

1 --- Upon resuming at 2:15 p.m.

2 THE REGISTRAR

3 All rise. Please be seated.

4 MR. NOEL KNOCKWOOD (Sworn)

5 DIRECT EXAMINATION BY MS. DERRICK

6 Q. Your name is Noel Knockwood?

7 A. Yes.

8 Q. That's correct?

9 A. Yes.

10 Q. And, Mr. Knockwood, you are currently the Director
11 of the Micmac Native Learning Centre in Halifax?

12 A. That is correct, yes.

13 MS. DERRICK

14 Mr. Commissioner, Mr. Knockwood's c.v. is found in
15 Exhibit 4, and there are just certain aspects of it
16 that I will draw to your attention.

17 BY MS. DERRICK

18 Q. Mr. Knockwood, you've been doing a Bachelor of
19 Social Work part-time, is that correct ---

20 A. That is correct.

21 Q. --- at the Halifax School of Social Work?

22 A. Yes.

23 Q. And you have a Bachelor of Arts degree in
24 Sociology?

25 A. I have a B.A. with a major in Sociology from Saint

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1 Mary's University, yes.

2 Q. And prior to being Director of the Micmac Native
3 Learning Centre, you were the life skills instructor
4 at the Micmac Native Learning Centre?

5 A. I was.

6 Q. Could you tell us what that involved?

7 A. Well, the life skills training that's being taught
8 at the Micmac Native Learning Centre in Halifax
9 basically concentrates on two cultures. It teaches
10 Native people to live in both societies, in a Native
11 culture and in a non-Native world. We prepare our
12 students to go into the work force with the
13 understanding of both cultures, so that they can
14 function a whole lot better.

15 Q. And you were involved in actually teaching in this
16 program, is that correct?

17 A. Yes, I was.

18 Q. Mr. Knockwood, you've worked extensively in the
19 Native community in Nova Scotia and I note here that
20 you were the Curriculum Development Officer with the
21 Native Alcohol/Drug Abuse Counselling Association in
22 Sydney?

23 A. Yes, I held the Alcohol and Drug Program Curriculum
24 Development Officer for a period of 2 years and I
25 worked with the Micmac Association of Cultural

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1 Studies for approximately 10 years.

2 Q. Yes, I wanted to ask you about that. Can you tell
3 us what the Micmac Association of Cultural Studies
4 is and was?

5 A. Well, once the Union of Nova Scotia Indians was formed in
6 1969, the Native Chiefs began to examine their
7 culture and began to understand that there was a
8 certain amount of assimilation amongst our people
9 in the loss of language and traditions and they had
10 developed a program called the Micmac Association
11 of Cultural Studies to do research into exactly what
12 the Native culture is all about.

13 Q. And what was your involvement there with the Micmac
14 Association of Cultural Studies?

15 A. I was hired as the Cultural Officer for Mainland
16 Nova Scotia and I was responsible to all the bands
17 and my responsibilities were to research the Native
18 history, culture, and traditions.

19 Q. And Mr. Knockwood, you're a Micmac yourself, is that
20 correct?

21 A. Yes, I am a Micmac. I was born on the Shubenacadie
22 Reserve.

23 Q. You're also an Elder. Can you describe what that
24 means?

25 A. An Elder is an individual in the Native society who

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1 is recognize by his people to possess a certain
2 amount of intelligence, knowledge and wisdom of the
3 culture to which he belongs, and an Elder is
4 considered to be a position of high respect in the
5 Native culture, and I was appointed to be an Elder
6 back in the early 70's. And the term "Elder" does
7 not necessarily have to apply to an individual of
8 old age, although that too is a part of the
9 criteria, but the basic criteria lies on the wisdom,
10 intelligence and knowledge of that person about the
11 language, about the culture, and about the
12 traditions to which he belongs.

13 Q. And what function or role does an Elder have in
14 the Micmac community?

15 A. The basic role that an Elder has in the Native
16 culture throughout Canada is that he is considered
17 to be an advisor, a consultant, he is a custodian of
18 legends and stories and he also counsels people who
19 are in trouble with law and other areas that needs
20 his counselling. So, he takes on very broad
21 responsibilities in that respect.

22 Q. Mr. Knockwood, how have you acquired knowledge of
23 Micmac cultural traditions?

24 A. I've done it in two ways basically; I have
25 researched the Native ways which were recorded by

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1 the early Christian missionaries and by other
2 historians and, because the Micmac culture is
3 basically an oral culture, I needed to go back to
4 the Native Elders to confirm these recorded
5 documents that I've researched out, and, on many
6 occasions, they've made some corrections but they
7 accepted the bulk of the information that I was
8 giving them. And this is what I had to do because
9 I was dealing with two different cultures, one was
10 an oral culture and the other culture was a written
11 culture.

12 Q. Mr. Knockwood, can you tell me what a traditional
13 Indian is?

14 A. A traditional Indian in its definition today means a
15 Native Indian who had basically backed away from
16 Christianity and who has gone back to embrace the
17 ancient teachings of his people and to practise the
18 holy rituals and the sacred ceremonies.

19 Q. And is it possible for a person to have both
20 traditional Indian values and contemporary Christian
21 values at the same time?

22 A. Exactly. A living example is our Grand Chief who is
23 a devout Christian and also he recognizes and
24 respects highly the Native traditions of our people.

25 Q. And who is that person?

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1 A. That's Grand Chief Donald Marshall.

2 Q. I notice, Mr. Knockwood, in your c.v. that you say
3 on P.3 that you sit on the Grand Council of the
4 Micmac nation and hold the honored title of
5 Spiritual Medicine Man, this is a lifetime
6 appointment and that you are responsible to the
7 Grand Chief. Could you tell us about your role as
8 spiritual leader or Medicine Man to the Micmac Grand
9 Council.

10 A. Well, I think it's quite important to understand the
11 definition of the word "Medicine Man", because in
12 the Native culture there is no division between the
13 body and soul. So, therefore, one can say if you
14 are to treat a particular individual physically,
15 you'll have to concentrate on his spirit or his
16 soul. So, therefore, Native Medicine Men in the
17 past concentrated on the psychic of the person so
18 that he can better deal with their physical
19 ailments. Some of the medicine people today in
20 North America continue to practise that kind of
21 medicine, as we call it, but I ask people to use the
22 words Spiritual Medicine Man, because when I deal
23 with people in counselling and when I go to the
24 prisons, I counsel Native Indians by developing on
25 their soul and bringing pride to their identity and

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1 to their being, and I need to do that through the
2 avenue of what I call spiritual approach.

