. GOULD, by Mr. J. Pink

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

ROY A. GOULD, by Mr. J. Pink

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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.

ROY A. GOULD, by Mr. J. Pink

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.

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

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

13 | A. Yes.

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

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

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

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

25 | And then it says: John MacIntyre.

ROY A. GOULD, by Mr. J. Pink

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Do you know what that means?

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

Jmk

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

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.

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

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

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

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

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

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

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

23 | A. Okay.

24 | Q. Were any of those complaints that are set out on page 65,
25 | 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

ROY A. GOULD, by Mr. Ross

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

ROY A. GOULD, by Mr. Ross

- 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.

ROY A. GOULD, by Mr. Ross

- 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

ROY A. GOULD, by Mr. Ross

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

ROY A. GOULD, by Mr. Ross, by Mr. Wildsmith

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

ROY A. GOULD, by Mr. Wildsmith

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

ROY A. GOULD, by Mr. Wildsmith

- 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

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- 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?

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- 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.

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- 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:

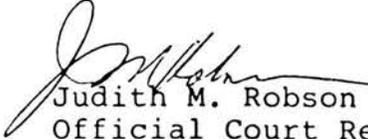
25 We're adjourned until Monday next.

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