

13012 MS GOULD, EXAM. BY MR. SPICER

1 MR. PRINGLE

2 We have no questions, My Lord.

3 MR. BAILEY

4 No, thank you very much.

5 MR. CHAIRMAN

6 Thank you very much, Superintendent Vaughan. A short
7 recess.

8 11:00 a.m. INQUIRY RECESSED UNTIL 11:21 a.m.

9 MR. CHAIRMAN

10 Mr. Spicer?

11 MR. SPICER

12 Thank you, My Lord. The next witness is EVA GOULD.

13

14 EVA GOULD, duly called and sworn, testified as follows:

15

16 EXAMINATION BY MR. SPICER

17 Q. Your name is Eva Gould?

18 A. That's right.

19 Q. Where do you live?

20 A. Right now, I live at 126 Membertou Street Rear.

21 Q. Okay, now we're going to have a little problem hearing you, I
22 think. Can you talk a little closer to the mic, because your
23 voice is quite quiet and I'm having a little trouble picking it
24 up.

25 A. It might get better as my nervousness goes.

- 1 Q. Sorry? Okay. Ms. Gould, you were brought up on the
2 Eskasoni Reserve, is that right?
- 3 A. That's right.
- 4 Q. And your mother was Dutch; I believe your father is a native,
5 is that correct?
- 6 A. That's right.
- 7 Q. You left that reserve at about age 14.
- 8 A. That's right.
- 9 Q. At some point later on, you became involved in the native
10 court worker program in Nova Scotia.
- 11 A. Yes, in 19... It was the early part of '72.
- 12 Q. For how long were you associated with the native court
13 worker program?
- 14 A. If I can remember right, it was, like I say, the early part of
15 '72 right through to the... April '86, I believe it was.
- 16 Q. '76?
- 17 A. Yeah, I'm sorry, '76.
- 18 Q. Okay. During that period of four years... Were you, in fact, at
19 one stage of the game the coordinator of that program?
- 20 A. Yes, I was.
- 21 Q. For what part of that period of time were you the
22 coordinator?
- 23 A. I believe it was from the first... around January '74... I've got
24 to keep thinking. We're talking '74 here. '74 until '76 in
25 April.

1 Q. Okay, so basically...

2 A. When they terminated it at the time.

3 Q. The last two years, you were associated with the program.

4 A. Yes.

5 Q. Okay. During the time that you were associated with the
6 program from '72 to '76, did you appear in court fairly
7 often?

8 A. Yes, I did.

9 Q. Did you have an opportunity as a court worker appearing in
10 court to see various lawyers working in the courtrooms?

11 A. Yes.

12 Q. Did you have an opportunity to observe Donald C. MacNeil
13 from time to time?

14 A. Okay, I've got to put a picture on that face first, that name.
15 Yeah, he was a prosecutor, right?

16 Q. That's right.

17 A. Yes. Yes, I did.

18 Q. I remember I asked Mr. Francis this question, and I'm going
19 to ask you the same question as to whether or not you
20 observed whether or not Mr. MacNeil treated native accused
21 any differently than he would have treated whites?

22 A. What a question!

23 Q. If you're not able to offer an opinion, just say you don't know.

24 A. Well, I do know, so I can't say I don't know, but I can't
25 answer that a yes or no.

- 1 Q. Okay, well, just give me your answer.
- 2 A. I saw him quite often deal with natives and white people in a
3 number of different ways. Some that I was quite shocked at
4 and some I was quite pleased with.
- 5 Q. Overall, did you have any sense that he treated natives in a
6 discriminatory fashion, in a way that was less respectful than
7 he would have treated whites?
- 8 A. That's the exact word I was just about to use. I was going to
9 say often there was not as much courtesy, not as much
10 respect, and it was almost as if, "Get this over with and get
11 you out of my way. You're just a nuisance and a bother, the
12 whole works of you."
- 13 Q. That last comment, you're saying, refers to the way that he
14 dealt with natives from your experience?
- 15 A. Natives and ourselves as court liaison officers, or court liaison
16 people.
- 17 Q. Would he deal with people other than natives in that fashion?
- 18 A. Honestly, I'd say yes, I have seen him deal with other people
19 in that fashion, too.
- 20 Q. Can you say whether or not those people would have been
21 poor people, white people, blacks?
- 22 A. Yeah. I think there was a little more respect shown to people
23 that came from a higher or better class or a more well-
24 educated type of person.
- 25 Q. You correct me if I'm wrong, but can I summarize what

1 you've just said as meaning that, from your experience, Mr.
2 MacNeil treated people from lower socioeconomic classes with
3 less respect and that happened to include natives in large
4 part?

5 A. Sometimes. I'm having a problem seeing you and I'm having
6 a problem...

7 Q. Is it the light? If I stand, if I get my head so that my shadow
8 is over you, is that better?

9 A. Yes, thank you.

10 Q. I'll try not to move. Did you also have an opportunity to
11 observe Simon Khattar?

12 A. He's a lawyer?

13 Q. Yes.

14 A. Yes.

15 Q. And the same question, did you have an opportunity to
16 observe whether or not, in your view, he treated natives any
17 differently than anybody else in the courtroom?

18 A. I don't know in court as per se when the session, like the
19 court is in session. But I've seen him dealing with native
20 people just prior to getting into court, let's say, preparing for?

21 Q. Right.

22 A. In a fashion that, to me, was condescending.

23 Q. In what sense?

24 A. In that talking to them, the tone was "Let's rush and hurry,"
25 and "Are you sure that's what you're saying and you're not

- 1 just making it up?" Or "Are you not lying? Isn't that what
2 I'm saying more what you mean to say?" This type of thing.
- 3 Q. Did you ever see him doing that type of pre-court preparation
4 with witnesses that were not native?
- 5 A. No, because I had no opportunity to be in an area where he,
6 with him at that time.
- 7 Q. So you're not able to say whether or not he treated natives
8 any differently than whites in that respect?
- 9 A. No, I...
- 10 Q. Okay. During the time that you were with the court worker
11 program, are you able to tell us, generally, whether you
12 sensed that native defendants had any difficulties, language
13 difficulties, in the courtroom?
- 14 A. Some of them had some of the time.
- 15 Q. Right.
- 16 A. But not all the time and not always. When I was... Can I
17 explain something to you?
- 18 Q. Yes.
- 19 A. When I was dealing with the native person in court or
20 whoever we happened to be dealing with that was a part of
21 that judicial system at the time, whether it was a probation
22 officer, parole officer, a judge, a prosecutor, or a lawyer, or
23 who, Children's Aid, whoever, I would take the native person.
24 They would tell me, talk to me about... The native person
25 would tell me what their concern or what they were trying to

1 pass on to the party that we were talking to.

