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St. Thomas Aquinas Church Hall
Cornwall Street
Halifax, N.S.
April 3, 1990
9:30 a.m.

Per: Nancy Brackett
Verbatim Reporter

VOLUME II

IN THE MATTER OF THE DONALD MARSHALL, JR.
COMPENSATION HEARING

BEFORE: The Honourable Gregory Evans,
Commissioner

PRESENT: Mr. Wylie Spicer, Solicitor
for the Commission

Ms. Anne Derrick, Solicitor
for Donald Marshall, Jr. with
Professor Mary Ellen Turpel

Mr. Jamie Saunders, Solicitor
for the Government of Nova
Scotia

WITNESSES: Ms. Patricia Monture,
Professor at Dalhousie
University Law School

Mr. Mike Grattan

Dr. Marie Battiste, Doctorate
in Education

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April 3, 1990 - 9:30 a.m.

1 THE REGISTRAR

2 All rise. Please be seated.

3 MS. DERRICK

4 I call Patricia Monture as my first witness.

5 _____
6 MS. PATRICIA MONTURE, (Sworn)

7 DIRECT EXAMINATION BY MS. DERRICK

8 Q. Your name is Patricia Monture?

9 A. Yes, it is.

10 Q. And that's M-O-N-T-U-R-E?

11 A. That's correct.

12 Q. And you are presently a professor at Dalhousie
13 University Law School?

14 A. That's correct.

15 Q. Teaching public law and constitutional law?

16 A. Yes.

17 Q. I want to go through your background, your academic
18 and scholarly background in a moment. But first of
19 all, you are an Aboriginal. Is that correct?

20 A. That's correct. I'm a member of the Mohawk nation.

21 Q. Were your parents Mohawk?

22 A. My father was Mohawk and my mother was White
23 English, as a matter of fact.

24 Q. What connection did you have with the Mohawk culture
25 when you were growing up?

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 A. I have probably a difficult childhood to explain.
2 It had several phases. My mother died when I was 6
3 years old, almost 7. And my father died just after
4 I had turned 9. At that point in time, most of the
5 contact with the Mohawk or any First Nations
6 community was separated for the time being, because
7 I was raised by my stepmother for 7 years. And she
8 was a White woman. And then I was raised after
9 that, because it was a very abusive environment for
10 my brother and I to be in, for 2 years by an aunt
11 and uncle in Chatham. After finishing high school,
12 I went back to London, spent some time on the
13 streets and seriously starting looking for who I was
14 as a Mohawk woman and what it meant to be a Mohawk
15 woman. So I went back to pick things up after.

16 Q. But what had given you some consciousness of your
17 Mohawk roots?

18 A. I think primarily the way my father was, although my
19 father's generation didn't have the opportunity--
20 they were the children of residential schools. They
21 were taught when they were growing up that being a
22 First Nations person wasn't something that was going
23 to necessarily help you in life. So I never
24 remember conversations with my father saying -- like
25 I talk to my son now, "You're a Mohawk. You should

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 be proud of that. You should know how to live that
2 way." What I do remember from my father is he took
3 me out fishing. He took me out hunting. We spent a
4 lot of time in the woods. We didn't do time in our
5 house in the way most people do. It was all framed
6 around -- not, "It's 8 o'clock and it's time to go
7 to bed," but, "It's dark now and it's time to go to
8 bed." There were different things that we did in
9 different seasons. In the summer we spent time at a
10 cottage which was very close to Kettle Point
11 Reserve, which is an Ojibway and Chippewa Potawatomi
12 Reserve. And I spent a lot of time on the Reserve
13 with other First Nations people during the summers.
14 And they were always coming around to our house to
15 visit my father.

16 Q. How old were you when you were having those
17 experiences?

18 A. Right up until the age -- I was 9 or 10.

19 Q. When your father died.

20 A. That's right.

21 Q. Did you ever reconnect with your Aboriginal culture?

22 A. Very much of my life was about reconnecting with
23 that culture. When you're 13 and 14 and you're kind
24 of going through that "Who am I?" crisis that all
25 teenagers go through, pretty much all First Nations

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 people go through the crisis once more over because
2 they're asking, "All right..." -- you're realizing
3 when you look in the mirror, "I don't look the same
4 as other people look. I look different from what
5 other people look." And you're questioning what it
6 means to be, for me, a Mohawk person or whichever
7 nation that you come from. So I started looking--
8 I started going to the library. And that wasn't a
9 very satisfactory solution because much of what's
10 written about First Nations people and cultures is
11 not very correct. It's told from a certain
12 perspective which isn't ours. When I was on the
13 streets, I started meeting a fair number of other
14 First Nations people. I was introduced to the
15 N'Amerind Friendship Centre in London.

16 Q. Can you tell us what that is? I notice it's
17 mentioned in your C.V.

18 A. I eventually, once I'd gone back to university,
19 ended up working as a probation officer at the
20 N'Amerind Friendship Centre with a caseload of 40
21 First Nations clients. And that would be the summer
22 between the end of my B.A. and the beginning of my
23 Master's in Sociology.

24 Q. 1983.

25 A. About then. I'm not good at that.

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 Q. You must have been at some point, though, because
2 it's in your C.V.

3 A. Yeah.

4 Q. What is the N'Amerind Friendship Centre?

5 A. Basically, it's along the same concept of the
6 Friendship Centre here in Halifax. They're places
7 for First Nations people to go who are living in the
8 city. Because many of our people do leave the
9 reserve now. And even if you're not on the reserve,
10 in a traditional community around other Indians, you
11 do definitely seek out other First Nations people
12 because that's who you're comfortable with. You
13 know they understand you. So Friendship Centres
14 offer a lot of social programs, a lot of cultural
15 programs. Some of them offer language programs.
16 There is Little Beavers programs for kids. There's
17 a whole Friendship Centre movement across the
18 country. I'd have no idea how many of them that
19 there are. But it's more than 1 or 2.

20 Q. In what other ways did you reconnect with your
21 culture?

22 A. When I started going back to university, it was
23 probably a fairly significant piece. There was a
24 Native Students' Association at the University of
25 Western Ontario where I did my B.A. And there was

1 probably about 50 or 60 of us, so that we were
2 considerable in number. We used to organize events
3 to help teach people at the university about who we
4 were. And I started meeting people who'd been
5 raised solely within the culture who were still
6 searching for who they were and how they fit into
7 the world, but had a little bit more grounding than
8 I did. And they first started taking me to pow-
9 wows, to different ceremonies, to really introducing
10 me to the culture. Eventually that led me back with
11 reconnecting with my own reserve, which is Six
12 Nations, which is just outside of Toronto, and
13 finding traditional teachers and elders, which was a
14 process that was very much continued through my
15 involvement with the Federal prison system.

16 Q. And how would you describe your connection with your
17 culture now?

18 A. It's integral to my life. It's central to my life.
19 I wouldn't be able to understand who I was if I
20 didn't understand the fact that I was a Mohawk
21 woman. We have a teaching in our culture that says
22 you can't know who you are unless you know your
23 history, unless you know where it is that you've
24 come from. And very much of that is understanding
25 who you are as a cultural and a spiritual person. I

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 guess I was about 25 the first time that I had the
2 opportunity to go to a Sweat Lodge ceremony. My son
3 was 5 years old the first time he sweat. I carry 2
4 eagle feathers. My little 5-year old boy carries 1.
5 It's the way we do things in our house. It's built
6 -- I follow the pipe. And it's built around -- our
7 lives are built around those teachings. Without
8 them we would be nothing. We'd have nothing. I
9 wouldn't have been successful in life without those.

10 Q. And did you grow up in an urban environment?

11 A. I've never actually lived on a reserve, other than
12 we're, like, half a mile away in summers when I was
13 a little kid. So, yes, I grew up in London,
14 Ontario. I tend to, now in my adult life, that I
15 have control, gravitate to non-city settings.

16 Q. But when you were a child, you obviously lived where
17 your parents ---

18 A. I'm an urban Indian.

19 Q. What has your experience, Professor Monture, told
20 you about the durability of culture within an
21 individual?

22 A. Our culture is alive and it's very vibrant. And
23 it's carried in the hearts and the minds of our
24 people. A lot of people want to assert that First
25 Nations culture is dead, and if it's not dead, it's

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 been so severely damaged. And that's just a
2 ridiculous notion or concept. People seem to want
3 to think, because of the fact that we're so
4 connected to the history and where our people have
5 come from, that tradition means, "I have to wear
6 buckskin and live in a tepee," not that my people
7 ever lived in tepees. And it's something, you know,
8 that belongs way back in the pages of history book.
9 That's as ridiculous as the -- as asserting the
10 Catholic Church isn't a vibrant and central force in
11 some people's lives nowadays. Just because our
12 culture is different, it's manifest in different
13 ways, it's not built around institutions that you
14 can see or that's necessarily shown to all people,
15 doesn't mean that it doesn't exist and doesn't mean
16 that it's not real and vibrant.

17 Q. I want to ask you a little bit about your academic
18 and work background. I think you just mentioned a
19 few moments ago about work with prisoners. And I'm
20 going to come to that. I notice in your C.V. which,
21 for the purposes of counsel and Mr. Commissioner, is
22 found in Exhibit #4, that you were a research
23 consultant for the Task Force on Federally Sentenced
24 Women?