3 Q. But what is the soul in this context?

4 A. "Soul"?

5 Q. Yes.

6 A. The word "soul", the word "spirit" and the word
7 "mind" are synonymous.

8 Q. And what is represented therein, what features of a
9 person?

10 A. It represents the entirety of that individual, body,
11 mind and soul, and because it addresses that, it
12 takes on a very broad definition in its perspective.

13 Q. Mr. Knockwood, can you describe to us what the Grand
14 Council is?

15 A. The Grand Council? Perhaps, it would be wise if
16 I start from the beginning. When the Union of Nova
17 Scotia Indians was formed in the late 1960's, they
18 began to examine the culture and do research into
19 the history of the Micmac people. In their
20 research they found that thousands of years prior to
21 European contact that the Native people had a
22 political organization here which was hereditary in
23 nature and they had formed what is known as the
24 Grand Council. The Grand Council consisted of seven
25 Chiefs because the Micmac nation was divided into

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1 seven districts, and prior to European contact
2 the Micmac Domain was the entirety of Nova Scotia,
3 all of Prince Edward Island, most of New Brunswick,
4 parts of the Gaspé Peninsula in the Province of
5 Quebec and sections of Newfoundland. That area
6 called the Micmac Domain was divided into seven
7 districts and the seven districts each had a Chief.
8 They, amongst themselves, had selected a Grand
9 Chief, and the custom of the day was that the Grand
10 Chief would be hereditary meaning that the oldest
11 son in that particular family would be the next
12 Grand Chief in line. So, when they researched that
13 out, they also found out that the Micmac nation had
14 what is called a political affiliation with other
15 nations which was then to be viewed as the Wabenaki
16 Confederacy. The Wabenaki Confederacy is the
17 political affiliation of Native Indians, tribes as
18 such or nations, that were Micmac, Maliseet,
19 Passamaquoddy, Penobscot, and Abenaki nations. They
20 formed what is called the Wabenaki Confederacy and
21 the Wabenaki Confederacy geographically was adjacent
22 to the Six-Nation Confederacy. So, therefore, there
23 was a political affiliation here prior to the
24 arrival of the European immigrants, and this was
25 researched out and it was confirmed through our oral

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1 traditions. It was at that time that the Union of
2 Nova Scotia executive decided to ask and appoint
3 Donald Marshall to be the Grand Chief, to which he
4 had accepted, and that is a lifetime appointment and
5 he will be our Grand Chief till the day that he
6 dies.

7 Q. And had there been a Grand Chief prior to him?

8 A. Yes, there were Chiefs prior to him but the
9 recognition was not as such, it was somewhat of a
10 weak identity. But when the Union of Nova Scotia
11 Indians was formed, it sort of made it more
12 official.

13 MR. COMMISSIONER

14 May I stop you for a moment. How was Donald
15 Marshall senior elected the Grand Chief? By whom?

16 MR. KNOCKWOOD

17 Well, I don't think I should say "elected", perhaps
18 "selected" would be a better word. He was selected
19 by the executive of the Union of Nova Scotia
20 Indians.

21 MR. COMMISSIONER

22 But you had indicated that there were seven Chiefs?

23 MR. KNOCKWOOD

24 That was prior to the arrival of the European
25 immigrants when the Micmac nation was divided up

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1 into seven districts.

2 MR. COMMISSIONER

3 Yes, with a Chief in each one?

4 MR. KNOCKWOOD

5 With a Chief from each district, yes.

6 MR. COMMISSIONER

7 Yes.

8 MR. KNOCKWOOD

9 But when the Europeans divided our country further
10 into the provinces, that tore that idea apart and
11 therefore we had to, according to the Indian Act,
12 then elect our Chiefs.

13 MR. COMMISSIONER

14 Okay. Thank you.

15 BY MS. DERRICK

16 Q. Mr. Knockwood, what is the role of the Grand Council
17 today?

18 A. The Grand Council is basically a position of great
19 honor and it is basically spiritual in nature, it
20 has a little bit of political overtones but it is
21 not basically political, it's more spiritual than
22 anything else. The Grand Chief and the Grand
23 Council take a leading role in the Native
24 communities in burying the dead, in assisting the
25 deceased's family and helping other that may have

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1 problems in the entire Micmac nation, and they don't
2 don't look at the boundaries of New Brunswick or
3 Prince Edward Island to be divisions, they accept
4 the fact that the Grand Council's dominion still
5 remains as I described earlier. But their basic
6 role today is spiritual and, in that definition, we
7 also perform the aboriginal healing ceremonies, we
8 do the holy rituals of the peace pipe ceremony, at
9 least I do, and I was designated to do that by the
10 Grand Chief. In 1976, I was asked to take on that
11 responsibility and, from that time onward, I have
12 carried that honored title to be the Spiritual
13 Medicine Man of our people. But basically the Grand
14 Council is a position of honor and respect and
15 people from the communities are the ones that select
16 and recommend to the Chief to send a particular
17 individual to the Grand Council.

18 Q. And you started to describe some of these sacred
19 ceremonies and you mentioned the ceremony of the
20 pipe. Can you describe that in some detail as to
21 its significance?

22 A. Yes. Our philosophy and Indian sacred teachings
23 tells us that peace can only come from within and
24 because peace with yourself and with God, as you
25 understand him, and peace amongst your brothers and

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1 sisters is ritualized by a ceremony called the peace
2 pipe ceremony in which we pay our highest respect to
3 the creator of our understanding. We refer to that
4 as the Great Spirit and, when we burn our sacred
5 tobacco and our sacred offerings, we ritualistically
6 take the sacred pipe and point it to the four
7 directions of north, east, south and west, and at
8 each cardinal point we offer a prayer. The Native
9 beliefs are pantheistic, believing that the presence
10 of God is felt in every object, in every person and
11 in every place, and because of that our ceremony
12 called the peace pipe ceremony addresses all of the
13 creation of God, and that is one of the ceremonies
14 that I perform.

15 Q. Why is it important for the Grand Council to have
16 spiritual advice from someone like yourself?

17 A. Because of the degree of assimilation that has taken
18 place and, as we understand history, the Micmac
19 nation embraced Christianity in the year 1610 when
20 the first Micmac Grand Chief was baptized at Port
21 Royal on June 24th. From that time onward, the
22 Native people embraced Christianity and today the
23 majority of the Indian people are Christians of the
24 Catholic definition.