2 Q. You were acting as a intermediary, more or less?

3 A. I would try and make sure that I understood and passed it on
4 to the party we were talking to. Like there's three people
5 now sitting here having these discussions, and I would then
6 clarify with the native person, "Did I understand you right
7 and is that what you're meaning to pass on to this person?"
8 And they would verify or not verify. And if they didn't, we
9 would take the time to try and, you know, make sure we
10 understood what the native person was getting, trying to get
11 across. And if we couldn't, we would bring in somebody that
12 was more fluent and more able, because I never professed to
13 be fluent in Micmac. I have a good working command of it.
14 It's a very complicated language. I understand it better than
15 I can speak it back. And I was always very careful and lots
16 of the times, especially when we were dealing with the
17 National Parole Service and Adult Probation and Legal Aid
18 and the Juvenile Courts and the Family Court systems, we
19 were always asked to be very patient with making sure the
20 people understood, I always had to make sure.

21 Q. Did you ever have occasion to ask for the use of an
22 interpreter?

23 A. Yes, I... Do I understand you right? Did I ever go to the court
24 and ask them if I could interpret for someone?

25 Q. Of if you wanted to have...

1 A. Or if I could bring in somebody else?

2 Q. Bring in an interpreter?

3 A. Yes, we did.

4 Q. Did you ever see judges do that of their own initiative?

5 A. Yes, I was going to add, and I also had several, or quite often
6 I've had a judge feel that he wanted to make sure this person,
7 and I can think of a couple of specific cases. He wanted to
8 make sure these people understood, so he asked, since I was
9 sitting there, if I would act as an interpreter or if I could get
10 someone to act as an interpreter for them.

11 Q. Do you remember who the judge was?

12 A. I remember... Let me see, I've got to put a name on this
13 picture again. Lavette, George Lavette. I remember him
14 doing that, especially in the courts in Baddeck. And I
15 remember O'Connor, Charles? John F. did it.

16 Q. John F. MacDonald?

17 A. Uh-huh. And the family court one, Edwards? I believe there
18 was an Edwards in Family Court. Now this is awhile ago and
19 I'm trying to remember these names and I've got all kinds of
20 faces in my head.

21 Q. Did you ever experience any difficulty when you requested
22 an interpreter with a judge saying, "No, you're not going to get
23 one"?

24 A. Yeah, I've had that happen too. "I don't see the need for it. I
25 don't feel that there's a need for it. I've dealt with this

1 person before and had no problem." And I was told that the
2 request was not going to be granted by some of those same
3 judges.

4 Q. Some time ago, in fact, it seems a long time ago now, Bernie
5 Francis gave some testimony concerning an incident involving
6 Lou Matheson and Judge John F. MacDonald. And later on,
7 when John F. MacDonald gave his testimony, he was being
8 questioned by Mr. Ruby about that incident and it's apparent
9 from Mr. Ruby's examination that you had spoken either to
10 him or to counsel working with him and Mr. Ruby had
11 suggested to John F. MacDonald a version of that story, which
12 I'm just going to review with you now and ask you whether
13 or not this is your recollection of it, because Mr. Ruby
14 certainly suggested to John F. MacDonald that this is your
15 recollection of the story.

16 A. Can I ask you not to review what you've got there and just
17 tell you what I remember?

18 Q. You can go ahead and do that, if you'd like, sure.

19 A. That's why I didn't want anybody talking to me. I don't want
20 to try to... I want to remember it like I remembered it. I
21 think the incident they were referring to happened in a
22 courthouse in Sydney. Lou Matheson was prosecuting that
23 day. John F. was the judge. There was several legal aid
24 lawyers there and several... Well, the court docket was quite
25 heavy on that day. There was also on that day, part of the

1 court docket consisted of about five or six native people,
2 several of whom had been there, like repeatedly. One
3 particular person had been there, like I think this was her
4 third or fourth time in a period of four months and I had
5 been there with her a couple of times previous to that and
6 had remembered hearing a judge almost pleading with her,
7 "Don't come back into this court because I don't know what
8 I'm going to do with you," this judge.

9 Q. Same judge? John F?

10 A. Yeah, and then she's there and all of a sudden, he realizes
11 who it is and he was... I mean he was having not too good a
12 day because he was, I mean he was obviously in a rush and
13 he was tired and he was a little bit upset over something.
14 And he came to this native person and he was getting a little
15 bit, I guess, tired with all the native crimes coming up or
16 something and he says... he called this name and a person
17 stood up and he looked and he said, "Oh, no, not you again.
18 What are we going to do?" And he looks over at the other
19 person sitting there, which is the prosecutor, and he says...

20 Q. And is that Mr. Matheson?

21 A. Uh-huh, and he says, "What are we going to do to keep her
22 out of this court? We'll build a fence around the reserve or
23 what?" And Mr. Matheson half stood and half didn't, like he
24 just got up on one, and says, "I don't know, Judge, maybe we
25 have to."

1 Or something to that nature. And he sat back down and
2 then the Judge looked at the lady and he says to her...she's
3 standing there now in front of the...well, wherever it was
4 they stand there, you'd have to see the courtroom to see
5 what I can picture.

6 11:35 a.m.

7 Q. Right.

8 A. And he says to her, "What am I going to do with you?
9 You're here again." and then the case just went on. Mr.
10 Francis stood up, I think, just between...before that...after
11 Matheson made his comment, Bernie jumped up and said
12 something to the Judge about his statement and the Judge
13 looked at him and said, "Order in the court, be seated or
14 leave," or something like this.

15 Q. Uh-hum.

16 A. Bernie Francis then got up, went to the door and banged his
17 way out of the courtroom and I thought he left. I stayed.
18 There was several more people there and this girl was quite
19 upset, she was already very nervous and then she didn't
20 know what was going to happen to her really.

21 Q. This is the defendant now you're talking about.

22 A. And I just said, I was sitting very near her so I just said to
23 her, in MicMac, as best as I could, I said to her, "Just keep
24 calm and try to take a couple of deep breaths."

25 Q. Was...

1 A. And then she said something, I don't know, I don't
2 remember, she started talking to the Judge and then the
3 Judge read her sentence to her and she, I think it was that
4 she pleaded guilty and the court just went on, the next
5 people, the next people, the next, then we left.

6 Q. Was there then a meeting in Judge MacDonald's office?

7 A. Okay. When I went...when we all left the court chambers
8 and went out into the hall to leave the building, Bernie
9 Francis was still there. I thought he had gone because he
10 had been out there for quite some time.

11 Q. Right.

12 A. He then...he was very upset, his face was all flushed and he
13 was quite upset. He said...I thought we were going to go and
14 he said, "Come on." He was very upset and his voice tone
15 was very harsh and he was my boss and he says, "Come on,
16 we're going to go down there. I'm going to let him know he
17 can't get away with remarks like that."

18 Q. Now, who is "he" now, who is he talking about? The Judge
19 or Matheson?

20 A. The judge.

21 Q. The judge, okay.

22 A. And he went down, we went down the hall and he went into
23 the little office and he requested to see the Judge. We were
24 told that he was busy right now. There was several people
25 there. He said, "Well, I'll wait and I'll wait as long as I have

1 to." And I looked at him and I said, "Bernie, maybe we
2 should go and come back later or whatever," and he said,
3 "No, I'll wait." He kept saying, "I'll wait." A few seconds
4 later, I think the girls name was Olga, she went back in and
5 she said to the Judge, "Mr. Francis is still here and he's
6 insisting on waiting," and the Judge said, "I'll see him," and
7 Bernie says, "Come on, let's go." He went in and then they
8 had the discussion.