25 A. That's correct. I was a member of the Working Group

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 during that Task Force and worked on several of
2 their research projects that were initiated as part
3 of that Task Force.

4 Q. And when was that?

5 A. The Task Force -- I think our first meeting was in
6 April of last year. So we started about a year ago.
7 And the final meeting of the Steering Committee and
8 the Working Group was February 19th, 1990.

9 Q. And has there been a report published yet from that
10 Task Force?

11 A. No -- yes and no. There is a final report that is
12 finished. It has not had the approval of the
13 Solicitor General yet, primarily because we've been
14 having difficulties getting a French translated
15 text. He is -- the Solicitor General is French and
16 more comfortable in French than English. So we're
17 waiting to provide him with that. But it should be
18 released momentarily.

19 Q. And after it goes to him, it will then be released
20 publicly?

21 A. Yes.

22 Q. And I notice as well that you've been a consultant
23 with respect to Native People and the Police.

24 A. That's correct. I have worked with both the O.P.P.
25 and the R.C.M.P. setting up workshops about racism

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 and policing.

2 Q. And were retained by them for that purpose?

3 A. The R.C.M.P. was a conference, and there was a
4 number of us brought in. I think I did 2 or 3
5 workshops for the O.P.P. in Ontario, plus being
6 involved in a major conference that they held.

7 Q. And Native Female Offender Rights, what does that
8 refer to?

9 A. I worked on the Women in Conflict with the Law
10 Initiative. That was a funding initiative of the
11 Solicitor General. And after 5 years of that
12 funding initiative, there was a review to see if
13 there should be further money committed to the
14 project or whether they should be going in a
15 different direction. And I was the one that drafted
16 the questionnaires, etc., that went out to all the
17 projects that had been funded to try and determine
18 how successful they had been.

19 Q. And was there a report written from that?

20 A. There was a report that went to the Solicitor
21 General's office. I don't believe it's a public
22 document. It may be.

23 Q. And was your special area of focus, Native Female
24 Offender Rights, as part of that?

25 A. There was a large component of it. There were 3

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 target groups, if I remember correctly, 2 or 3.
2 Aboriginal Offenders and World Women were
3 particularly focused in the Women in Conflict, with
4 -- Women in the North. There were three in that
5 initiative. So my expertise in Aboriginal rights
6 was certainly useful. But it was -- the project
7 itself was geared at women serving Federal
8 sentences, or, actually, women in conflict.

9 Q. And Native People and Education, what project was
10 that?

11 A. I've done a number of conferences and spoken to the
12 issue a number of times. The -- I've taught a
13 number of courses in Native Studies and guest
14 lectured in Native Studies, including a course at
15 the Prison for Women last summer with the women in
16 Native Studies.

17 Q. What did that course consist of?

18 A. It was for 4 weeks, 4 half-days a week. It was a
19 half-credit course granted by the Ministry of
20 Education. So it was a high school credit. And we
21 focused on issues specifically of women, of
22 children, of being in conflict with the law, what
23 was the law. So we looked at a number of issues,
24 language, that were important to the women inside.
25 We did a series of readings and some multi-media.

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1 We had films and guest speakers and those kinds of
2 things. And it was primarily seminar-focused and
3 discussion group-focused.

4 Q. And your students were the women inmates in the
5 Kingston Prison for Women?

6 A. That's correct. I had about 10 First Nation women
7 students.

8 Q. That was my next question. So that there was a
9 large complement of Aboriginal women as part of that
10 class.

11 A. That's correct.

12 Q. And this was a course that was taken voluntarily by
13 the women.

14 A. That's correct.

15 Q. I see as well that you have many affiliations
16 relating to Aboriginal people, being a member of the
17 Indigenous Bar Association, Native Brotherhood and
18 Native Sisterhood, Canadian Indian and Native
19 Studies Association.

20 A. That's correct.

21 Q. And you've also published in various areas relating
22 to Aboriginal issues.

23 A. That's correct.

24 Q. And I'm going to refer you to one of your articles a
25 bit further along. Professor Monture, I understand

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1 from an earlier comment you made that you have had
2 experience, in addition to this course that you
3 taught, working with Aboriginal prisoners. Can you
4 outline for us how you came to do work with
5 Aboriginal prisoners and what that work consisted
6 of?

7 A. I came to it, I think, by a number of various paths.
8 I had a little bit of a colourful childhood. So I
9 was certainly sympathetic to the situation of people
10 being in conflict with the law, and certainly First
11 Nations people. I had, from a very young age, some
12 first-hand experience, although I myself have never
13 been arrested or sentenced. When I was in London
14 and I went back to university, I definitely wanted
15 to work with First Nations people who were in
16 conflict with the law. My degree in Sociology is
17 completely administration of justice and criminal
18 justice focused. I went back to university with the
19 hopes of some day going to law school. So I had an
20 interest in that area and was working in probation
21 and those kinds of things when I was in London.
22 When I went to Kingston to start my M.A., one of the
23 realities of living in Kingston are there are very
24 few other First Nations people who don't live behind
25 the walls of one of the various prisons in the

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1 Kingston area. I very much in my life need
2 connections with First Nations people. So when I
3 got to Kingston, I was asked if I was willing to go
4 into some of the socials, etc., that they have
5 within the Federal prisons for First Nation
6 prisoners and was very eager to do so, to be able to
7 connect with my community as well as having an
8 interest in the area. And I continued that
9 affiliation. Actually, I still, whenever I'm in
10 Kingston, go back and still have some fairly
11 significant connections with the Federal Prison for
12 Women.

13 Q. So over what period of time did you live in
14 Kingston?

15 A. I think I moved there in 1982 or '83. It would be
16 1983, August of '83.

17 Q. And were there until you came to Halifax?

18 A. No. The last year that I was in Ontario I was in
19 Toronto doing a graduate degree at Osgoode.

20 Q. I see. So you were in Kingston then from about 1983
21 to about 1988, approximately?

22 A. That's correct.

23 Q. And your contact with the prisoners in the
24 penitentiaries, would that have been on a weekly
25 basis? On a monthly basis?

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1 A. Sometimes on a daily basis, given there are 9
2 Federal prisons and a definite shortage of
3 volunteers in the Kingston community because there's
4 not that many First Nations people in the community.
5 You could spend just about every night of the week
6 going in to prison. You could spend usually one
7 weekend a month, sometimes every weekend in a month,
8 going in to socials or family days at the prison to
9 visit with inmates. I quite frequently went in to
10 family days, specifically at P for W because so many
11 of those women are so geographically uprooted that
12 their families cannot afford to come and see them.

13 Q. "P for W" is the Prison for Women. Is that correct?

14 A. That's correct.

15 Q. And what sorts of socials? Would there have been
16 traditional or ceremonial events that you would have
17 attended at the prisons?

18 A. Within the last few years, the prison service has
19 started to recognize the importance and value of
20 traditions to First Nations inmates in an effort to
21 "rehabilitate" them, quote, unquote, or connect
22 them. Socials now -- or, like I was saying, over
23 the last 2 years, many of the institutions now allow
24 changing of the season ceremonies. Because our
25 culture isn't rooted to, like, an every Sunday

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1 service. We're more rooted to seasons. So they
2 have those ceremonies in a number of institutions.
3 They have ceremonies where elders and teachers will
4 bring the pipe in. They now have Sweat Lodge
5 ceremonies. And I have sweat with the women at the
6 Prison for Women. And then socials are more of a
7 celebration as opposed to a ceremony. It's like a
8 pow-wow on the street, but smaller. And you have
9 different drums come in from different nations,
10 different dancers. And it's a celebration of being
11 a First Nations citizen and having these to share.
12 There's usually a give away, which is a quasi-
13 ceremony, I guess, where -- you have 4 traditional
14 responsibilities within our culture. And one of
15 them is ---

16 Q. Are you going to describe a give away to us?

17 A. Yeah.

18 Q. Okay, good.

19 A. One of them is to share. So when you go, say, into
20 Prison for Women or any of the prisons to go to a
21 social, the women will always give you a gift to
22 thank you for coming. And it may be blankets. It
23 may be beadwork that they've done. Some of the male
24 institutions give you, like, their woodwork and
25 those kinds of things. So it's a celebration of the

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 sharing within the community and the time that
2 you've been able to have together.

3 Q. In your involvement at the prison, did you make
4 quite close personal contacts with the prisoners,
5 such that you became quite involved in discussions
6 with them about their prison experiences and their
7 Aboriginal experiences?

8 A. I have a good number of friends behind the wall.
9 And that's why I went to prison. I didn't go there
10 to help anybody. I'm -- that's pretty patronizing.
11 I don't have the power to help people. I went there
12 to be their friend. And, actually, probably quite
13 ironically, I wouldn't have made it through law
14 school without the strength of the Indian women at
15 the Prison for Women and, particularly, a couple of
16 women, Fran Sugar and Lana Fox, being two of them
17 who were also on the Task Force for Federally
18 Sentenced Women. They held me together when I
19 didn't think I could face it any more, when I didn't
20 think that I could go back because law school was
21 such an annihilating experience for me. So I do
22 have some very fond and firm and lasting
23 friendships. And, fortunately, some of those people
24 now live on this side of the wall, so we're able to
25 share a lot easier.