25 Q. And therefore the necessity in having spiritual

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1 advice given to the Grand Council is to keep
2 traditional spiritual values alive and current, is
3 that correct?

4 A. Yes. There are certain parts of our culture that
5 are quite weak and in our research we needed to
6 advise our own people and some of them in the Grand
7 Council that there was a way of worship prior to the
8 arrival of the Europeans, and we address that issue
9 and we tell them and they seem to embrace that idea
10 wholeheartedly.

11 Q. And what is the significance of spiritual values in
12 contemporary Micmac society?

13 A. The significance of today's Native ways,
14 spirituality, is because Christianity to many Indian
15 people offers a very little bit of salvation.
16 Because in a Native way when we address that
17 particular point of God or the Creator or the Great
18 Spirit, we seem to address the whole scope of the
19 universe that we are in. I'm kind of forgetting
20 your main question. Can you get back to that,
21 please?

22 Q. Yes. I was just asking you the significance of
23 spiritual values in contemporary Micmac ---

24 A. Oh, the significance? That it brings a spiritual
25 acknowledgement to the individual where other

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1 religions basically do not address that, and it is
2 very important right across North America that the
3 Native people go back in this direction, and that
4 movement is starting to take place. So, it is
5 very important because it's all-inclusive in the
6 Native way and the mind, body and soul are one.

7 Q. And have traditional spiritual values enjoyed a
8 revival amongst the Micmac?

9 A. Very much so. The Indian ecumenical movement began
10 somewhere in the early 1970's and it began in the
11 United States on an Indian Reserve, I can't think of
12 the particular Reserve that it originated, then the
13 movement came to Canada in a place called Morley,
14 Alberta, on a Blood Indian Reserve. And it was at
15 that time when the formation of
16 the Indian ecumenical movement began, of which the
17 Grand Chief, Donald Marshall, was a member, and in
18 the early and mid 1970's he would often send me in
19 his place and I would learn from other tribal
20 nations the rituals, the ceremonies and the
21 philosophy, which was somewhat of a common thing
22 throughout all tribal groups in North America.

23 Q. Can you tell us what exactly was or is the Indian
24 ecumenical movement, then?

25 A. The Indian ecumenical movement is a group of elderly

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1 people and Medicine Men and Medicine Women as well
2 who got together and decided to begin to bring the
3 ancient teachings of our people back to the
4 contemporary world as we understand it, and that
5 promotion originated at that time and the Indian
6 ecumenical movement spread somewhat like wildfire
7 throughout Canada and the United States and it is
8 now present today in our Micmac culture.

9 Q. And when did traditional spirituality start to come
10 back amongst the Micmac? What years did that start
11 to happen?

12 A. Well, initially there was a tremendous amount of
13 rejection at first because of the assimilation of
14 Native people, but once they began to find out the
15 sincerity of it and began to witness and began to
16 understand how it was explained, they embraced it
17 quite openly and today the movement is going very
18 strong because it addresses the very soul of our
19 Native people.

20 Q. And did this happen in the 70's or in the 80's?
21 When did traditional spirituality start to enjoy a
22 revival in the Micmac tradition?

23 A. It started to come back very strong in about the
24 1980's.

25 Q. But did it have a presence in the 1970's?

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1 A. Yes, the presence was already here but it was
2 somewhat weak. We needed to educate an awful lot of
3 Native people in that area and those who were
4 courageous enough to come forth and to learn the
5 ancient ways of our people began to do so, and today
6 those people can now number into the hundreds.

7 Q. And when did traditional spirituality start to be
8 reintroduced or enhanced in the Micmac community,
9 was that in the 70's?

10 A. Yes, it initiated in the 70's but it was grasped in
11 more detail in the 1980's.

12 Q. Mr. Knockwood, can you tell us the significance of
13 language to the Micmac people?

14 A. Language is the transmission of our culture. It is
15 a very important part of our Native way and we have
16 been told by our Elders that there are many secrets
17 in the language of yet we need to research and to
18 find out, for when they tell us the stories, when
19 they tell us the history of our land, when they
20 teach us the ancient ways, they tell us in the form
21 of a story-telling and it is up to us to interpret
22 and translate those stories to give a meaningful
23 significance to understanding the world around us.

24 Q. When did you learn Micmac?

25 A. My first language was Micmac and when I first went

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1 to the Indian residential school in Shubenacadie in
2 1939, I only could speak two words of English and
3 those two words were "yes" and "no", but my first
4 language was Micmac.

5 Q. And what happened to you at the residential school
6 with respect to the use of your language?

7 A. In the residential school, which was run by the
8 Catholic church, I was forbidden to speak my
9 language and I was beaten and strapped whenever I
10 did.

11 Q. And did that result in a loss of your language for
12 you?

13 A. To me individually, no, it rather strengthened me
14 because I said to myself that the only way I can
15 maintain my language is to think it, and I used to
16 think in my own language and that helped me to
17 maintain my language and, when I got home for the
18 summer vacations, my parents would practice in using
19 the language with me 100% of the time.

20 Q. And in the residential school, were you also
21 discouraged from using other aspects of your culture
22 or expressing other aspects of your culture?

23 A. Very much so. Every time we tried to make a
24 positive reflection or image of ourselves and our
25 race of people, we were somewhat belittled because

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1 of that and in some cases punished.

2 Q. Mr. Knockwood, what work have you done in the area
3 of Micmac literacy?

4 A. I have not done all that much work in literacy, but
5 I do have programs in place where I wish to make a
6 submission to the Federal Government so that I can
7 teach Micmac at the Micmac Learning Centre here in
8 Halifax.

9 Q. And do you teach Micmac now at the Micmac Learning
10 Centre?

11 A. No, I don't, but we could quite easily.

12 Q. I see. From your knowledge, has the Micmac language
13 resisted assimilation?

14 A. Very much so. Although we were forbidden to speak
15 our languages by the Indian residential school
16 system throughout Canada, our Elders in the
17 communities would not assimilate, so they continued
18 to resist by making sure that the children
19 understood and spoke the aboriginal language which
20 was given to them by the Creator.