9 Q. What was the discussion?

10 A. The Judge's office was very small so Bernie went in up to
11 the Judge's desk and it had only took maybe one or two
12 footsteps to get him right to the Judge's desk and, oh, my
13 mind went blank. He says, his voice is very loud and he's
14 talking...

15 Q. Who's this, Bernie now or the Judge?

16 A. No, the Judge didn't say anything, not yet. Bernie is
17 expressing his displeasure with what the Judge had said and
18 indicating that he was discriminatory and that he wanted an
19 apology. I believe he said he wanted a public apology.
20 Anyways...

21 Q. Where are you at this point? Are you in the room too?

22 A. I'm in the room at the door.

23 Q. Right.

24 A. Like I'm right at the entrance of the door because Bernie
25 says, "Come on, come on." So anyway, the discussion goes on

1 and the Judge has by this time pushed his chair a little
2 bit...as far back as he could push it against the wall and he's
3 sitting there and he says. My mind has gone blank again.
4 He says something, anyways to the effect that he was...he
5 didn't feel he had anything to apologize for or something
6 like this and then there was some exchange, quite loud,
7 between the Judge and Bernie and Bernie, I can remember
8 Bernie hitting the desk and the Judge's face turning white
9 and I says to Bernie, "Come on, Bernie, I think we should
10 leave." And Bernie says something like, "I'm going to go
11 report this to the Union of Nova Scotia Indians and Human
12 Rights," or something and the Judge says, "Well, it's my court
13 and I can do what I want; I don't care if you take it back to
14 the Union." Or, "Take it back to the Union if you please, it
15 doesn't bother me," or something like that and Bernie just
16 turned around and grabbed me by the arm or looked at me
17 and says, "Come on, let's get out of here," and we left.

18 Q. Your recollection then is that Bernie's comments were
19 directed towards suggestion that it was Judge John F.
20 MacDonald that had made the comment about the fence
21 around Eskasoni and not Mr. Matheson.

22 A. No, Matheson didn't say it. Matheson just sort of halfed
23 agreed with it because the Judge said it. Who he was saying
24 it to, I still don't know. He said it and when he was sort of
25 like finishing his statement or maybe when he was saying

1 the whole thing and he was sort of like looking at Matheson,
2 who was sitting there and that's why Matheson sort of half
3 got up and says, "Yes," whatever he said to him.

4 Q. Have you had occasion to discuss your recollection of that
5 incident with Mr. Francis?

6 A. He came to the office where I worked, apparently it was
7 after he made the statement in front of...

8 Q. The Commission.

9 A. The Commission, I believe it was, one morning.

10 Q. Right. Did you relate to him your recollection of what, in
11 fact, had occurred?

12 A. I told him exactly what I just told you.

13 Q. Right. What was his response?

14 A. Gee, I don't remember right now. What was his response?
15 Oh, that I was probably remembering it different, and I said,
16 "Bernie, I even remember the clothes you were wearing that
17 day." But anyway. They talked to me a couple times about
18 how I remembered and didn't remember things, but I can't
19 help it. I don't think too many people that observed the
20 same thing would interpret it all in the same way anyway.

21 Q. At this point in time, you say you've had a couple of
22 discussions with Bernie about it. Do the two of you then still
23 disagree as to who made that comment?

24 A. I don't know, because I was never trying to agree or
25 disagree. I don't know where he stands on it. I just had

1 that one discussion with him when he came to my office
2 where I work now and then when I was talking to the lady...

3 Q. Anne Derrick.

4 A. Yes. Bernie...when she asked to talk to me about that, Bernie
5 was there and wouldn't leave and he sort of just again said
6 he remembered it a little different than I remembered it.

7 Q. So, it's fair to say that the two of you still have different
8 recollections of what happened?

9 A. I guess so, I don't...

10 Q. If I could just ask you for a moment, you have that Volume
11 41 in front of you, if you could turn to page 53 of that
12 volume. Actually probably I suppose 52.

13 A. Oh, yeah, I remember that, I made that up.

14 Q. Okay. You recognize the document that commences at page
15 52.

16 A. Yeah. I made that up when I worked in the Native Court
17 Worker's Program.

18 Q. Okay. And this is a document, is it, that describes in general
19 terms the functions...the function of the Native Court Worker
20 Program and what it was that the program was all about.

21 A. Very condensed, yeah.

22 Q. Sure.

23 A. The reason I made this up was to try and...there was some
24 form of it in existence but basically it didn't...it was
25 just...contained just a tiny portion. I just enhanced it a little.

1 The idea of this was to try and create an awareness amongst
2 everybody that we were working with as to exactly what we
3 were trying to do, not just the native community. They
4 were a little bit aware of it. But the people that we worked
5 with in the justice system, and if we left things like this
6 around I was hoping that they would have looked at it and
7 wanted to...I offered...I sent covering letters with these to
8 different offices indicating that "Here is what it's about and
9 I'd appreciate your looking at it, I would appreciate your
10 comments. If you have any questions we're more than
11 anxious to sit down and have a discussion with you on
12 them."

13 Q. You've had an opportunity to look at this document again in
14 the last hour or so.

15 A. I quickly skimmed it a few seconds ago, yes.

16 Q. Right. Are you able to tell us whether or not the items that
17 you set out in this document fairly represent what the
18 program was all about at the time in 1974 and '75?

19 A. Very briefly it was. To me the main idea of the program
20 was to liaison between the native people and the criminal
21 justice system. And, you couldn't put too much in here, so I
22 just tried to outline some of the duties and how we tried to
23 do that.

24 Q. Right.

25 A. With no budget to put something like this together and no

1 money to get it printed it was a chore. So, you couldn't put
2 too much in. Just enough to try and give a brief idea and,
3 yeah, I pretty well covered some of the main areas that we
4 worked in.

5 Q. At the time you were involved the court worker program,
6 were you satisfied that the native court worker program
7 was fulfilling a useful function?

8 A. Yes, it was. It was in that it was assisting some of the, well,
9 it was assisting the native people to better understand what
10 was happening to them, better be able to accept it and to
11 help themselves within the system, because to me it wasn't
12 just... you do something for someone to help them at a point.
13 You educate them how to help themselves in case this might
14 happen again in the future, and you...you also were there to
15 assist the non-native public that were dealing with native
16 peoples to become better aware of some of the problems
17 that they may have in understanding and relating to the
18 system.

19 Q. So, it...

20 A. So it did serve a function, although it was a very difficult
21 function in that you didn't belong to a specific group or
22 organization.

23 Q. Right.

24 A. You tried to fit in the best you could and tried to get
25 accepted the best you could. I think your personality and

1 the personalities of the people you were dealing with
2 sometimes made that a little easier and it sometimes it
3 didn't.