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1 Q. Professor Monture, I'm going to ask you about an
2 article which has been circulated to my friends and
3 Mr. Commissioner, the article you wrote called, "A
4 Vicious Circle: Child Welfare and the First
5 Nations." And it's found in the Canadian Journal of
6 Women and the Law, published in 1989. I notice that
7 you refer on page 3 of this article to the
8 indigenous factor. And you talk about it being
9 disregarded within the Canadian child welfare
10 system. I want to ask you, what is this indigenous
11 factor that you're referring to here?

12 A. This retraces our steps to something that I was
13 talking about earlier when I talked about the
14 Catholic Church and the belief of the dominant
15 society that First Nations cultures have
16 disappeared. Specifically, when you start dealing
17 with institutions such as courts, law school, child
18 welfare systems, they want to treat us as if we're
19 somehow part of a disappeared or vanished race and
20 vanished culture, and that's just not true. So the
21 indigenous factor which is central in our lives,
22 which all our values and our identity are built
23 around, gets disappeared because of other people's
24 beliefs. And it is through the disappearing of the
25 indigenous factor and who we are as a First Nation

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1 citizen that I've been heard to say that the
2 Canadian justice system and children welfare systems
3 are inherently racist.

4 Q. And what is the indigenous factor? Can you give us
5 a description of what that comprises?

6 A. Well, it a very slippery concept. But it's the ways
7 in which our two cultures are different. I referred
8 earlier to the four responsibilities that First
9 Nation citizens have. And this is very common
10 across the cultures. You have a responsibility to
11 be kind, to share, to respect and to be truthful.
12 And it's through those things that you get your
13 strength. Those are central tenants of the culture.
14 They're taught around a medicine wheel. They're
15 taught around a circle. Our cultures are very
16 holistic. We're not linear thinkers. The value of
17 community -- the emphasis is on community in your
18 life as opposed to the dominant society which is
19 very individual focused. So in child welfare, we
20 have the best interests of the child test, which
21 puts the interest of the child above and beyond the
22 community, which is not the way that First Nations
23 culture focuses, where children and people in
24 general fit into that community. So you have two
25 different systems. I don't think any one is right.

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1 But I think that they're both worthy of our respect,
2 and that our judiciary and Canadian institutions
3 need to start to respect the fact that we are
4 different and we're never going to be the same. It
5 doesn't matter what you do. I think over the last
6 3, 4, 500 years, we've seen every possible
7 conceivable attempt to assimilate my people. And it
8 hasn't happened. And you have to ask yourself the
9 question why.

10 Q. And are you saying that these values that you're
11 describing, these factors, are shared culturally
12 amongst Aboriginal people in Canada?

13 A. There are -- the whole idea of holistic thinking,
14 the value of the community are common among the Cree
15 nation, the Mohawk nation, the Micmac nation, the
16 Dene nation. There are similarities there. But we
17 have to be careful not to treat those similarities
18 to such an extent that all the nations become
19 homogeneous. Because we're not all the same. So in
20 that the Cree way, those teachings focus around the
21 medicine wheel. In the Mohawk way, the teachings
22 that I've been talking about don't focus so much
23 around a medicine wheel as they do around various
24 different wampum belts, such as the two row wampum,
25 which will give you that same teaching. We have

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1 sharing, kindness and respect, which involves
2 notions of truthfulness and honesty as well. So the
3 same basic pieces are there to one degree or
4 another.

5 Q. In your article as well on page 3, at the bottom of
6 the page you talk about how removing children from
7 their homes weakens the entire community. Can you
8 elaborate on what you mean in saying that?

9 A. First Nations people believe -- I guess in the
10 dominant society the focus is on individuals and
11 individual completeness. And we're kind of taught
12 that there isn't anything that you can't do.
13 Whereas in First Nations culture, we're taught that
14 different people have different gifts. You're not
15 supposed to be able to do everything well. But you
16 are supposed to search out and find what your gifts
17 are. One of the gifts I have is the ability to
18 talk. I'm a helper to my nation. I'm a teacher.
19 I'm a translator. I can go about explaining
20 cultural things in ways some of the other members of
21 communities don't necessarily have that gift.
22 That's my responsibility. I have to live it. So
23 when you start pulling people out of the community,
24 be it because they have to go to urban centres to
25 get a job or because you're incarcerating them or

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 because you're taking children away from parents,
2 you are robbing that community because you're
3 destroying that natural balance that the Creator put
4 into that community and the gifts that all the
5 people came with. And you're creating a community
6 that can never be complete without all of that
7 community in some way or another being connected and
8 participating.

9 Q. What does the person lose by being removed from his
10 or her community?

11 A. Because we don't believe that each individual is
12 complete in a sense of gifts and total to
13 themselves, you lose the teachings and the
14 responsibilities of other people in the community.
15 So if you're not a teacher, if you don't have that
16 gift for talk, if you need that skill in your life
17 somehow, you don't have access to the people who do
18 that well. If -- maybe your gift is the ability to
19 make things. If I want a dance outfit -- I mean,
20 that's not one of my gifts -- that person is robbed
21 in the community. It gets very serious because some
22 of our leaders are taken away, the people that are
23 meant to lead the nations, either in a political or
24 a spiritual sense, or have primary responsibility
25 for medicines and the spiritual teachings and the

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1 way. So it makes life very difficult, not only for
2 the community, but individuals in the community.
3 And, again, you can't think of it in a linear sense
4 and, you know, stack it up this way and say, "Okay.
5 Here is the list of things that are lost." You have
6 to be able to put it in a circle and understand what
7 all First Nations communities are going to try to
8 create, to balance around, is going to be harmony,
9 is going to be that complete list. Just -- it's
10 creation that's the focus. And if I can use male
11 and female to do that -- I mean, I think we'd accept
12 that it's absolutely -- well, maybe not absolutely
13 impossible, given science and technology, to create
14 a child without both male and female energy. That's
15 the way the community is structured, recognizing the
16 balance between those two types of energies. There
17 are certain responsibilities that inherently belong
18 to men and certain ones that inherently belong to
19 women. And you need both of those responsibilities
20 and energies to be able to balance the community.
21 Again, when you start pulling people out, you start
22 destroying that natural balance of creation that
23 we're trying to live in respect with.

24 Q. So following up what you're saying from the
25 perspective of gender, what does a boy or a young

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 man lose when he's removed to a sexually specific
2 community like an all-male prison.

3 A. Like a prison. It's more difficult for me to teach
4 about what man's responsibilities are, because I
5 hope it's obvious I'm not a man. So I don't have a
6 right to teach about those things. And we have a
7 belief in our culture that you cannot teach about
8 what you have not experienced. I kind of cringe
9 when people want to call me a "prison expert,"
10 because I've never lived that. I've never spent a
11 day of my life in a cell or a minute of my life in a
12 cell. Therefore, it's not lived experience.
13 Therefore, it's not true. It's not expert
14 experience. So I can't speak to that, man's
15 experience directly. But I can tell you what women
16 -- I can tell you generally what male responsibility
17 is. Women's responsibility is that we're the first
18 teachers. We're the ones who were chosen by the
19 Creator to carry the seed of life. We are the ones
20 who bring the children, who bring the future of this
21 nation into the world. We teach them, the women, as
22 they're growing up, okay? Not only do we teach them
23 as they're little children, when they're teenagers,
24 when they're men, when they need -- when they're
25 grown up, when they're old, when they're elders.

1 We're the ones who remind them that they have a
2 primary responsibility to be gentle, to share, to be
3 kind. So ---

4 Q. So that role and responsibility of women continues
5 throughout a man's life, an Aboriginal man's life.

6 A. That's correct. You never get separated from the
7 need to have those teachings. It's not like, "Okay.
8 You're 16 now, therefore you're all grown up. So
9 you can stop." Learning about how to be an adult,
10 learning the First Nations way is a total commitment
11 that you take with you till you go on to the spirit
12 world. It's something that you do every day of your
13 life. So when you take men out and put them in a
14 specific -- sexually specific environment, or women
15 and put them in a sexually specific environment,
16 you're throwing them out of balance. They cannot
17 maintain their balance. They cannot maintain their
18 completeness. Effectively, you're destroying them.
19 You're snatching their spirit, their hope, their
20 vision and their dreams away from them.

21 Q. What are some of the other ways in which children
22 learn in an Aboriginal community?

23 A. Our communities often get labelled as not caring
24 about our children, which is some of our problems
25 with child welfare systems. Because we don't have a

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1 culture that's based on force, that's based on
2 coercion, that's based on punishment. We have a
3 culture that's based on cooperation, non-
4 interference and responsibilities as opposed to
5 rights. Children are not even just children. All
6 people are taught -- First Nations people are
7 horrible horrible teasers. We tease relentlessly.
8 "Crees are crazy," those kinds of things, to kind of
9 highlight -- let me give you one example. A friend
10 of mine -- or, actually, it's her brother went out
11 with a White woman when he was in high school. And
12 the family didn't approve of cross-cultural
13 marriages. And I'm not saying that I disapprove.
14 I'm saying that this particular family disapproved.
15 So they started teasing that young man and calling
16 him "Shirley." That was the White woman's name that
17 he was going out with. To this day, they still call
18 him "Shirley." Now, he eventually settled down and
19 married somebody from his reserve, from within his
20 culture. But they still don't let him forget about
21 Shirley. So not only is it a reminder to that
22 individual, it's a reminder to the whole community
23 that these are the standards that we have. And it's
24 a very gentle way of teaching somebody, "Look, this
25 is the way you're supposed to be." You tease a

1 little kid about being whiny, that -- you know, "You
2 sound like that cat when the cat makes that horrible
3 noise. You hurt my ears." And you tease them, you
4 know. You call them little nicknames.