21 Q. Mr. Knockwood, can you explain the importance of the
22 extended family in the Micmac nation?

23 A. The extended family is very, very important in the
24 Native way. It even cuts across boundaries that are
25 quite geographical and in distance are miles and

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1 miles apart. In the communities within, the family
2 structures are united through a common bond called
3 Indian Reservations and the language is part of
4 that common denominator, and the extended family is
5 well practised to this very day. And the example
6 that I can share with you today is to tell you that
7 during the moose harvest last year, those Native
8 Indians who went out and shot the moose came back to
9 the Native Reservations and in their communities
10 they called the elderly, the sick, and the people
11 who could not go out to hunt and they shared their
12 kill with them, and they did it at the community
13 halls throughout the Reserves in Nova Scotia. And
14 that part of that is still the extended family
15 concept and it embraces the entire community in
16 cases like that.

17 Q. Would that be an example of the value of sharing in
18 the Micmac community?

19 A. Very much so. The characteristics of the Native
20 culture is one of sharing and giving rather than the
21 accumulation of wealth and materialistic goods.
22 Sharing is still a very important part of our
23 culture today.

24 Q. And when you say that, that it's still a very
25 important part of your culture, that suggests that

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1 it has historical origins, the concept of sharing
2 and giving, is that correct?

3 A. Very much so, because prior to the arrival of the
4 European immigrants to our homeland, my society and
5 our culture was one of sharing and giving, and that
6 kind of practice continued in time until it is
7 brought up to today and that sharing is still
8 practised in the Native communities. We visit our
9 Elders, we look after our homeless, we take care of
10 our sick the best way we can, and that kinship and
11 that sharing idea is still practised today in the
12 Native culture.

13 Q. What is the significance of kinship in the Micmac
14 community?

15 A. Well, kinship is so strong that should one person be
16 offended in any way that it hurts that immediate
17 family and spreads out into the community and it's
18 possible that the entire nation could be affected
19 by any kind of misdeeds that happen to particular
20 individuals.

21 Q. Mr. Knockwood, historically did penal institutions
22 or mental institutions exist in the Micmac
23 community?

24 A. No, there were no prisons or jails, neither were
25 there any mental institutions. According to the

1 early recorders of history who were the Jesuit
2 priests and some merchants, there was no indication
3 of Native people suffering from mental retardation
4 and that they were in great physical shape and
5 condition and that their existence on this earth --
6 they lived anywhere from approximately of 100 to 120
7 up to 150 years of age. So, therefore, they were
8 both physically in great shape and mentally they
9 were in top shape because they had no need for
10 mental institutions, so therefore there weren't any.
11 In reference to prisons or jails, that also was
12 absent, but should any kind of civil disobedience
13 take place, the people were banned from their own
14 families and from their own villages and from their
15 own communities, and because they were banned they
16 could not participate in any of the activities and
17 that was the kind of punishment that was practised
18 in those years.

19 Q. And on the spectrum of punishments that the
20 community could dole out, where did banishment or
21 exile fit? Was it considered a very severe
22 punishment or a moderately severe punishment?

23 A. No, it was considered to be a very severe punishment
24 because if anyone refused to talk to you or have
25 anything to do with you, it was the highest form of

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1 insult that one could give another individual.
2 Again, should the civil disobedience that had taken
3 place be murder or something like that, then it was
4 the responsibility of the person who had committed
5 the civil disobedience to maintain the family that
6 he had caused harm to, and he had to maintain the
7 food and the clothing and whatever the needs of that
8 particular family were.

9 Q. So, in historical terms, the event of a murder
10 didn't necessarily result in the person being
11 banished or exiled, is that what you're telling us?

12 A. No, I'm telling you that both of those things could
13 have happened. Even though they were banished,
14 they were still obligated to provide goods and
15 services to the family that they harmed.

16 Q. Mr. Knockwood, I believe you've worked extensively
17 in prisons with Native prisoners, is that correct?

18 A. I have.

19 Q. What has the nature of your work consisted of in the
20 prisons?

21 A. Well, in the 1970's because some my responsibilities
22 was the promotion of our Native culture, and in that
23 definition spirituality was part of that movement, I
24 I felt obligated -- I had to make visitations to the
25 prisons to bring peace to the individuals that were

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1 incarcerated, and I did that by teaching them the
2 philosophy, I did that by performing the sacred
3 ceremonies in their presence, and I had to do that
4 with the authority coming from Correction Services
5 Canada. So, the work in that field was long and it
6 was sometimes very difficult for us to convince the
7 authorities that we are sincere in what we are
8 doing.

9 Q. And at the time when you were performing these
10 ceremonies, was Donald Marshall junior still
11 incarcerated in any of the institutions you visited?

12 A. Yes. I've ran across Donald Marshall junior in
13 Dorchester Penitentiary, in Westmoreland and in
14 Springhill.

15 Q. And was he ever present during the performance of
16 these traditional sacred ceremonies?

17 A. Occasionally, he was there, yes.

18 Q. Would he have been there as part of the Native
19 Indian Brotherhood?

20 A. Exactly.

21 Q. Can you tell us what the Native Indian Brotherhood is?

22 A. The Native Indian Brotherhood is the assembly of
23 Native inmates who have been incarcerated and they
24 unite themselves so that they can face the realities
25 of life in the institution of a prison or a jail so

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1 that it helps them to unite themselves in a manner
2 that they will be able to survive in that kind of an
3 environment.

4 Q. What sort of sacred spiritual ceremonies did you
5 perform in the institutions?

6 A. Basically, I performed the sacred peace pipe
7 ceremony and left the purification sweat rituals to
8 another Medicine Man, but I do personally perform
9 purification ritual called a "sweat" as well.

10 Q. Can you tell us the historical origins of the sweat
11 ceremony?

12 A. Well, when the Europeans first came to a Micmac
13 land, Nicholas Deny, one of the early merchants who
14 recorded the activities of Native people, identified
15 and described a sweat ceremony, and this was
16 reinforced by the early Jesuits who wrote on that
17 particular activity. So, we know through oral
18 traditions that this was the kind of a ritual that
19 was performed and in that kind of healing ceremony,
20 we heal the mind, the body and the soul. So, it's
21 psychological, it's physical and it's spiritual, and
22 and it's very healing and once people go through
23 that experience they seem to be able to take on
24 other difficult areas in their path of life.

25 Q. Mr. Knockwood, you were talking a little earlier

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1 about the selection of Grand Chief. Can you tell us
2 a bit more about how that process works, what
3 characteristics go into the selection for Grand
4 Chief?

5 A. Well, in ancient times the method that was used was
6 that the oldest son of a particular family would
7 probably be the next Grand Chief, and it was
8 hereditary somewhat like the hereditary system that
9 is in England today. So, the oldest particular
10 member of the family could be the next leader.