4 Q. And it wasn't then just a court worker program per se. If
5 I'm hearing you correctly, it involved liaison with a lot of
6 agencies other than just the court.

7 A. It was with all agencies really. We did an extensive amount
8 of work with National Parole Service, with Adult Probation
9 Services, with Children's Aid and family adoptions. I've
10 done change of names. I worked with change of names with
11 Legal Aid, with private practising lawyers where they would
12 handle native cases when the native people could afford it
13 and like they wanted to know something about how do you
14 find out this or who in the community should I contact
15 about this or which government department or Indian
16 Affairs department or whatever. Yeah, it was not just in the
17 courtroom or helping somebody get a lawyer to get to court.
18 And then there was a lot of after court work. If the
19 sentence was, like follow up, I guess, is the words that I'm
20 looking for.

21 Q. With a view to educating the native person how to deal with
22 the system and to educate white people how to deal with
23 natives in the system, is that a fair assessment? Yes.

24 A. Yes. I see that as the role of any facilitator in any position.

25 Q. Page 55, that volume. It's a note to Alex Denny care of

1 yourself and refers in September of 1975, it was the
2 understanding of the Attorney General's Department that
3 the Union had terminated the Court Worker's Program and
4 laid off all court workers. Can you explain to us why that
5 happened at that time?

6 A. I don't know. I...

7 Q. Do you remember it happening?

8 A. I was never laid off, that's why I'm confused at this. I
9 remember some type of political thing now, there was two
10 organizations starting up.

11 Q. Uh-hum.

12 A. And it had something to do with federal funding and
13 provincial funding, but I was actually never laid off from
14 the time I started work until the time I finished in '76,
15 when the program finished and I had resigned anyway, ah,
16 because I had another job, but I don't know. I believe there
17 was something for awhile there to do with the Union and
18 provincial-federal funding and they wanted to not have
19 provincial funding and this was a provincially-funded
20 program. And, then again the Union of the Non-Status and
21 Métis Association, I think, and I think the Union had some
22 funding problems within itself and didn't think it could
23 continue to carry some of the programs that it was running
24 that time and was going to terminate a few of them or...

25

11:50 a.m.

1 Q. Do I take it from your comments that you don't fully recollect
2 what it was that happened at that time in 1975?

3 A. No.

4 Q. If I could just ask you to flip over to page 65.

5 A. And I'm really puzzled by that, because I know I was never
6 laid off. 65?

7 Q. Yeah, 65 and 66, I guess, which is a letter that went with it.
8 It seems to be a letter of resignation from yourself as
9 Coordinator of the Court Worker Program effective November
10 24, 1975. 65 and... That's it, 65 and then 66.

11 A. Okay. Oh, I remember him, Jim Crane.

12 Q. You told me a little while ago that you actually left in April of
13 '76. I'm just wondering, I can see in the note on 66 attached
14 to your resignation, there's somebody's handwriting that says,
15 "Withdrew her resignation until further notice."

16 A. I remember that. Like I said, I had several times wanted to
17 resign and I remember the...

18 Q. For what reason?

19 A. Actually, I don't remember all the reasons right now. I know
20 I had a family of about seven that I was running. I was
21 taking a course at university in the nights and I was running
22 this program, which took me all across the province.

23 Q. I guess all I'm...

24 A. And then there was problems within the Union itself.
25

1 Q. Were you dissatisfied with the way the program was going at
2 the time?

3 A. It was a very hard program to work with.

4 Q. For what reason?

5 A. The reason. If the program was set up a little differently, I
6 think it would have been easier for us to work and be
7 accepted by the people that we were trying to assist. Not
8 necessarily by the native people, but by the people within the
9 justice system.

10 Q. Can you give us some help then as to in what way do you
11 think the program could have been set up better so that it
12 would have been more readily acceptable?

13 A. I never thought of that, but we were trying to function...
14 What we were trying to do was assist judges, lawyers,
15 prosecutors, probation officers in providing a service to or
16 dealing with a native person when the oppor... or the occasion
17 came up that they had to. And when you're trying to assist
18 someone in providing a service to someone else, when you
19 have not... When your command of their, you don't have too
20 great a command of the job that they're doing because you're
21 not in it.

22 Q. That's right.

23 A. You're not even a part of it. You ask a lot of questions. I asked
24 a lot of questions, did a lot of reading. If I was dealing with
25 National Parole, I got along with Jim MacNeil like a

1 father/daughter relationship. He helped me a lot to
2 understand a lot of things, and Bernie. Bernie MacNeil, I
3 believe his name is, too. He's still there. You had to try and
4 learn, let's say, the parole system in order to be able to help
5 them help the native and the native become more aware of it
6 and to understand it well enough. And then you'd have to, if
7 you were switching on the same day to work with Family
8 Court, you had to learn all about that again and you just had
9 to keep going around. Like, if we were properly trained or if
10 we were stationed in one or two... If you had native people,
11 let's say, a native parole officer that was a bona fide,
12 legitimate parole officer and that person was responsible for
13 all the normal duties of a probation officer, plus maybe the
14 extra duty of assisting when a native was in front of the
15 board of was on parole or whatever. Whether that person
16 was on parole to this native parole officer or to one of his co-
17 workers...

18 Q. Are you suggesting that it would have been easier for the
19 court worker program to work if there had been more native
20 representation on the institutional side as well as on the court
21 worker side?

22 A. I think so. We would be better able to understand what was
23 going on, let's say. The court worker program tried to be a
24 be-all to everyone and I think that was spreading yourself
25 much too thin. Because it was really hard. It took a lot of

1 study and work. And if you had a system where you had
2 several native people in some capacity working within some
3 of these departments, to be there as facilitators or to be there
4 as a part... Can I use myself as an example? I'm an employee
5 of the federal government, Employment and Immigration
6 Canada. I'm an employment counsellor, PM-2. I also assist
7 with native people that come to our department that require
8 the assistance. Not all of them do. I assist the native person
9 that wants the help and/or I assist a counsellor that wants
10 help in dealing with the native community or the native
11 client. So I'm an employee, I'm fully versed. I have a very
12 good command of all of the programs and services provided
13 by that particular department. And, therefore, I'm in a
14 position that I can walk in and fit into any situation or any
15 meeting or liaise or help in any way. And it makes it much
16 easier than if I were working for a department, whether it's
17 Indian Affairs, Union of Nova Scotia Indians, or whatever
18 other Indian organization exists, and was asked every now
19 and then, "Go to Employment and Immigration and help out
20 with this situation that they're trying to deal with or this
21 service that they're trying to provide to a native community."

22 Q. Did you have, during the course of your employment with the
23 court worker program, did you have a degree of liaison with
24 representatives of the provincial government?