5 Q. You've mentioned the role of women in teaching
6 people. Does everybody have a role in teaching?
7 What about older people, for example?

8 A. Every -- and this goes back to the -- maybe we can
9 get the idea of balance in the community. Probably
10 one of the biggest teachers that I've had in my life
11 is my son. He has just come from the spirit world.
12 He is able to balance much easier than I am because
13 he hasn't thrown away all those things through life
14 and picked up a lot of not so good things. So he's
15 taught me how to be patient. He's taught me how to
16 care. He's taught me how to love. He's taught me
17 so many things. So children are very important as
18 teachers. That's another thing our people lose when
19 they go to prison. The old people, as I was saying,
20 because lived experience is so important to us--
21 that's how you credential yourself, is not by
22 saying, "I can read X number of books and write so
23 many articles," or whatever, in an academic type
24 sense, but your lived experience. So elders are
25 people with true experience. They are people with

1 true wisdom because of what they've lived through
2 and survived and overcome and now understand. And
3 the people in the middle also have teachings. You
4 know, we get fed up with teenagers because they're
5 always asking us questions. You'd think the
6 questions are never going to stop. You think
7 they're never going to stop challenging you. Well,
8 they have a purpose for asking you that that the
9 Creator gave them. It's to make sure you know as a
10 parent, as an adult, somebody in the community, to
11 make sure that you've got your thinking straight and
12 that you've got your feelings straight so that you
13 can answer their questions. So the whole culture is
14 built on a system of cross-checks and balances.

15 Q. Can you describe an Aboriginal person's relationship
16 with nature?

17 A. It's again -- I have to take you back to that circle
18 and back to creation again. Nature is one of the
19 central things that we're trying to balance. And
20 the way that I'm going to express these things are
21 coming through the fact that I'm translating that
22 culture. When you hear people talking within the
23 community, they may not choose to talk this way, if
24 they don't have that responsibility of being a
25 translator. The Earth is my Mother, okay? She's

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1 where I come from. I have a connection to her. The
2 Moon is my Grandmother. She governs my cycle. She
3 governs when the babies are going to be born. She
4 governs the tide. The Water is Mother Earth's
5 blood, the same as the blood that we have, okay?
6 It's her essence. That's women's responsibility,
7 that Water. The men have the responsibility for the
8 Fire. That's one of their central responsibilities.
9 The Sun is my Elder Brother. And he teaches us an
10 important lesson every day. Every day in the
11 morning he gets up in the east. He hasn't ever
12 tried to trick us and get up in the west. He knows
13 what he's doing. He gets up in the morning. Every
14 day he does the very same thing. He doesn't ever
15 say, "Oh, too tired today. I'm not getting up to do
16 my work." He's followed his original instructions
17 since the Creator put him where he was. And that is
18 the example to our people about how you are to live
19 life. So many of the spiritual ways and the
20 teachings that I've taught about are taught in
21 lessons about the environment that we have to
22 balance ourselves and live in. Our intellects as
23 First Nations people are not something that make us
24 superior to other animal life or to other people.
25 Our intellects are a responsibility. It means that

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1 we have the primary responsibility to be caretakers,
2 that all other living things, all those other spirit
3 things, walked before us, and we have a
4 responsibility to see that their lives and their
5 spirits are not endangered.

6 Q. How is this relationship expressed, whether you're a
7 translator or whether you're not? For an Aboriginal
8 person, how is this relationship with nature and
9 these elements expressed?

10 A. When things are hard, the first place I'm going to
11 go is the Bush. It's one of the reasons why I don't
12 live in the city. Because everything around you in
13 the city is -- you look at it. It's all straight
14 lines. You go out and look at nature. There's no
15 straight lines anywhere. Nothing's straight. The
16 bed of a creek, the trunk of a tree, you know, the
17 colours in a sunset. There's never any straight
18 lines. So that rigidity becomes very hard to look
19 at all the time, that linearness. You may go out to
20 ceremonies. You may want to go out to sweat, to
21 recognize that this whole Sweat Lodge ceremony
22 signifies a rebirth. The Sweat Lodge is round like
23 this. It's the womb of Mother Earth that you're
24 going back into to connect to the Earth again, to be
25 born again, to be pure again, to live in a good way.

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1 You may go hunting and fishing. You may decide that
2 the occupations that you have are -- like, my job is
3 translator. You may decide that your connection
4 with nature is so great that what you're going to do
5 is to be a hunter or to be someone who fishes or to
6 be someone who's totally connected with that Bush
7 and that environment. So whenever it is you get out
8 of balance -- I mean, anybody -- you go sit in that
9 Bush. And I don't mean a downtown park. I mean a
10 Bush. And you go listen and you go watch. The
11 trees are all doing their jobs. The animals all
12 know what they're doing. If there's anybody out
13 there who's out of balance, it's us. We're the ones
14 who have messed up. So you go back and you connect
15 with that Bush when you need to understand again,
16 when you need to find your balance, when you need to
17 find that natural rhythm that life has.

18 Q. And in your discussions with Aboriginal prisoners,
19 what, if anything, have they told you about the
20 experience of their relationship with nature as a
21 result of going to prison?

22 A. You're almost totally robbed of your experience with
23 nature. You're not able to spend any time with your
24 mother or those other teachers that we have in
25 nature because of the structure of institutions,

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1 behind walls. There's no trees. That linear
2 cityness I described is even intensified in prison.
3 You can't get outside to go and put your tobacco
4 down when you say a prayer. You can't go out and
5 pick medicines or sweet grass or cedar, or get the
6 things that you need to have in your life. So not
7 only do prisons destroy the connection with people
8 in the community, but that environment is very much
9 part of the community and that's destroyed when
10 people are taken to prison. So, virtually, you take
11 everything away from somebody and you give them no
12 hope, you give them no way that's traditional or
13 makes sense to them to be able to go and balance.
14 We don't take church away from people when we send
15 them to prison. Yet we have no problem taking
16 spirituality away from First Nations when we send
17 them to prison.

1 Q. Did the Federal Task Force examine aboriginal
2 women's experience of prison as a culturally
3 specific experience?

4 A. Yes, we did. At the beginning of the Task Force
5 Report, one of the principal things within the
6 mandate that we were doing is the Correctional
7 Service of Canada has never looked, until this Task
8 Force, at what women's needs were, okay. They've
9 always looked at it from the perspective of prisons
10 and the 500 women have just been a tack-on to the
11 10,000 men that are serving Federal sentences. At
12 our first Task Force meeting, the First Nations
13 women had to be very careful and it took a lot of
14 energy to explain to them, "Just as you as women do
15 not want to be tacked on to a male system, we as
16 First Nations do not want to be tacked on to a white
17 system. We need you to look at specifically what
18 our culture is and what our aboriginal specific
19 needs are and what our aboriginal female specific
20 needs are, because they're not the same, and the
21 experience of prison for a First Nations and a non
22 First Nations is not the same," and we were
23 successful in getting them to do that.

24 Q. So, these cultural differences were identified?

25 A. They were identified and they were documented. We

1 actually sent Fran Sugar and Lana Fox out to the
2 community to talk to 39 women who had served Federal
3 sentences and they came back with a report on what
4 they found, and effectively what they found was that
5 the experience of First Nations women within prison
6 is merely another fold or development on the
7 experience of First Nations people of racism in this
8 country.

9 Q. And were there findings that there were differences
10 between the experiences of First Nations women and
11 the experiences of white women prisoners?

12 A. Yes. The experience of First Nations prisoners, or
13 First Nations women in prison, is a total
14 experience, whereas somebody who comes from the
15 dominant culture understands notions of punishment,
16 understands the kind of basis of the prison system.
17 It's totally overwhelming for a First Nations
18 prisoner, whether they've been raised within the
19 city and somewhat not as aboriginal people and that
20 is not true or whether they've come from a remote
21 Reserve community, it's just completely overwhelming
22 and there's no place for them to get their feet
23 down, so to speak, because the values are all
24 centered and focused on things that those women
25 don't experience.

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1 Q. Professor Monture, we heard from an anthropologist,
2 Dr. McGee, yesterday, who was asked a question along
3 these lines, and I just want to put his answer to
4 you and ask you about it. It was Mr. Spicer, to my
5 left here, who asked:

6 "Q. Let's talk about prison for
7 a moment."

8 MR. COMMISSIONER

9 What page are you on?

10 MS. DERRICK

11 I'm sorry, I'm at P.101 in this transcript volume.

12 BY MS. DERRICK

13 Q. "Are you saying that those
14 feelings would be felt more by a
15 Native person than they would be
16 by a person of a dominant
17 culture or merely that those are
18 the sorts of things that would
19 be felt by a Native person being
20 subjected to that kind of
21 situation?"