11 Q. And are those characteristics of succession,
12 hereditary succession, still present today?

13 A. I cannot answer that to the affirmative, the only
14 way that I can answer that is to tell you that
15 probably what will happen today because of the
16 degrees of assimilation of Native people that the
17 Grand Council itself would perhaps select the next
18 Grand Chief among its members.

19 Q. And would the eldest son of the current Grand Chief
20 be up for consideration as a member of the Grand
21 Council and then later possibly as Grand Chief?

22 A. That is a possibility, yes.

23 Q. By virtue of his status of the eldest son?

24 A. Right.

25 Q. Would that be one of the considerations?

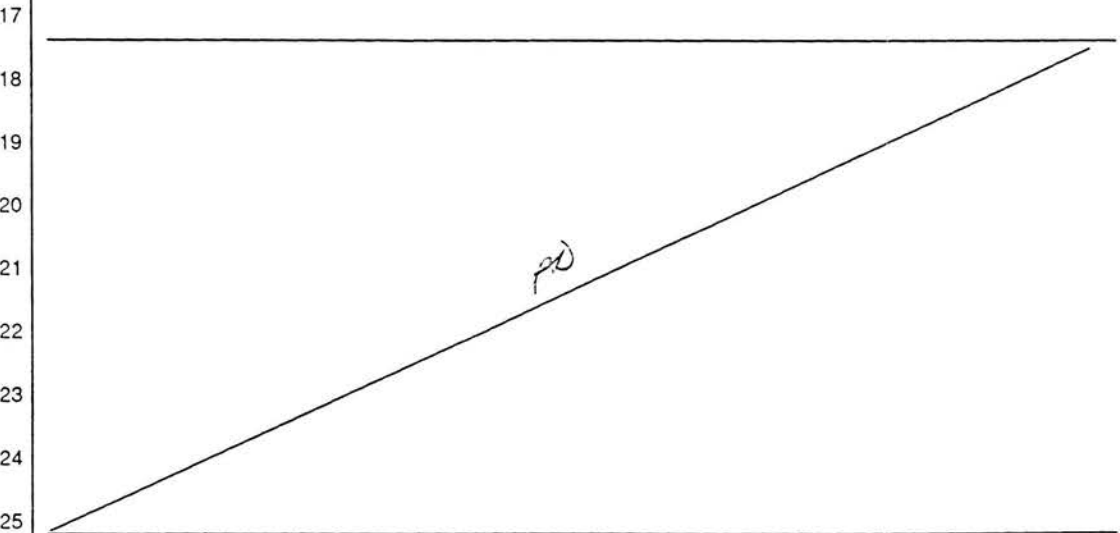
1 A. Yes.

2 Q. Can you comment from your knowledge about these
3 things whether Donald Marshall junior's experiences
4 as a wrongfully convicted and imprisoned person will
5 have an effect on his ability to be selected for
6 this position?

7 A. I think that jeopardized him quite a bit because, as
8 we attempt to survive in two cultures, some of the
9 value systems apparently rub off on us and the guilt
10 and the shame that is directed to a man who committed
11 a crime he did not commit was part of that hurt,
12 and we feel that him going through that experience
13 jeopardizes him to become the next Grand Chief.

14 Q. And in your opinion, is that true, even though now
15 he has been vindicated?

16 A. In my opinion, I think I agree, yes.



MR. KNOCKWOOD, DIRECT EXAM. BY MS. DERRICK

1 Q. Mr. Knockwood, from your experience in the community,
2 can you tell us how the community was affected by Mr.
3 Marshall's wrongful conviction?

4 A. The way the community was affected, as I understand it,
5 was that many people were hurt when he first indicated
6 that he was being accused of a crime he didn't commit.
7 And the Native people understood that he did not have
8 his opportunity to express himself. And since some
9 people defined Donald to be basically a functional
10 illiterate, he had quite a difficult time in
11 understanding what was happening to him, during that
12 time. And that affected the people at a community
13 level as well, and said, "If that ever happened to us,
14 how would we be able to survive"? So the closeness of
15 the MicMac people, it affected our people at the
16 community level, to a point where we felt that it put
17 us in a state of hopelessness. And Donald Marshall,
18 Jr. was the man who our compassion went to. But that's
19 all we could offer, was our compassion.

20 Q. Do you know this from your own personal feelings, with
21 respect to Mr. Marshall's experience, as well as
22 talking with other members of the MicMac community?

23 A. Yes, because in my own home, we discussed the issue.
24 And I've told my oldest boys to be very careful, and,
25 "Try not to be involved with the law, because of the

MR. KNOCKWOOD, DIRECT EXAM. BY MS. DERRICK

1 possibility of you being incarcerated, because we don't
2 have the money to hire expensive lawyers," and things
3 like that. And they abided by the laws. And I even
4 took them to the penitentiaries to prove to them what
5 that kind of experience was like. And my two oldest
6 boys went there with me, to visit. And although they
7 did not see Donald Marshall, Jr. himself, they seen
8 other Native people there. And it was a learning
9 experience for them. So it did rub off into the Native
10 communities, and our people were affected by his
11 incarceration.

12 Q. Your home is in Shubenacadie? Is that ---

13 A. No, I was born on the Shubenacadie Indian Reserve. But
14 in 1972, I went and I bought a house in the Town of
15 Truro. And that's where I reside today.

16 Q. Mr. Knockwood, you mentioned, when you were discussing
17 the notion of kinship, that if one person was injured
18 within the community, that the entire family, the
19 entire community, in fact, the entire nation, is harmed
20 by that injury. I'm asking you, as a MicMac, do you
21 feel that harm, as a result of what happened to Donald
22 Marshall Jr.?

23 A. Very much so. Yes, because, as I indicated earlier,
24 because perhaps, that I am a person of compassion, that
25 affected me very much.

MR. KNOCKWOOD, DIRECT EXAM. BY MS. DERRICK

1 Q. Thank you very much, Mr. Knockwood. Those are my
2 questions.

3 A. Thank you.

4 CROSS-EXAMINATION BY MR. SAUNDERS

5 Q. Mr. Knockwood, can you tell me when the Native
6 Brotherhood started, in Dorchester Penitentiary?

7 A. I can not answer that, sir, because that was in
8 existence prior to my visitations to those
9 institutions.

10 Q. And you first would have visited that institution, do
11 I have it right, in the mid 1970s?

12 A. Yes.

13 Q. And was there also a Native Brotherhood at the
14 Springhill Medium Institution?

15 A. There was.

16 Q. And West Morland was the third institution that you
17 identified. Was there also a Native Brotherhood at
18 West Morland?