25 A. Yes.

1 Q. How did you feel you were treated by the representatives of
2 the provincial government?

3 A. You're talking about who when you say "provincial
4 government"? I'd like specifics.

5 Q. You had some liaison, did you not, with the Attorney General's
6 Department?

7 A. Yes.

8 Q. Did you have any liaison with Mr. Coles and Mr. Gale?

9 A. Mr. Coles, Mr. Gale, and Mr. Crane. I worked very, very well
10 with Mr. Crane and very closely. We were on an advisory
11 board together and that's something that I had wanted
12 always because these people were funding the program.
13 They also were, I understood, the bosses of a lot of the people
14 that we were supposed to be working with. And they were in
15 a position to help liaison our working relationship with these
16 people. And Mr. Crane helped me out in many ways in
17 getting to be, in getting our aims and objectives of our
18 program, getting ourselves accepted and...

19 Q. Mr. Coles?

20 A. Mr. Crane more than anybody else.

21 Q. All right, but what kind of a relationship did you have with
22 Mr. Coles?

23 A. Mr. Coles, we had several meetings. We had several
24 discussions. We worked to try and improve. He would ask
25 how we felt it could be or couldn't be improved and I don't

1 remember too much else about him. Because everything was
2 sort of like delegated to someone under him, I think. He
3 appeared at several of our meetings. He seemed cooperative,
4 but sometimes frustrated.

5 Q. Frustrated by what?

6 A. He dealt more with... Mostly, he dealt with the, let's say, what
7 would be my boss.

8 Q. Right.

9 A. Not with me, per se.

10 Q. When you left the court worker program in April of '76, I
11 think you indicated a few minutes ago it was because you had
12 another job at that point.

13 A. That's right.

14 Q. Was there any... Was your leaving the court worker program
15 in any way attributable to any degree of frustration with the
16 program itself?

17 A. That's one of the reasons I wanted to leave. I was getting
18 very tired and... Can I get a Kleenex?

19 Q. Sure.

20 A. I was getting very tired and it was a lot of area to cover. You
21 had to be on the road a lot of the time and I had a big family.

22 Q. Was that unusual to you because you were the Coordinator
23 that you travelled as much as you did?

24 A. Well, even when I wasn't, I was still required to travel quite a
25 bit because there was not, like there was a lot of area to cover

1 and we only had, I think at one point, there was just Bernie
2 and I and I...

3 Q. You were responsible for the whole province or just for Cape
4 Breton?

5 A. No, the whole province. I'd go to court in Yarmouth, in
6 Windsor, in Antigonish, in Baddeck, in Louisdale, in Glace...
7 North Sydney.

8 Q. Are you able to say at this point whether or not you think
9 that a program like the native court worker program would
10 be, would still serve some use in Nova Scotia?

11 A. I think so. I think if you had a program and the people were
12 properly trained, people with empathy and compassion for
13 others, patience, and if the program could be somehow made
14 to be accepted by the system that we're trying to serve, the
15 court system, let's say, I think it would work well.

16 Q. Do you think that the court system, as you call it, did accept
17 the court worker program during the time that you worked in
18 it?

19 A. They were starting to become... Well, the first thing you have
20 to do is try to get them to accept you as a person and realize
21 that you're not there to sort of like watch them... I don't
22 know what word I'm looking for. I'm at a loss right now. But
23 there was a feeling there for the longest time, and some
24 people never let go of it. They made it very difficult for you
25 to work with them because the thing was, "Who in the name

MS. GOULD, EXAM. BY MR. SPICER

1 of God are you to come in here and even watch or suggest or
2 tell me or that I may need your help?" And the first thing
3 was to try to get yourself accepted, to build up your
4 credibility, your dependability, your reliability, and your
5 sincerity and just to get them to know you as a person. That
6 took a lot of work and a lot of effort and it proved to be very
7 successful and helpful. There are several people that I made,
8 got to know at that time that I'm still very close friends with.

MR. SPICER

9
10 Thanks very much.

MS. GOULD

11
12 Gee, when you said "Thanks very much," I thought you were
13 going to say that I could get down now.

MR. SPICER

14
15 No.

MS. EDWARDH

16
17 Just a couple of questions, Mrs. Gould.

EXAMINATION BY MS. EDWARDH

18
19
20 Q. I wanted to just pick up on an area that Mr. Spicer raised
21 with you, which was the process of acceptance in the courts
22 and just see if you could assist us in commenting upon. Was,
23 first of all, Sydney, in your experience in the courts in the
24 Sydney area, any different than your experience in the courts
25 throughout Nova Scotia?

1 A. I would say yes.

2 Q. Can you explain just for our benefit in what way it would be
3 different?

4 A. I think the only way I could explain would be to relate it to
5 situations. For one, the Sydney courtroom was always much
6 bigger and much busier and very, sometimes more formal
7 than, let's say, sittings in a courthouse in Baddeck that was set
8 up for court for that day only, or in Louisdale or in some of
9 the other places. I can remember being in a courtroom in St.
10 Peters and almost, well, you were always accepted as just
11 being... You were expected to be there. When you weren't,
12 they would call up and ask "Where were you?" "Is someone
13 on the way?" Or, "Are you coming?" And sometimes when
14 the judges were going out, I can remember one specific judge
15 wanted to make sure that we were going to be there, so he
16 called and offered to drive us out. The setting was less formal
17 and made it easier to fit in. You were more accepted. I think
18 they depended on you a little more because some of the
19 isolated or rural communities, the people spoke more Micmac
20 or were less well educated or more withdrawn or something
21 and it made it a little more difficult for them to relate to and
22 be related back to in the systems.

23 Q. Would it be fair then to summarize your observations as
24 indicating that your experience in Sydney showed that you
25 were less acceptable in the Sydney court system than in

1 perhaps smaller communities?

2 A. Yes.

3 Q. And in terms of dealing with, I'm going to use the term
4 resistance, in dealing with the resistance to your participation
5 in the courts, did you have an opportunity, for example, to sit
6 and discuss the role of, that you wanted to play or that Mr.
7 Francis wanted to play with the prosecutor, Donnie MacNeil?

8 A. I remember trying a couple of times before I became court
9 worker and I was told, "Well, if you want that, why don't you
10 get your bosses to do that? Get them to write me a letter or
11 something." And then after when I had a little more say in
12 the thing and we discussed it at one of our board meetings
13 and Mr. Crane wrote up a letter explaining the program and
14 we made these pamphlets and things and I went back at
15 another time and offered to, or indicated that I'd like to talk
16 to him and we did have some talk but I think it was more to
17 humour me than to anything else. That's the feeling I got
18 from that particular person at that time. But with many
19 others, it was quite receptive.

20 Q. No, but with respect to Mr. MacNeil for a moment, was there
21 any time with respect to your involvement with him that he
22 made any efforts to assist you in implementing the program?

23 A. Any efforts to assist in implementing the program? I think
24 the nearest effort he would have made to assist me in any
25 way was to ask me for my version of what he thought had

1 happened or what he, as a prosecutor, should know. Like he
2 was trying to get information from us.