22 And Dr. McGee said this, and I just want to ask you
23 to comment on it. About a third of the way down the
24 next page, P.102, for my friends:

25 "A. Prison culture is the --

1 presents many of the dominant
2 culture's values in extreme
3 form, notions of power and
4 notions of control. Notions of a
5 sense of prison fairness may
6 well reflect outside notions of
7 fairness and integrity. So, I
8 would argue that for a Native
9 person to be placed in prison,
10 you're being placed in a
11 situation where the dominant
12 society's values are present.
13 So that if you derive from the
14 dominant society, being placed
15 in that circumstance -- or it
16 may be -- and if unjustly placed
17 there, it's going to be
18 difficult for you. It's going
19 to be -- it's going to threaten
20 your sense of integrity, it's
21 going to threaten your sense of
22 well-being."

23 First of all, I'd like to ask you does that reflect
24 accurately your understanding in your knowledge of
25 the response by aboriginal prisoners to ---

1 A. I think that's a fairly adequate summary of what's
2 going on. We have to remember that prisons are
3 total institutions. In the dominant society, values
4 and the way we experience life don't have that edge
5 that you have within a prison system where there are
6 absolute rules that you are going to follow or else.
7 So, if you want to understand how racism works in
8 this society, this is actually where I learned a lot
9 about racism by looking at prisons, because it's on
10 the very extreme end of the spectrum. It's like
11 everything is intensified and magnified and the
12 conflict with values is felt very wholly and
13 completely. It's a very overwhelming, oppressive
14 experience. Let me give you a couple of examples
15 from the Task Force work. One of the things that
16 the women on the street talked about was in the old
17 days we had to have location tickets to be able to
18 go from one First Nations community to another and
19 you had to go ask the Indian agent to get one of
20 these location tickets to be able to travel. Inside
21 prisons to go from the kitchen to your cell or from
22 the cell down to school or whatever, you need a
23 location ticket, you need this little pass. So, for
24 a non First Nations person in prison who doesn't
25 know that history, I mean this is just prison rules,

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1 right? Not for a First Nations person. It reeks of
2 our whole experience of oppressive white authority,
3 it's a constant reminder every day that white
4 society has held our people down and pushed our
5 people down, and the whole structure of prisons does
6 nothing but feed that. Prisoners are supposed to
7 rehabilitate themselves. You can't do that in an
8 environment where you don't have access to any of
9 the things that you need to heal, where you're
10 sitting in segregation. You're allowed to have a
11 Bible, but in order to have your sweet grass you
12 have to go ask for it, you have to not only go ask
13 for it, you have to have permission to burn it.

14 Q. And sweet grass is a traditional spiritual ---

15 A. This is sweet grass. It calms you down. You use it
16 before you pray and you smudge with it and it
17 purifies you, it makes you clean enough to talk to
18 your Creator, and then, when you pray, you put
19 tobacco down, because in our culture I talked about
20 sharing before. A prayer is asking for something,
21 even if you're not saying, "I want to have a baby,
22 help me have a baby," or whatever it is you want,
23 even if you're just saying, "Thank you for this day,
24 thank you for the earth that I walk on, thank you
25 for my brothers and sisters, the animal," you're

1 still asking the Creator, "Listen to me," and you
2 don't have a right to do that, so you have to give
3 that tobacco to respect that balance, to put that
4 balance back. You can't in prison go put that
5 tobacco down because you have to put it on the
6 earth, you can't go put it out, so you can't live in
7 a right way.

8 Q. Professor Monture, what are some of the responses by
9 aboriginal prisoners to this experience of prison?

10 A. I want to go back and explain one more thing about
11 what we found in the research before I go on to
12 understand that. We found with the women that 90%
13 of the women had been sexually or physically abused
14 prior to their time coming to the prison for women,
15 and effectively what happens are our women as well
16 as our men live lives of victimization, be it 16
17 years or 18 years or 20 years or 30 years. All of a
18 sudden, I think quite understandably, some of them
19 explode, okay, they lose it, and they commit a
20 crime. And then what happens to them is another
21 form of racism, because all the years, the 16 years,
22 that they were victims, that they were pushed down,
23 gets colored away underneath this one incident where
24 they took control over their lives. And I'm not
25 saying that whatever they did was a right thing to

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 do and that we don't have to address what they do, but
2 we need to address their lives in totality. How can
3 you expect -- it's illogical to expect someone who's
4 been abused for a number of years and who's lashed
5 out in some way or another to be able to get better
6 without dealing with that overwhelming sense of
7 victimization that they have. They're not going to
8 be remorseful until there's some kind of balance in
9 their life, till they understand what it is that
10 they've done. So, that whole criminal justice
11 process before people get to prison has them
12 labelled in a way that doesn't make any sense to
13 them. That, in a situation of somebody like Junior,
14 is only intensified because here you're going
15 through all of this, "Nobody is not only paying
16 attention to my whole life and looking at the whole
17 thing," but he didn't do the act in the first place
18 that the rest of it's all being labelled and colored
19 through. I cannot imagine the harm that you'd do
20 to that person. I can't even imagine having the
21 strength or the courage to survive that kind of
22 experience. Now, you're going to have to throw the
23 question back at me because I've lost my train of
24 thought.

25 Q. Yes. What I was asking, Professor Monture, was in

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 the prison experience what are some of the responses
2 of aboriginal prisoners?
3 A. Now that we kind of understand the way that somebody
4 is when they get there, one of the things that the
5 aboriginal prisoners do quite naturally is they
6 learn to rely on each other, okay. The people that
7 they communicate with are other First Nations
8 prisoners, because other First Nations prisoners
9 understand the whole process of their lives that
10 they've been going through, whereas classification
11 officers and parole officers and prison
12 administrators want you to chop up your life and
13 make it separate little boxes for them so that they
14 can adequately administer you. First Nations people
15 aren't going to ask you to do that because that
16 separationness is not part of the culture. So, the
17 relationships that develop, first of all, develop
18 between other First Nations prisoners and between
19 Native liaison workers. If for some reason you're
20 in a situation that you can't develop that -- I
21 mean, first of all, you have to know the statistics.
22 My people in prison stay as maximum security
23 prisoners, quite often they're more frequently
24 convicted for offenses against a person as opposed
25 to property offenses, therefore they get labelled at

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 the top end of the system. They tend to stay --
2 the Indian women at P for W stay maximum security
3 prisoners. They go to segregation more often.

4 Q. Why is that?

5 A. There's a number of reasons for what happens with
6 segregation. First of all, I talked about the
7 experience of going out to the bush and kind of
8 isolating yourself when you have a responsibility to
9 be able to get back into balance. Segregation
10 almost replaces that experience in prison. It's at
11 least a place where you can go to to be left alone
12 and have to deal with yourself and deal with your
13 spirituality and deal with who you are. But it
14 happens for another reason, our over-representation
15 in segregation. If by chance you're a First Nations
16 prisoner and if by chance you happen to be one of
17 the few who is successful at getting out of the
18 maximum security label, is successful at having a
19 viable shot at parole or is say successful in the
20 sense that Junior was successful in having attention
21 brought to the wrong that happened to him, you
22 become a symbol for your people, you become a symbol
23 of courage, of hope, of pride. So, that sisterhood/
24 brotherhood concept that I talked about of bringing
25 the First Nations prisoners together is intensified,

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 and that's very threatening to the prison
2 administration because the way you administer a
3 prison is make sure everybody is separated, there is
4 no cohesiveness about anybody. So, if you happen to
5 get seen as that person, for whatever reason, as
6 somehow unifying or becoming a symbol for your
7 people, you're in trouble because the system is
8 going to bear down on you. It creates fear within
9 the administration and eventually you're going to
10 end up going to segregation because that's the only
11 way that they have of pulling you out of that
12 cohesiveness that they can't deal with and locking
13 you away even more. And the First Nations prisoner
14 is fine with that, because the truth is so important
15 to us. The worst thing you can do to me or the
16 worst thing you can do to somebody in prison is put
17 me in a cage. "So, do it, I can deal with it, at
18 least be honest about it. And if that's what you
19 want to do, go ahead and do it." And then when you
20 end up in segregation, you almost -- you're not
21 physically rooted, you become very spiritually
22 rooted, and that's effectively how you survive a
23 prison sentence. Our people who are not surviving
24 prison sentences have lost that ability to be
25 spiritual beings, that's been stolen away from them.

1 Q. And in what ways do aboriginal prisoners not survive
2 the experience? When you say that, what are you
3 referring to?

4 A. At Prison for Women in the last 11 months, there's
5 been three First Nations women who have committed
6 suicide. Two of those women I was particularly
7 close to. They should not have died. One women,
8 Sandy Sayer, was 7 weeks away from her release. She
9 was 26 years old, had a child 6 years old and 4 years
10 old. She just gave up hope. She couldn't do it
11 anymore, she didn't have that faith anymore, and she
12 strung up at her cell at 3 o'clock in the morning.
13 There was another one at the end of February, her
14 name was Marie Custer. She's also a mom, also has a
15 6-year-old, and she just couldn't face it anymore.

16 Q. From your work on the Federal Task Force, Professor
17 Monture, was it determined whether suicide rates
18 amongst aboriginal prisoners was different from
19 suicide rates amongst white prisoners?