19 A. Yes. There's one in Dorchester, one in West Morland,
20 and one in Springhill. And now there is one in
21 Renouse, New Brunswick.

22 Q. And as I understood your evidence, after some
23 persuasion, you convinced the authorities of the
24 Canadian Correctional Services, that you were sincere
25 and serious in your approach, and were allowed into the

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 institutions, as an Elder?

2 A. Yes, as an Elder, Spiritual Medicine Man. But I can
3 not take the credit for that. That movement began in
4 the United States, and then was more well known in
5 Western Canada. And as its movement -- as its
6 spiritual ecumenical movement moved, in an easterly
7 direction, it began to take hold here, in the 1980s.
8 But it began in Western Canada. And those were the
9 people that were able to -- those were the Medicine
10 Men, who were able to convince the bureaucracy of
11 Correction Services Canada, to allow Native people --
12 spiritual Native people -- to come in, parallel as to
13 how the clergy comes in to make visitations to inmates.

14 Q. And are you now satisfied, sir, that that parallel
15 exists?

16 A. Yes.

17 Q. From what I've read, it seems to me that the process
18 started in penitentiaries in Alberta, in the early
19 1970s, and then spread eastward.

20 A. Exactly.

21 Q. Can I ask you how many people you would take with you,
22 when you attend at a Federal Institution, like
23 Dorchester?

24 A. That would vary. Sometimes we would make visitations
25 as a group of two or three. And sometimes we would

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 have about 10, 15 people, who would make a visitation.

2 Q. How long would a visitation last?

3 A. Usually half a day, or in some cases, most of the day.
4 I can't say a full day. And of course, it is required,
5 a lot of security clearance, from the people who made
6 those visitations. And that took a lot of time, as
7 well.

8 Q. Yes. And to belong to a Native Brotherhood, or a
9 Native Sisterhood, is that a voluntary thing?

10 A. Very much so.

11 Q. So that not all people of aboriginal origins are
12 expected to be members of a Native Brotherhood, if
13 they're incarcerated?

14 A. That is correct.

15 Q. And as well, the ceremonies that you would be putting
16 on in a Federal Institution, is one's attendance also
17 voluntary?

18 A. Yes.

19 Q. Do you recall how often you observed Donald Marshall,
20 Jr. at the ceremonies that you put on at institutions,
21 in the '70s and early '80s?

22 A. Perhaps no more than half a dozen.

23 Q. And were there some occasions when you put on
24 ceremonies, when Mr. Marshall was not present?

25 A. Yes.

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 Q. Did you know Donald Marshall, Jr., before his arrest
2 in 1971?

3 A. No, I did not.

4 Q. Are you able to say to the Commissioner, to what extent
5 Donald Marshall, Jr. adhered to traditional MicMac
6 values and customs, prior to 1971?

7 A. Would you repeat that, please?

8 Q. Are you able to say, to what extent, Donald Marshall,
9 Jr. adhered to traditional MicMac culture and values,
10 prior to 1971?

11 A. I think, to be fair, in answering that question, sir,
12 I would say that, because Donald Marshall is a
13 bilingual, and that many hidden secrets of our
14 tradition are in the language, that he did carry a
15 certain amount of perspectives in that area, to bring
16 forward to some of his beliefs in his ancient
17 teachings, but not to a degree, as they are today.

18 Q. Were you involved in any of these holy rituals, or
19 ceremonies, prior to Mr. Marshall's difficulty with the
20 law in 1971?

21 A. Was I, as an individual?

22 Q. Yes.

23 A. Prior to 1971? No, I was just beginning to learn
24 myself, at that time.

25 Q. And could I get a date from you, sir, as to when you

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 were selected as Grand Spiritual Medicine Man by Grand
2 Chief Marshall?

3 A. Yeah, I think that was in June of 1976.

4 Q. And is this a position that you will then hold, for
5 your lifetime?

6 A. Yes, sir.

7 Q. And are you able to pass it on to your successor?

8 A. Not through imposition. Only through the experience
9 of learning, and maybe putting somebody under my
10 apprenticeship, that I'll be able to do that.

11 Q. And is that a selection or a choice that you, yourself,
12 will make?

13 A. I will make that choice. Yes, sir.

14 Q. You said that historically, one could succeed a Grand
15 Chief, by heredity. And that the oldest son could
16 become the next leader, or the successor, as Grand
17 Chief. And when you said "could," I took from your
18 answer that there might be other factors or reasons,
19 than just heredity, that would enter into that
20 decision.

21 A. Perhaps it would be better if I answered you this way.
22 In ancient times, that was the custom, for the eldest
23 son of the family of the Grand Chief, to be the next
24 person in line. I used the words "could be" today,
25 because of the fact of the degree of assimilation that

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 Native people are going through. And I say, that's a
2 possibility, that yes, he could have been selected as
3 the next Grand Chief.

4 Q. But is the decision ultimately made by the members of
5 the Grand Council?

6 A. The decision will be made by the members of the Grand
7 Council, and perhaps will be reaffirmed by the
8 communities, in their acceptance. And in usual cases,
9 they accept the recommendations coming from the Council
10 itself.

11 Q. And how many members, in present-day MicMac culture,
12 are there on the Grand Council?

13 A. We have representations from every reserve. In all of
14 Nova Scotia we have -- and the same applies to Prince
15 Edward Island. We have representations on the Grand
16 Council from Newfoundland. We have them from
17 Restigouche and Maria, in the Province of Quebec, and
18 other Indian reserves in New Brunswick. And of course,
19 Nova Scotia itself, as well, has its members.

20 Q. So that, how many, all together, would there be,
21 sitting on Grand Council?

22 A. I just can't come up with an immediate figure, sir.
23 Maybe I can estimate, perhaps.

24 Q. Would you please?

25 A. Maybe 20.

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 Q. About 20?

2 A. Yes.

3 Q. And does each person, of those 20, have an equal vote
4 in the selection process?

5 A. We have a form of consensus, I think you can call
6 voting. But it is not practiced in a manner where you
7 express your vote in the form of a written ballot. It
8 is usually expressed orally and verbally, whether you
9 acknowledge or not.

10 Q. Yes. To perhaps put it a better way, would the view
11 of any one of those 20 members of Grand Council, be
12 considered with equal respect?