3 Q. Would that be in terms of getting a statement from an
4 accused person through you?

5 A. Not so much a statement as like this is just before we're going
6 into court. I can remember a couple of times him coming and
7 saying, "Well, you know, this is...We don't have too much on
8 this case. What can you tell us about it?"

9 Q. Any other helpful activities?

10 A. Not really, because he was a very hard person to work with
11 or for or to try to communicate with.

12 Q. What do you mean?

13 A. He just made me feel that I was a nuisance, or we were a
14 nuisance and he didn't need us. He could do his job without
15 us.

16 Q. In fact, would it be fair to say with respect to him, he was one
17 of the individuals who was not accepting of your role?

18 A. He said he didn't need us.

19 Q. Now with respect to the bench and the judges that you dealt
20 with in the Sydney area...

21 A. But see, listen, the judges in the Sydney area are the same
22 judges, some of them, that went to Baddeck and Louisbourg
23 and some of those other places... I mean Arichat.

24 Q. I appreciate that, but mostly they don't sit throughout the
25 whole province, although they would sit in areas outside

MS. GOULD, EXAM. BY MS. EDWARDH

1 Sydney. Would they ever call upon your assistance or did
2 you ever have occasion to have a formal meeting with them
3 to discuss what you could do to assist them in the courts and
4 how they could use you to facilitate their own task?

5 A. Yes. Like I said, I had contacted all of, and Gordon... Jim Crane
6 had assisted in contacting all of the judges and prosecutors
7 and when I made a personal contact to them, several of them
8 responded.

9 Q. And when you say... Let's deal, first of all, with the bench.

10 A. We sat down and talked about my role in the courts and they
11 sort of indicated how they would like to use us and what they
12 thought we should be doing or could be doing and how we
13 could be helping and some of them said, "Well, we appreciate
14 it in any way that you could help us."

15 12:10 p.m.

16 Q. There's a comment that I wanted to draw to your attention
17 made by His Honour Judge MacDonald about his perceptions
18 of being uncomfortable with both yourself and Mr. Francis
19 because occasionally you would want to talk about individual
20 cases and, therefore, he felt he really shouldn't have anything
21 to do with you. Do you recall ever trying to speak to him
22 about individual cases and, if so, in what context would you
23 have occasion to have those kind of discussions?

24 A. He was one of the judges that we couldn't hardly get to talk to
25 period. I mean even to explain what we were doing. And one

MS. GOULD, EXAM. BY MS. EDWARDH

1 of the things we were, that was pointed out to us when we
2 started, me, when I started working in the Court Workers
3 Program and, again, when I worked with the advisory board,
4 I was, I used to ask, you know, just what role do we play in
5 relation in trying to talk to a judge about a case before it's
6 being heard and that was always a no-no. I don't think even
7 lawyers do that.

8 Q. No.

9 A. So we did not, I did not ever attempt to do it.

10 Q. Okay.

11 A. The only time I would talk to a judge is, and I had, I have
12 talked to John F. was after everything was finished.

13 Something very similar to Bernie Francis' instance would
14 happen, or if it happened, I would just very quietly, after the
15 thing was over, call him up or ask to see him and sit there
16 and just indicate to him, "Do you realize that this was said and
17 it could probably look like," just for the awareness. To create
18 the awareness so that maybe he would be a little more
19 cautious.

20 Q. And what was, for example, His Honour Judge MacDonald's
21 response when you would point to areas of your concern or
22 comments that may have been made that were questionable
23 or problematic?

24 A. I'd say it depended on his mood. If his mood was, sometimes
25 we was receptive, sometimes he admitted, or acknowledged, I

MS. GOULD, EXAM. BY MS. EDWARDH

1 can remember once him saying, "I think I have to be a little
2 more, I think I should be a little more on guard." Things like
3 that.

4 Q And on guard, was he relating that to a specific comment that
5 he had made in relation to native people?

6 A. Yeah, on guard to what he's saying.

7 Q And do you recall what that comment was?

8 A. Not right now, no.

9 Q If you could give us an overview of your observations of the
10 administration of justice in that time period in Sydney, would
11 you have any comment as to how native people were viewed
12 in the courts? Were they viewed differently? Were they
13 viewed in the same way? Was there any aspect of their
14 treatment that particularly bothered you?

15 A. That's almost the same as what he had asked and the answer,
16 I think, I understand it to be the same. The answer would be
17 like some, in, sometimes, I felt that a lot of the times it was
18 dealt with, like, let's get this over with and done with. It's a
19 nuisance. It's just a routine. Smack, dab, get it over with.
20 Nobody's going to complain. Nobody's going to know. If these
21 people don't watch us then it won't get anywhere.

22 Q Did you ever come to the conclusion in watching either the
23 court or native people interact with police or prosecutors, that
24 they were less likely to be believed or even the parole board.

25 A. Not necessarily the parole board. But the prosecutors and the

MS. GOULD, EXAM. BY MS. EDWARDH

1 judges. I've heard the question, I've heard the same question
2 put to the persons several, a person several times and asked,
3 the person asked, "Do you want to change your answer now?"

4 Q. And did you see that throughout the period of time you were
5 a court worker?

6 A. [No audible reply.]

7 Q. Yes, I'm sorry, the witness nodded "yes." Now there's one
8 other area that perhaps you could assist us with Mrs. Gould
9 which is any observations you have about the interaction of
10 police officers and native people who would be brought to
11 court. Can you assist us in identifying any problems you
12 observed between young native people charged, or even older
13 native people charged, and the police officers who they were
14 dealing with?

15 A. Police officers, you mean like the city police and the RCMP?

16 Q. Yes. Yes. Let's start with the city police first.

17 A. A lot of them were very afraid of the city police. A lot of
18 them didn't trust the city police and I don't think the city
19 police believed a lot of them because, I say that because they
20 would keep asking the same question over and over again
21 trying to see if they could get, seemingly clarification on
22 something that was crystal clear. Like, "Did you do it, yes or
23 no?" And the person would say no and they'd keep asking
24 the same, "Did you do it, yes or no?" And the person would
25 still say no, and well, "If I put it this way will you change

MS. GOULD, EXAM. BY MS. EDWARDH

1 your mind?" And then I've heard somebody say, "Well, I
2 don't think you're telling the truth."

3 Q. Why were individuals afraid? You used the term they were
4 afraid of the city police. What was transpiring in the
5 community that led you to that conclusion?

6 A. I don't really know what was transpiring in the community
7 because I can only speak for the individuals that I am
8 specifically thinking of and I think they were, well I don't
9 think they were afraid of the police because they had had
10 some bad experiences. Like being detained without given a
11 reason or being treated roughly or being threatened. Like if
12 you don't this, then, you know, this will happen. Or, this is
13 what they're telling me, okay, and I saw a young boy that
14 wasn't even, he was still a juvenile being, because of his size,
15 taken by the City police, who I think were aware of the fact
16 that he was still a juvenile because they knew the community
17 and I think they knew the family and I think they knew the
18 boy, taking him and putting him in the city lock-up.