20 A. I believe in the last 10 years there has been 12
21 deaths within custody at Prison for Women. Two of
22 them were natural, 10 of them were suicides, 11 of
23 them were First Nations women. Yes, we definitely
24 go home in a box more frequently than non-aboriginal
25 prisoners.

MS. MONTURE, DIRECT EXAM. BY MS. DERRICK

1 Q. And with respect to the other work that you have
2 done concerning prisons and the justice system, are
3 those statistics reflected in the general prison
4 population, not just confined to the Prison for
5 Women?

6 A. I don't think that they're as intensified within the
7 male population as they are within the female
8 population, but there certainly have been a number
9 of deaths inside of the male institutions of First
10 Nations prisoners. And just not knowing the
11 statistics, but my experience of it when I was in
12 Kingston, if there was a suicide inside, 9 shots out
13 of 10, it was First Nations.

14 Q. Thank you very much, Professor Monture.

15 MR. COMMISSIONER

16 Would you like a short recess, Professor? About 10
17 minutes.

18 (10-MINUTE BREAK)

19 MR. SAUNDERS

20 I have no questions of the witness.

21 MR. COMMISSIONER

22 Thank you.

23 MR. SPICER

24 I have no questions.
25

1 MS. MONTURE

2 Thank you.

3 MS. DERRICK

4 Nothing arising out of that.

5 MR. COMMISSIONER

6 Well, I'll thank you as well.

7 MS. MONTURE

8 Thank you very much.

9 _____
10 MR. COMMISSIONER

11 Now, do you have the next witness?

12 MS. DERRICK

13 Yes. Mike Grattan.

14 MR. MIKE GRATTAN (Sworn)

15 DIRECT EXAMINATION BY MS. DERRICK

16 Q. Your name is Mike Grattan?

17 A. Yes, it is.

18 Q. And is that G-R-A-T-T-A-N?

19 A. Yes, it is.

20 Q. Mr. Grattan, in 1971 you were sentenced to life, is
21 that correct?

22 A. Yes, it is.

23 Q. And how old were you when you were sentenced?

24 MR. COMMISSIONER

25 1971?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 MS. DERRICK

2 Yes.

3 BY MS. DERRICK

4 Q. How old were you when you were sentenced?

5 A. 15.

6 MR. COMMISSIONER

7 That was 15?

8 MR. GRATTAN

9 Yes, sir.

10 BY MS. DERRICK

11 Q. And how many years did you serve before you were
12 released?

13 A. Approximately 11.

14 Q. When was it that you were released?

15 A. In 1981.

16 Q. Where did you serve your time?

17 A. Dorchester at first and then Springhill Institution
18 for the most part.

19 Q. What is the security level at Dorchester?

20 A. Maximum security.

21 Q. And at Springhill?

22 A. Medium security.

23 Q. Can you tell us how you felt arriving at Dorchester
24 to serve your life sentence, when you actually
25 walked in the door?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. Very frightened, very afraid, very unsure stepping
2 into the unknown. It's a massive structure and it's
3 very bleak and very forbidding.

4 Q. What process were you put through when you arrived
5 there?

6 A. Basically, a haircut, being stripped of the clothing
7 that I came in with, being given uniform clothing
8 several sizes too large, then being marched through
9 the yard of the prison to a cell and locked in.

10 Q. And was this in the general population that you were
11 placed?

12 A. Not initially. Initially, it's in a reception area
13 which is segregated from the general population.

14 Q. And how long were you at this reception area?

15 A. About 2 or 3 months.

16 Q. I take it that that's an institutional term, is it,
17 that it's called the "reception area"?

18 A. It's called "reception".

19 Q. So, after 2 or 3 months, were you then placed in the
20 general population?

21 A. At that point, I was supposed to be placed in the
22 general population and was shipped to Springhill.

23 Q. When you were serving time at Dorchester, what did
24 the population consist of, the population of the
25 prison itself?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. Approximately 300 men.

2 Q. And how many guards?

3 A. I would say there would be one for every two
4 prisoners. I'm not certain on that.

5 Q. And what was the atmosphere like in the prison?

6 A. Extremely cold, extremely gray, if I can use a color
7 to describe it. I think gray describes it very
8 well. Gray walls, gray cement floors, gray bars,
9 gray cell doors, gray-faced people, gray food.
10 Everything was extremely monochrome.

11 Q. And what did it feel like? What was the atmosphere
12 amongst the people there?

13 A. Extremely tense. I had arrived there right after a
14 riot. There was a lock-down in progress, which
15 means that all the inmates were locked in their
16 cells almost 24 hours a day and for many of them it
17 was 24 hours a day for long periods of time, weeks
18 or months.

19 Q. And what would happen during the course of a
20 lock-down?

21 A. Very little, actually. You would be placed in a
22 cell and kept there and your meals would be brought
23 to you, sandwiches or whatever, and you would remain
24 there until the lock-down was lifted.

25 Q. Did you get to exercise?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. There was no exercise, no.

2 Q. Did you get to go to work?

3 A. There was no work.

4 Q. Did you get to do any form of recreation?

5 A. No.

6 Q. And I think you've just said you had your meals
7 brought in to you, you didn't get to go out to
8 meals?

9 A. That's right. No.

10 Q. You started to say that the atmosphere at Dorchester
11 was very tense because there had just been a riot.
12 Can you describe what sorts of things contributed to
13 the tension in the atmosphere?

14 A. The very feeling that something was about to happen,
15 that something bad was going to happen, because
16 nothing good happens, it's always something bad,
17 creates the tension itself and then the tension just
18 keeps building until it explodes somehow and, when
19 it does explore, it's a relief.

20 Q. And what would precipitate these explosions?

21 A. Quite often it could have been an incident between
22 inmates, it could be an incident between an inmate
23 and a guard, it could have been simply somebody
24 blowing up, blowing off steam, if you will,
25 releasing the energy that they had.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. And what was the atmosphere like once there had been
2 such an explosion?

3 A. Well, immediately there's a repression that follows,
4 eh? If anybody explodes like that or "flips out",
5 as we called it, any kind of action of that nature
6 is seen by the administration as very dangerous, so
7 they clamp down even harder, which increases the
8 tension and makes the next explosion that much more
9 inevitable.

10 Q. And how do they clamp down? Short of a lock-down,
11 what sorts of other things would happen?

12 A. Generally, by placing people either in solitary
13 confinement, which they call disassociation or
14 segregation for various periods of time, and other
15 punishments as well, loss of recreation, that sort
16 thing.

17 Q. And how would the inmates be affected by this sort
18 of thing, the loss of privileges, the removal of
19 people to disassociation?

20 A. It increases their tension, their fear, it makes
21 them wonder if they're next. "Who are they going to
22 grab next? Is it going to be me? Is it going to be
23 the guy in the next cell to me? Will they come for
24 me at 3 o'clock in the morning," because they do
25 that occasionally, "Will they just pull me out of my

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 cell and drag me down the hallway? Will they gas
2 us? Will someone get shot?" Those are all
3 possibilities and they're all very real.

4 Q. Did you witness actual violence in prison?

5 A. Yes.

6 Q. And what kinds of violence?

7 A. Beatings, stabbings, frequently physical assaults of
8 various kinds, sometimes tear gas.

9 Q. Where would these assaults take place?

10 A. Generally, in an open recreation area. In
11 Dorchester, the gymnasium which is where all the
12 recreation took place except for the inside yard,
13 the yard of the prison itself, which was basically
14 just a baseball field. The gymnasium is where the
15 weight pit was. There were killings in the weight
16 pit, people beaten to death with steel bars.

17 MR. COMMISSIONERS

18 You mean by prisoners?

19 MR. GRATTAN

20 By prisoners, yes, by prisoners.

21 BY MR. GRATTAN

22 A. There were other incidents as well where things took
23 place in the gymnasium. There were people shot in
24 the gymnasium while I was in Dorchester. That was
25 by the guards and as a result of a riot situation

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 that they saw.

2 Q. How were inmates affected personally by -- and
3 perhaps you can use yourself as an example -- by the
4 witnessing of violence or the knowledge that there
5 was violence going on?

6 A. It's very, very frightening and it makes you pull
7 into yourself quite a bit, but at the same time it's
8 the nasty thing that you've been waiting to happen,
9 it's the storm that the thunder has been building up
10 to that finally takes place and the lightening
11 strikes and there's almost a breath of relief for a
12 moment that this terrible thing has just happened
13 and then the process begins again.

14 Q. And is part of the terrible relief the fact that it
15 didn't happen to you on that occasion?

16 A. Yes, it is, certainly.

17 Q. Other than aggressive or violent contact in prison,
18 is there any other physical contact?

19 A. Not much. To touch another person is not something
20 one does spur-of-the-moment. You walk around with a
21 sort of zone of invulnerability around you, if you
22 want, where nobody is supposed to come in that area.
23 If they get in your space -- the old prison saying
24 is, "If you get in my space, you get in my face,"
25 and that's seen as a very negative thing, it's an

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 assault, it's an invasion, and it's seen as a
2 physical attack.

3 Q. Even if it's a mere touch, is that ---

4 A. Even if it's a mere touch, even if it's not a touch,
5 even if it's just somebody stepping up too close to
6 you.

7 Q. I think you've told us -- it's contained in one of
8 your previous answers -- that there were weapons in
9 Dorchester of various kinds?