13 A. Would be what?

14 Q. Considered with the same degree of respect.

15 A. Oh, definitely. Yes.

16 Q. And when my friend, Ms. Derrick, asked you whether
17 Donald Marshall Jr.'s chances of succeeding his father
18 as Grand Chief had been jeopardized, despite his
19 vindication by this Royal Commission Report, you
20 thought that it still might be. I'd like to explore
21 that with you, sir, because I'm still not sure I
22 understand it. Why, despite the release of this Royal
23 Commission's findings, and the apology made in February
24 of this year, do you say that his chances might still
25 be jeopardized?

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

- 1 A. I don't think apologies going to Donald Marshall are
2 relevant. I think that the damage has already been
3 done, on his wrongful conviction, and that the Native
4 communities had already acknowledged that. And because
5 the Native people seem to be of a character that they
6 do not express themselves fully, only when they speak
7 their native tongue, then can they safely say that,
8 "Perhaps it's wise that we don't do that, based on
9 diplomacy." That could possibly have jeopardized
10 Donald Marshall, Jr. from being our next Grand Chief.
11 That is the reason why I used the word "could."
- 12 Q. Yes. And diplomacy between or among whom?
- 13 A. Among the Grand Council, and the MicMac nation itself.
- 14 Q. Yes. That given that history, he may, to some degree,
15 have been jeopardized.
- 16 A. Yes.
- 17 Q. Do you agree with me, Mr. Knockwood, that as a
18 consequence of the findings of this Royal Commission,
19 that Donald Marshall Jr. was, in fact, vindicated?
- 20 A. Was in fact what?
- 21 Q. Was, in fact vindicated?
- 22 A. I don't know the meaning of the word, sir. I'm sorry.
- 23 Q. That he was, in fact, shown to have not been at fault.
- 24 A. Oh, very much so. Yes.
- 25 Q. Yes. You accept that?

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 A. I certainly do.

2 Q. And is it generally accepted, among the MicMac
3 community, that that is so?

4 A. Yes.

5 Q. And is it also generally accepted, that by being able
6 to sustain himself during that 11 years of
7 incarceration, he displayed courage and valor?

8 A. According to the mind of Native people, he displayed
9 tremendous courage, in that he kept his sanity, and
10 that many people feel that -- even a lot of non-Indian
11 people feel today that he was a very courageous person.

12 Q. Quite so. And has he returned then, to a position of
13 respect and honour?

14 A. Gradually. He is getting there. In a Native culture,
15 you need to earn your position in society, by
16 exercising your ability to do things, and to give a
17 positive reflection in all areas of your life.

18 Q. So is that something then, that will have to be
19 demonstrated again by Donald Marshall Jr.?

20 A. Yes. In time yet to come, he has to prove his manhood,
21 in that fashion.

22 Q. By his own actions and deeds?

23 A. Exactly.

24 Q. Are there other organizations within Federal
25 Institutions, than the Native Brotherhood that you've

1 described, which assist in the spiritual revitalization
2 of aboriginal peoples incarcerated?

3 A. We get support from the provincial and territorial
4 organizations across Canada. And we also seek support,
5 and receive support, from the Native alcohol and drug
6 programs across Canada, because they seem to be one of
7 the most powerful instruments that can make these
8 things happen, for they too, make visitations, as well.

9 Q. I've read, in places, of an organization referred to
10 as the Sacred Circle. Is that something different than
11 the Native Brotherhood?

12 A. Native organizations throughout the United States and
13 Canada, have different kinds of names for their
14 spiritual organizations. And I heard of the Sacred
15 Circle, but I've never had no direct involvement with
16 them, as such.

17 Q. Are you able to say whether such an organization exists
18 at the Dorchester, or Springhill institution?

19 A. I believe it does.

20 Q. Do you know if Donald Marshall, Jr. was a member of
21 that Sacred Circle, during the period of incarceration?

22 A. I can't say for sure, sir.

23 Q. Besides the visits that you paid, in your capacity,
24 sir, as Spiritual Medicine Man, are you aware of any
25 other visitations that were paid to Donald Marshall

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 Jr., while he was incarcerated, by Elders in the MicMac
2 community?

3 A. Definitely. On several occasions I've seen his mother
4 and father at the institutions, making visits. And
5 they would come on social nights, where a lot of Native
6 Elders in the community would come forward. And he
7 would associate himself with other people during those
8 kinds of visitations, which we call social evenings,
9 that we would bring in the drummers and the chanters.
10 And we would invite others to come forward. And we
11 would go in discussions and dialogue with the inmates.
12 And we'd try to make them feel at home and acceptable,
13 in our culture.

14 Q. And in that way, provide some kind of sustenance or
15 spiritual healing, to those people incarcerated?

16 A. Yes.

17 Q. And Donald Marshall, Jr. partook of those ceremonies
18 and rituals?

19 A. Very much so.

20 Q. And can you tell me whether or not Donald Marshall, Jr.
21 specifically asked for that kind of spiritual support,
22 during the time that he was in prison?

23 A. Yes. On a few occasions, he had personally approached
24 me, and asked if I would say a prayer for him. And I
25 acknowledged to the affirmative, that I would.

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SAUNDERS

1 Q. Thank you. Are you persuaded, Mr. Knockwood, that now,
2 more people in authority, more custodians, more people
3 in Canadian Correctional Services, are persuaded to the
4 importance of the kind of spiritual healing that you,
5 and other Elders, are providing inmates?

6 A. Yes, sir. I acknowledge that very much, because I was
7 asked to sit on a National Advisory Council for
8 Correction Services Canada. And we are still having
9 lots of problems in the area of negotiating other
10 things. But yes, I acknowledge the fact that a lot of
11 work has been done in that field.

12 Q. When did you last see Donald Marshall Jr., Mr.
13 Knockwood?

14 A. Last month at the MicMac Friendship Centre.

15 Q. In your experience, both as an Elder and a Spiritual
16 Medicine Man, and your knowledge of Mr. Marshall, are
17 you able to say whether he might be of some
18 considerable assistance to inmates who are
19 incarcerated, and require the kind of help that you've
20 described?

21 A. He would be very helpful to our Native people. And I
22 stand strong in my convictions, that there will come
23 a day when he will take that avenue of approach, to
24 help others.

25 Q. Thank you. Those are my questions.

CROSS-EXAMINATION BY MR. SPICER

1
2 Q. I just have a couple of questions. At one point, you
3 indicated that at this point, the task facing Donald
4 Marshall Jr., to a degree, is -- I think the phrase you
5 used was, "the process of proving his manhood." Is
6 there anything now, standing in his way, to stop him
7 from doing that? Is there anything, that you see, that
8 stands in his way, that could stop it?