19 Q. Did you get involved in that?

20 A. Only that, I believe it was the parents couldn't believe that
21 this was happening and when they were called or when they
22 were made aware of the fact that this person was here and
23 they were called, needed assistance in going down on a drive
24 or just wanted the moral support. A lot of our function was in
25 providing moral support to people, too.

MS. GOULD, EXAM. BY MS. EDWARDH

1 Q And so..

2 A. This was in the night time, if I remember right. And the
3 mother was quite upset and the child had been at the city
4 lock-up for a while and they didn't, they just didn't want to
5 believe that he, the person was only, I think, 14.

6 Q. If you had wanted to file a complaint or assist the parents of
7 this young person to file a complaint, to whom would you
8 have gone in the police force in Sydney? Or any other
9 organization. Where would you go?

10 A. I would, my first reaction would have been to go to the police
11 chief, chief of police, and try and discuss it with them. This is
12 where I would always use, try to use the advisory board and
13 indicate to them what had just happened and get their advice.

14 Q. Did you have occasion to ever discuss, then, matters of your
15 concern with Chief MacIntyre?

16 A. Say that name again?

17 Q. John MacIntyre who was...

18 A. But he wasn't, was he a chief then?

19 Q. May not have been. I'm not sure what...

20 A. A big person.

21 Q. Yes.

22 A. No, he wasn't the chief of police then, I don't think.

23 Q. He may have become the chief later. Did you have any
24 occasion to have any dealings with him.

25 A. He didn't like us so we didn't have too much dealing with him

MS. GOULD, EXAM. BY MS. EDWARDH

1 because the impression was always, "I don't need you to do
2 my work."

3 Q. And when you say "like you", didn't like us, are you referring
4 to yourself and Mr. Francis as the...

5 A. I'm not talking about Mr. Francis through any of this, am I?

6 Q. No. I just, who do you mean by "us"? Are you talking about
7 the program or...

8 A. Yeah. The native Court Work Program. The Union of Nova
9 Scotia Indians. The native people that think they were
10 supposed to be supposedly helpers, mediators or whatever.

11 Q. So your comment about "us" is really that he didn't like any of
12 the native people that he was dealing with, is that what
13 you're saying?

14 A. That were trying to get involved in him performing his duties.
15 Like I was, if I was trying to get, to give him some
16 information or to try and pass him some information or to get
17 some information from him to try and help the native person
18 better understand what was happening to them, it was as if,
19 "It's none of your business to be here. I don't have to give
20 you this information." You know, this type of thing.

21 Q. Did he ever change his position towards yourself or anybody
22 else that you're aware of so that he viewed the program as
23 helpful?

24 A. No. He's one person that, he's one person, even the name
25 always scared me because of the, like he put on a big, I don't

MS. GOULD, EXAM. BY MS. EDWARDH

1 know if it was a big air or what, but he would come across as
2 like you were going to be in trouble any minute for talking to
3 him. You were going to be locked up or you were going to be,
4 it was always intimidating to me. I was always very scared.
5 And it wasn't just myself it was some people. And it was
6 basically how he presented himself, how he talked to us, his
7 tone of voice. How he treated you, type of thing.

8 Q. Did he, during the course of the time that you observed him,
9 did he treat yourself and other native people differently than
10 he would a white police officer colleague?

11 A. Yeah, because a white police officer was his colleague.

MS. EDWARDH

12 Those are my questions, Mrs. Gould, thank you for your
13 patience.
14

COMMISSIONER EVANS

15 Did John MacIntyre treat the Indian boys or girls any
16 differently than he treated the white boys or black boys?
17

18 A. I find that hard to answer because I didn't have too much
19 dealing in seeing him with the non-, like it was none of my
20 business to be there when he was dealing with non-native
21 boys or girls or people. But I think when I saw him in, I'm
22 putting myself back now to the courthouse in Sydney and
23 while he was having interaction with people in the lobbies
24 and just even in the courtroom itself before proceedings
25 began, it seems that his dealing with some of the people, I

1 saw him talking to were, I couldn't hear what they were
2 saying or anything, but it just seemed like the way he was
3 presenting himself was a little more acceptable and
4 presentable and more polite.

5 COMMISSIONER EVANS

6 Thank you.

7 MR. MURRAY

8 My Lord, Mr. Pugsley and myself didn't anticipate that this
9 witness would be on now, we anticipated another witness would
10 be being called. I wonder if, at the Commission's indulgence given
11 that it's close to the lunch hour, if I might have the chance to
12 consult with Mr. Pugsley before we have to make our decisions.

13 CHAIRMAN

14 Are there any other, I'd like if possible, and I sense that Ms.
15 Gould doesn't find this a very enlightening experience and I'm
16 sure you'd like to, of course, to conclude your evidence as soon as
17 possible, Ms. Gould.

18 MRS. GOULD

19 I'd like to but I'm okay.

20 MR. MURRAY

21 Perhaps I could step out and be back within five minutes.

22 CHAIRMAN

23 Fine. Okay. Who's next? Mr. Barrett? And I would ask
24 counsel if, I ask it often, particularly bearing in mind Ms.
25 Gould's interpretation of repetitive questions that, which is

1 very incisive I might add, that counsel bear that in mind and
2 try and avoid going over with her areas that she has covered
3 clearly and beyond doubt. Mr. Barrett.
4

5 EXAMINATION BY MR. BARRETT

6 Q. Yes, Mrs. Gould, my name is David Barrett and I represent the
7 Estate of the late Donald C. MacNeil. And I just have a few
8 questions. In respect to your role as native court worker, I
9 take it your role was to appear with accused natives in court.

10 A. Yes.

11 Q. And would this generally be first appearances for these
12 individuals?

13 A. Some of them it would be first appearances and some it
14 would be repeat appearances.

15 Q. And I take it, then, you would refer these natives to Legal Aid
16 if they chose to plead not guilty?

17 A. Not all of the time. Some of them were not eligible for legal
18 aid, but yes we would, most of the time, refer them to or try
19 to get legal aid. Lots of the times there was no legal aid
20 available or they would choose not to.

21 Q. Now you've testified that you detected Mr. MacNeil treated
22 natives and persons of lower socioeconomic position with
23 discourtesy, with less courtesy?

24 A. He certainly did me and some of the people that I dealt with.

25 Q. I'm wondering whether some of these individuals, would they

1 be repeat offenders?

2 A. Some of them would be, yes.

3 Q. And you've indicated, I suggest would this in any way
4 perhaps, on his part, be frustration on his part? So you would
5 detect it as frustration.

6 A. It could be frustration but the frustration was not always
7 shown to repeated offenders that were not native people and
8 I saw lots of non-native people appear repeatedly. Like I can
9 even think of names right now that I saw appear five and six
10 times, that wouldn't even come to us as native court workers,
11 just sort of gives them the moral support they needed and
12 they were treated a little differently in that they were
13 treated more courteously and with more patience or
14 whatever.