10 A. Yes.

11 Q. What were they and who had them?

12 A. Well, starting first and foremost, the guards were
13 armed with rifles and shotguns and tear gas guns and
14 whatever else they needed, I'm sure, clubs. Some of
15 the inmates were armed, some of the prisoners had
16 knives that they had made themselves, others,
17 sticks, bits of wood, whatever they could find.

18 Q. And were these weapons kept in an inmate's cell or
19 were they hidden on their person?

20 A. Sometimes. They would have to be hidden at any
21 cost. If you were caught with one, you were placed
22 in disassociation.

23 Q. So, when you were in the general population, you
24 wouldn't know whether the person next to you might
25 have a knife hidden somewhere?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. No idea. You would assume that everyone next to you
2 had a knife on.

3 Q. Mr. Grattan, can you tell us what Dorchester smelled
4 like?

5 A. It smells terrible. It's an antiseptic, cold stone,
6 sweaty smell with overtones of ammonia, acids and
7 urine. It's a horrible smell.

8 Q. And it consistently smelled like that?

9 A. Always.

10 Q. What did it sound like?

11 A. Noisy, extremely noisy, with a heavy metallic
12 harshness.

13 Q. And where was the sound coming from? What generated
14 it?

15 A. All around the place, the gates, doors, cell blocks,
16 people banging things, doors opening and closing,
17 gates closing, the wheels spinning when they locked
18 the doors. Everything is metal, everything is
19 concrete, everything is steel, so no matter what you
20 do that's what it sounds like. And footsteps.
21 Always footsteps.

22 Q. And was the sound a constant -- was it a constant
23 noise?

24 A. 24 hours a day.

25 Q. So, at night as well?

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. At night as well, but lesser. There were different
2 sounds at night.

3 Q. What were some of those different sounds?

4 A. Screams, cries for help, moans, wimpers, people
5 laughing maniacally, people having nightmares,
6 people banging their heads against the cell bars,
7 people calling for the guards, people screaming at
8 the guards.

9 Q. Would those noises carry on throughout the night or
10 would there be period of lull when the noises would
11 stop and peace would descend on the institution?

12 A. I can't remember any time when it was really quiet
13 or peaceful in Dorchester.

14 Q. In the whole time you were there?

15 A. In the whole time I was there.

16 Q. What about at Springhill?

17 MR. COMMISSIONER

18 May I ask how long were you at Dorchester?

19 MR. GRATTAN

20 I was at Dorchester approximately 3 months.

21 MR. COMMISSIONER

22 And then you went to Springhill?

23 MR. GRATTAN

24 And then I went to Springhill ---
25

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 MR. COMMISSIONER

2 And you stayed there?

3 MR. GRATTAN

4 --- for the remainder of my sentence, yes.

5 MR. COMMISSIONER

6 Thank you.

7 BY MS. DERRICK

8 Q. What about at Springhill, what was the noise level
9 like at Springhill?

10 A. It's a different atmosphere because it's open and
11 there are four separate buildings in which the men
12 live. So, each building is slightly different, but
13 I know from myself and from other people there that
14 it was equally noisy and the only slight difference
15 being that there are fewer doors to open and close,
16 so there's a slight lowering of the noise factor and
17 that there's tile on the floor rather than concrete
18 and that the stairs are made of terrazzo rather than
19 steel, galvanized iron or whatever. So, there's a
20 little bit less of noise than in Dorchester, but
21 it's a different noise, it's a different sound.

22 Q. Was it consistent the way the noise was at
23 Dorchester?

24 A. Pretty well, there was noise all the time. It
25 wasn't quite so severe and it wasn't quite so

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 long-lasting and there were small periods of lull.

2 Q. At night?

3 A. At night.

4 Q. Were there still noises of other prisoners screaming
5 and yelling and banging at their cells?

6 A. Yes.

7 Q. Mr. Grattan, what was the food like in prison?

8 A. Very dull, very bland, very much like the prison
9 itself, gray, and basically tasteless and
10 unappetizing.

11 Q. And at Dorchester, for example, was there a choice
12 as to what you were fed?

13 A. No. You got what was on the tray or you didn't eat.

14 Q. And what about at Springhill?

15 A. You took what was there or you didn't eat.

16 MR. COMMISSIONER

17 You had a choice, take it or leave it?

18 MR. GRATTAN

19 Or leave it, yes, exactly.

20 MR. COMMISSIONER

21 I don't wish to interrupt you, but what about the
22 weapon situation at Springhill vis-a-vis Dorchester?

23 MR. GRATTAN

24 Well, I'm going back some years. This would be --
25 when I arrived in Springhill would be in late summer

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 of 1971 and there were -- all the prisoners who were
2 in Springhill at that time had done at least one
3 dit, one sentence, in a Federal penitentiary, in a
4 maximum security, all of them that I knew were
5 armed.

6 MR. COMMISSIONER

7 Um-hmm.

8 MR. GRATTAN

9 There were no stabbing incidents in the early years
10 that I was in Springhill, largely because everyone
11 assumed everybody else was armed.

12 MR. COMMISSIONER

13 And what about later years there?

14 MR. GRATTAN

15 There were some incidents.

16 BY MS. DERRICK

17 Q. Mr. Grattan, I was asking you about noise at night.

18 At Dorchester, what was the lighting like at night?

19 A. Well, you couldn't get away from the light. It was
20 like that. It was in your face all the time. If
21 you were in the old dome, which is the oldest part
22 of the penitentiary, there are great big windows and
23 the search lights from outside shine through those
24 windows into your cell. As well, there are lights
25 called police lights which are left on so that the

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 guards can monitor your movements. Besides that,
2 the guards have flashlights and they shine them on
3 you to make you move so that they can see if you're
4 alive or dead.

5 Q. And the police lights, where were they located?

6 A. They were set inside the cells, generally recessed
7 and covered so you couldn't smash them.

8 Q. And were they on all the time?

9 A. Well, generally. They were supposed to be. In some
10 cases if it was a good guard on, he might turn them
11 off so you can get some rest. But a lot of the
12 times they were left on. Certainly, in the hole and
13 during lock-down situations they were left on.

14 Q. At night when you would try to go to sleep then,
15 what was the brightness level in your cell? Could
16 you have read a newspaper?

17 A. Oh, I frequently did, I frequently read quite late
18 at night just by the light coming in through my
19 window.

20 Q. Without your having to turn on or activate any other
21 light?

22 A. Without my having to activate any light at all.

23 Q. What about at Springhill, was the same true there?

24 A. At Springhill, you have control over your light
25 system. They do as well. There's a master switch

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 set up down in the control for the guards to use,
2 but generally they left the other controls in your
3 hands. However, the light switch for the police
4 light is outside the cell. So, when you were locked
5 in, quite frequently they would leave the light on.
6 When turning it on to do the count, which is every
7 hour or so, they would turn that light on and
8 sometimes forget it on deliberately and sometimes
9 forget it on just by accident.

10 Q. So, it would get left on even after the count had
11 been finished?

12 A. Yes.

13 Q. What about counts? What are they and how often did
14 they occur?

15 A. A count is both a security check and a safety fire
16 check that the guards conduct on a regular basis.
17 Usually, it's around every hour at night. They vary
18 the times, they stagger them a bit so we don't hear
19 them coming or see them coming, supposedly. There
20 are other set times through the day when they count,
21 when men go to work, when men come from work, when
22 men go to meals, when they return from meals, and
23 before they go to recreation and before they're
24 locked in their cell blocks or units for the night.

25 Q. You mentioned a few minutes ago about counts every

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 hour. I'm sorry, I didn't catch -- which
2 institution did that happen at?

3 A. That would be Springhill, but Dorchester also. They
4 would be counting very frequently in Dorchester.

5 Q. Can you tell us what a routine day was like and how
6 it was organized?

7 A. Is this in ---

8 Q. And if there's a difference between Dorchester and
9 Springhill, perhaps you could do each one
10 separately.

11 A. In Dorchester when I was there, as I said, there was
12 a lock-down situation, so I really didn't see a
13 normal day.

14 Q. In the entire 3 months you were there?

15 A. No, I saw no normal day there at all. They locked
16 us up, people were locked up almost all the time.
17 Those of us in reception were allowed out for 2 or 3
18 hours in the afternoon for recreation, but all the
19 population were locked up, and when we were let out
20 we were taken downstairs and we would march down and
21 pick up our meal, our supper meal, and march up and
22 take it back to our rooms and be locked in with our
23 food. Springhill I know much better because I was
24 there much longer. It was a different situation.
25 You would get up in the morning at 7:00 when they

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 would yell, "Time to get up", they would open the
2 cell doors electronically, so they would all buzz,
3 click, and then snap open. They would slam the gate
4 shut at the end of the range. Their gates are very
5 much like the ones in Dorchester, but they're made
6 to look a little bit more artistic, sort of like
7 cloisonné work in jewelry, and ---

8 Q. Sort of more intricate?

9 A. Yes, more intricate, and they would slam those shut
10 to hold you on the range after they open the cell
11 doors. Then you would wait range by range until
12 they called, "First call for dinner", "Second call
13 for dinner", or whatever. When I first got there,
14 it was called "First Feeding", "Second Feeding".