9 A. I think, because of the public attention that he
10 received, and because of the fact that he has a
11 difficulty in society generally, by proving himself,
12 not only to the Native community, but to others, that
13 this has become a burden to him. And it is now to his
14 disadvantage, rather than to his advantage. And his
15 road to recovery, and put himself back into the proper
16 perspective, through the Native views, is going to be
17 quite -- it's going to take some time. And Junior,
18 it's going to be a little bit tough for him.

19 Q. And are there those in the Native community, that are
20 assisting in this regard?

21 A. Yes. They're giving all kinds of moral support. There
22 is spiritual support amongst the Native people
23 throughout. And a tremendous amount of respect now,
24 is going back to Donald Marshall, because he had the
25 ability to face these kinds of realities in life, and

MR. KNOCKWOOD, CROSS-EXAM. BY MR. SPICER

1 yet, maintain his sanity.

2 Q. And can you tell me, from your experience, whether or
3 not, at this point, Donald Marshall Jr., is seeking out
4 that help?

5 A. Donald Marshall Jr. is seeking out all kinds of help,
6 because he needs to do that. And he is succeeding to
7 a degree. But yet, his journey is still -- his journey
8 to accomplish 100 percent being back into culture
9 itself, is still yet down the road.

10 Q. Does the fact that he has to take this road, and to go
11 back along the path of proving his manhood again, is
12 that partly what stands in his way, or may stand in his
13 way, to becoming Grand Chief? The fact that he has
14 still to go through this process?

15 A. Yes. It did jeopardize him, in that manner. Very much
16 so.

17 Q. Let me ask you this then. If he were successful in re-
18 establishing his manhood, in that fashion, do you think
19 that that would negate that reason for him perhaps not
20 becoming Grand Chief? In other words, if he's
21 successful, would that reason go away?

22 A. Probably not. I don't mean to be insulting. But I
23 only can answer a hypothetical question with a
24 hypothetical answer.

25 Q. I appreciate that. Thank you.

RE-DIRECT EXAMINATION BY MS. DERRICK

1
2 Q. Mr. Knockwood, you, I think, in answer to Mr. Saunders,
3 said that everybody who forms the Grand Council, is
4 regarded with equal respect. Is that correct?

5 A. Yes.

6 Q. Is it true, however, that the Grand Chief, occupies a
7 special role?

8 A. He does.

9 Q. And is he regarded as the spiritual leader of the Grand
10 Council, under the MicMac nation?

11 A. Because our Grand Chief, Donald Marshall, is a
12 Christian, and a very strong Christian, and besides the
13 fact that he recognizes the aboriginal faith of his
14 nation, he is very influential, in the Council, and in
15 the communities that he visits. And he gets great
16 honour and respect from all people, throughout the
17 entire nation.

18 Q. And is his a diplomatic role?

19 A. Part of the Grand Council is the role of diplomacy,
20 yes. And Donald Marshall exercises that daily,
21 because, as you well know, he makes representations to
22 governments, both Federal, Provincial and Municipal,
23 and on a few occasions, perhaps has even addressed
24 international groups, in the United States.

25 Q. With that in mind, therefore, what kinds of

MR. KNOCKWOOD, RE-DIRECT EXAM. BY MS. DERRICK

1 characteristics or qualities does a Grand Chief need
2 to possess?

3 A. Well one of the basic criteria, as I see it, would be,
4 first of all, to be bilingual, in a manner where you're
5 able to understand both languages, but moreso, the
6 Native language than others. And that the
7 characteristics that give a Chief a good honour, would
8 be one where he will be able to lead people who are in
9 conflict. He will be able to assist people who need
10 spiritual help. And he must be able to do all kinds
11 of these things, and do it with great diplomacy, and
12 great ease.

13 Q. And what kind of background does he need to have come
14 from?

15 A. There is no set-down criteria, as the way I understand
16 it, to have a background. But his background must be
17 one that has spirituality in it, whether it be
18 Christian or otherwise, or Native. He needs to be an
19 individual who thinks, and has a high self-esteem of
20 himself. And all of these characteristics indicate
21 that our leader, who is the Grand Chief, needs to go
22 beyond all of these characteristics, and be able to
23 excel in the field of -- well in the olden days, it
24 used to be war and peace. Today, that character has
25 changed a little bit, because we are not warring

1 nations today. But we would like to contribute in
2 assisting people to have peace on this earth. And the
3 Grand Chief thinks highly of that. And I can say that
4 justifiably, because I've known Donald for quite a few
5 number of years.

6 Q. Can you say anything about the sorts of personal
7 experience that a Grand Chief should, or should not
8 have had?

9 A. I don't really understand your question. Maybe you
10 could rephrase it.

11 Q. In terms of the kind of experience that a person may
12 have had, are there certain types of experiences that
13 would especially qualify a person to be Grand Chief,
14 or especially disqualify a person to be Grand Chief?

15 A. Well I think if a person has a habit of being
16 dishonest, that would stop him from being selected, or
17 elected, as a member of the Grand Council, and to
18 become the Grand Chief. I think we -- I do know that
19 we look at the positive characteristics of an
20 individual, before that selection and suggestion is
21 made, that he occupy that post. So it is not an
22 appointment where any individual can fit. This
23 particular individual needs all kinds of qualities.
24 And he needs to express them. And he has to show his
25 people that he can do these things.

MR. KNOCKWOOD, RE-DIRECT EXAM. BY MS. DERRICK

1 Q. What if the person has been a subject of controversy?
2 How would that be regarded?

3 A. That would be regarded as somewhat jeopardizing to that
4 person.

5 Q. Thank you, Mr. Knockwood.

6 MR. COMMISSIONER

7 You've known Donald Marshall, Sr. for some years?

8 MR. KNOCKWOOD

9 Yes.

10 MR. COMMISSIONER

11 And was his father the Grand Chief?

12 MR. KNOCKWOOD

13 Not to my knowledge. I think the Chief prior to Donald
14 Marshall, was a man by the name of Sylliboy.

15 MR. COMMISSIONER

16 Thank you.

17 MS. DERRICK

18 The next witness, Mr. Commissioner, is Donald Marshall,
19 Sr. And this might be a good time for a short break.

20 (10-MINUTE BREAK)

21

22

23

24

25