15 Q. I'm sorry, these were native people?

16 A. Non-native people. Non-native, I can think of a few non-
17 native people that used to come to us because there was
18 nobody else there to help them. There was nobody else there
19 for them to get some moral support from or some advice from
20 or, and, or go to Legal Aid for or they didn't want to go to
21 Legal Aid again.

22 Q. Mrs. Gould, on remand day, could you give me some idea as to
23 the percentage of natives or lower socioeconomic group,
24 would they make up the majority of people on remand day?

25 A. That's really almost impossible for me to answer because at

1 any given time the courtroom was, had a lot of, a cross-
2 section of people from every, almost every walk of life, every
3 socioeconomic...

4 Q. I take it though...

5 A. Background.

6 Q. I take it that remand day in Sydney was a busy day in court.

7 A. It was normally busier than...

8 Q. Other courthouses?

9 A. Um-hmm.

10 Q. Now you've testified you felt Mr. MacNeil treated individuals,
11 I believe you said, I'm going to phrase it, a higher
12 socioeconomic status with more courtesy.

13 A. Um-hmm.

14 Q. Would these people be represented by defence counsel?

15 A. Some of them would be and some of them would not be. I'm
16 thinking of times where I saw him dealing with people that
17 were not represented by counsel on a level that I thought was
18 quite human and compassionate.

19 Q. Did you ever take your complaints to the Attorney General's
20 Department, your concerns with Mr. MacNeil?

21 A. No. I don't remember. I don't think so. No, I remember
22 discussing it a couple of times with the Union of Nova Scotia
23 Indians board of directors and I might have even brought it
24 up at one of our advisory board meetings that we do have a
25 problem with a few people and these are the people. I know

1 we did that. We had those discussions, but whatever material
2 I, it didn't help very much. Sometimes it would help just for
3 a little while. Like it seemed like he was trying but just
4 couldn't do it.

5 MR. BARRETT

6 Those would be all my questions, My Lords.

7 12:28 p.m.

8 MR. BARRETT

9 Those would be all my questions.

10 MR. MURRAY

11 We would have no questions on behalf of John MacIntyre.

12 EXAMINATION BY MR. PINK

13 Q. Mrs. Gould, just a couple of things. My name is Darrel Pink
14 and I represent the Attorney General's Department. As I
15 understand from your testimony, you were working with
16 the department with Mr. Crane and with the advisory
17 committee to try and get the program improved, is that
18 correct?

19 A. That's right.

20 Q. And Mr. Crane was very sympathetic and helpful in your
21 endeavours?

22 A. Yes, he was. He...he helped us in many ways. Like he
23 helped us in trying to get more funding and trying to get
24 better trained. He assisted us in trying to get the various
25 departments that were under him to recognize us workers

1 as more, ah, I, in fact, got the opportunity to, ah, I suggested
2 it one time and it came about to shadow some of the people
3 that worked under him, like the parole and probation
4 services and to help them provide...in providing services to
5 non-native communities and the native community to learn.
6 He was a really helpful person.

7 Like there was almost nothing that I would...there was
8 no time that I called on Jim Crane and...I'm not ashamed to
9 say I don't know and I'll go and find out, or I was never
10 afraid to go look for help, and poor Jim, I called on him more
11 often than I can count, and he was...he would always come
12 through for us.

13 Q. And the purpose of the advisory board was to take the
14 problems you were having with the courts, with the
15 prosecutors, with other people in the system, talk about
16 them and try and figure out how to better deal with it and
17 improve the program, is that correct?

18 A. That's correct, but not only with those, because there was
19 not always a problem with those people that you just
20 mentioned, o.k. or those people in those positions you just
21 mentioned. But also to try and provide a better service to
22 the native communities, to try and better educate them. We
23 were...just before the program started to phase out, we were
24 talking...we were doing a lot of prevention work, as in the
25 light of trying to...my mind keeps going blank on me. I only

1 slept for two hours last night.

2 Q. Just take your time.

3 A. We were trying to provide a prevention service by
4 educating them as to, you know, the consequences of some
5 of their actions, what it may be.

6 Q. Sure.

7 A. And, trying to prepare them by letting them meet some of
8 the people within the systems, that they were not all bad
9 guys against good guys or, you know, it was just all...we
10 should be all working together. And I used to work really
11 hard to try and get people to accept probation officers,
12 parole officers, even wardens, as not all bad guys. And that
13 helped them in being more comfortable when they came on
14 our community and when we had to go to the, I mean, when
15 we had to go with a native person to them, it made the
16 native person a little more comfortable.

17 Q. Was there some resistance within your own community to
18 the program?

19 A. No, not to the program. Some people within our community
20 preferred to deal with one person as opposed to the other
21 within a program, but not to the program itself. In fact, I've
22 been out of it for almost sixteen years and I still get people
23 coming with, ah, especially some of the older ones, with, hey,
24 "Why aren't you still doing this?" or, "Hey, I know you're not
25 doing this but can you help with this area or that area?" I

1 think they miss it.

2 MR. PINK

3 That's all, thank-you.

4 MR. PRINGLE

5 We have no questions, My Lord.

6 MR. CHAIRMAN

7 Mr. Ross.

8 EXAMINATION BY MR. ROSS

9 Q. Mrs. Gould, my name is Anthony Ross and I would ask you
10 just one or two questions about your experience in court as
11 it related to the treatment of black people in your presence.

12 A. Right.

13 Q. I take it that you...when you were in court you saw black
14 people being processed from time to time?

15 A. Yes.

16 Q. And the general comments which you made with respect to
17 an attitude towards Indians. Does that same thing apply to
18 black people in...as you recall?

19 A. To a certain degree I would say, yeah, but to a lesser degree
20 because the...it seemed to me that the black person felt more
21 confident sometimes in speaking up for themselves as
22 opposed to the native person who would, ah, and this is
23 what used to bother me. I'd see the native person quite
24 often just withdraw instead of stand up and sort of like to
25 defend himself or re-explain themselves or something like

1 that, and I have seen a black person clarify a point for
2 themselves in court.

3 MR. ROSS

4 Very good, thank-you. That's the extent of my questions.

5 MR. CHAIRMAN

6 Mr. Wildsmith.

7 EXAMINATION BY MR. WILDSMITH

8 Q. Bruce Wildsmith, for the record, representing the Union of
9 Nova Scotia Indians. One area that was not touched on is the
10 question of juries. Did you have occasion to observe native
11 people being tried in front of juries?

12 A. Yes, I have.

13 Q. Do you have any observations about how juries appear to
14 respond to a native accused?

15 A. It's hard. I always found it hard, when I was in court that
16 was in front of a jury I just would find it hard to pick up
17 any vibrations because like there was never...I never saw a
18 jury with a native person on it.

19 Q. Yes.

20 A. I don't know if there was one on the Donald Marshall case
21 because I was just...I wasn't...I didn't go to court at that time
22 and I never...I didn't...I've never heard or found out. But I
23 never saw a jury with a native person on it, and when...the
24 juries that I can think, now, I got to put myself and picture
25 something here. I see this jury and they're all sitting there