15 Q. And that was what was announced, was it?

16 A. That's right, yes, "First Feeding".

17 Q. And you went according to range?

18 A. You went according to range, generally half a unit
19 at one time, either the upper tiers or the lower
20 tiers.

21 Q. And how many men at one time are we talking about
22 now?

23 A. 50.

24 Q. 50?

25 A. Yes, depending on the population of the prison at

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 the time. In the early 70's, the population in
2 Springhill was quite low compared to what it is now,
3 so there would probably have been maybe 35 or 40 at
4 any one time.

5 Q. And did you go to a central eating area?

6 A. Yes, we did, a dining hall.

7 Q. And just keep walking us through. What, you'd have
8 your meal, your breakfast?

9 A. They would call "First Feeding" and announce which
10 ranges were going, "A", "B", "C", "D", "E" or "F",
11 and we would march down two-by-two, supposedly
12 silently, shirts buttoned, coats buttoned. We would
13 march through the walkway, which is a tunnel about a
14 quarter of a mile long that leads through the heart
15 of the institution itself to the dining hall. The
16 gymnasium was on one side, the officers' dining hall
17 on the other side, and then the inmates' dining hall
18 next to that. There were two dining halls for the
19 prisoners.

20 Q. And this was a cafeteria style dining hall?

21 A. Cafeteria style, 4 chairs to a table.

22 Q. So, you'd get your tray, have your breakfast,
23 and ---

24 A. Take the tray to the dish room, hand it in to the
25 people who were cleaning off the trays, and then you

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 would go back to your unit and await a call for
2 work.

3 Q. And how did you get back to your unit? Did you go
4 back in an orderly crocodile ---

5 A. Generally walked back as you finished your meal.

6 Q. As you finished, I see. And then you would wait
7 inside your cell for your call?

8 A. For a count. They would count, yes. And then they
9 would call, "Time for work" between 8:00 and 8:15,
10 and everyone was due to be at work at 8:30.

11 Q. And you would go then to the part of the prison
12 where you were designated to work?

13 A. Yes, whatever shop or area.

14 Q. How did work get -- how did you get chosen to do
15 certain kinds of work?

16 A. They decided what you did.

17 Q. I see.

18 A. "You will do this," and that's what you did.

19 Q. And when you were serving time at Springhill, what
20 were the range of options that they could choose for
21 you?

22 A. They went generally in the most part from cleaning
23 to working in the industrial shops. The industrial
24 shops would involve sheet metal, carpentry and
25 painting.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. And what sort of work was being done in these shops?

2 A. Not much, make work generally. The cleaning jobs,
3 of course, were just mopping and cleaning. The
4 industrial shops were not at that time really
5 putting out any output, that was not expected. They
6 had things to keep you occupied and the idea was to
7 keep as many inmates occupied and out of mischief as
8 possible.

9 Q. And what kind of work did you do?

10 A. Initially, when I went there, because of my age and
11 because of my lack of work experience, they didn't
12 know where to put me, so they put me in the industrial
13 paint shop, sign painting shop, and I worked there
14 fetching and carrying stuff for the guys who were
15 doing sign painting basically as a helper, and I was
16 there for a while and then I was moved into a
17 cleaner's job in the offices of the industrial shops
18 sweeping the offices and the shops.

19 Q. And did you do that for 8 hours a day? Was that the
20 work day?

21 A. Well, the full work day in the prison is less than 8
22 hours, it's more like 6.

23 Q. Yes.

24 A. 3 in the morning, 3 in the afternoon, because the
25 counts and meals take so long.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. And when did the work day finish?

2 A. Around 4:30.

3 Q. They would yell, "Down tools" and "Clean up shop"
4 and people would clean up the shop one last time.
5 They would then do a check to make sure that there
6 were no tools missing, then everybody would leave
7 the shops and go back to their unit for a count. As
8 soon as you got in the unit, they would count you.

9 Q. And what time of day was that then?

10 A. 4:30, quarter to 5:00.

11 Q. Did you then have your evening meal?

12 A. At 5 o'clock or so.

13 Q. And did you go to your evening meal in the same
14 fashion that you've described going for the morning
15 meal?

16 A. About the same. They would call, you know, "First
17 feeding for supper" and people would march down to
18 get their meal, whichever ranges they were on. It
19 would usually be, "First feeding, 'A', 'B', and
20 'C'."

21 Q. And I've just got a question about working in prison
22 and it may sound like a stupid question. But were
23 there vacations?

24 A. No, there were no vacations.

25 Q. So, during the term of your sentence when you were

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 in there, did you work steadily throughout every
2 day, 5 days a week, week after week?

3 A. Yes, unless there was a lock-down.

4 Q. I see.

5 A. That's the only exception.

6 Q. Or sickness?

7 A. Sickness, yes. You could go to the hospital and
8 maybe get the day off.

9 Q. What about if you just said, "I'm fed up, I don't
10 want to go to work today"?

11 A. You went to the hole.

12 MR. COMMISSIONER

13 You had lunch, though, didn't you?

14 MR. GRATTAN

15 Pardon?

16 MR. COMMISSIONER

17 Didn't you return? Didn't you have lunch?

18 MR. GRATTAN

19 Oh, yes.

20 MR. COMMISSIONER

21 You talked about breakfast and dinner, but I didn't
22 hear anything about ---

23 MS. DERRICK

24 Sorry. No, he did -- Mr. Gratton did mention about
25 counts and dinner time taking up some time during

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 the day.

2 MR. COMMISSIONER

3 Yes.

4 BY MS. DERRICK

5 Q. But to follow up on that, you would in the middle
6 of the day go and have lunch in the same cafeteria?

7 A. Exactly the same way.

8 Q. From your work site?

9 A. Well, you would come back from the work site, back
10 to the unit, be counted again ---

11 Q. Oh, I see.

12 A. --- then go to eat and come back from your meal and
13 go right to work.

14 Q. I see. At the end of the day after you had had your
15 evening meal and you had returned to your cell area,
16 what would the evening be like?

17 A. After supper, there's another count before
18 recreation is opened. If there were no incidents or
19 problems in the prison, they would open recreation
20 between 6:00 and 6:15. They would announce, "Yard
21 is open", if the outside yard was open, and people
22 would then go out and play baseball or lift weights.
23 That's about the only choice there was.

24 Q. Play baseball outside and lift weights inside?

25 A. Outside at that time. They had the weights outside

MR. GRATAN, DIRECT EXAM. BY MS. DERRICK

1 a -- well, they called it the "weight pit". And in
2 foul weather, supposedly we would use the gymnasium,
3 though sometimes that didn't apply and instead they
4 would just show a movie, in which case that would be
5 the whole population jammed into a very small
6 gymnasium to watch a film.

7 Q. And we're talking about Springhill now, are we?

8 A. Springhill. This is Springhill.

9 Q. Did everybody recreate together?

10 A. Generally. There was no division there. In
11 Dorchester, there is a division ---

12 Q. Yes.

13 A. --- not all the guys would get out for recreation at
14 the same time. In Dorchester, they divided up
15 according to block, each block alternating. One day
16 it's my turn for recreation, the next day it's the
17 block that my buddy might be in, so I might never
18 get a chance to spend time with a friend or talk
19 about something with someone from another block
20 except if we met at the hospital or somewhere like
21 that.

22 Q. And how long did recreation go on for in the
23 evening?

24 A. Springhill or Dorchester?

25 Q. Taking Dorchester first.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 A. Well, in Dorchester, very short, like 2 hours. At
2 that time, there was almost no recreation because of
3 the lock-down. In Springhill, recreation goes from
4 6 o'clock till 9:30, quarter to 10:00 when they
5 would close the yard and they would announce, "Yard
6 closed, go back to your units", and the inmates
7 would go back to their various units and there would
8 be a count at 10 o'clock to make sure no one had
9 escaped.

10 Q. And staying with recreation for the moment, in the
11 dead of winter when there was snow on the ground and
12 it was, you know, 6 o'clock at night, what
13 recreation was available?

14 A. In the early years, they left the outside yard open
15 and the inmates themselves went out and with their
16 own labour built a skating rink or a hockey rink and
17 they played hockey and things. In the later years,
18 the guards got tired of going out in the cold to
19 watch us, because we had to be observed while we
20 were out there, so they closed the yard in late
21 September and it's not opened again until the
22 following May or June.

23 Q. So, when you say "the later years", when did that
24 start to happen?

25 A. I would say around 1978 or 1979.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. And what did that mean then about inmates getting
2 outdoors?

3 A. It meant you didn't get outdoors except to walk from
4 your living unit to the gymnasium, which at that
5 time was a bigger gymnasium that had been built.

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1 Q. If you didn't want to go to recreation, because you
2 wanted to stay in your cell and write a letter to your
3 girlfriend, or whatever, what happened? Were you able
4 to exercise that option?

5 A. Oh, yes. If you wanted to stay in, there was no
6 problem there. In fact, many people did. Lots of
7 people preferred to just do that.

8 Q. And you would be locked in?

9 A. In Dorchester, you would be locked in. If you didn't
10 go to recreation, you were locked down. That's all
11 there was to it. In Springhill, no. You are in your
12 living unit. But you're free to come and go from that
13 unit to say the Chapel, the library, the recreation
14 areas. In Dorchester, you could not do that.
15 Everything was on a pass system, as we've already heard
16 from Doctor Monture.

17 Q. And what did that involve, the pass system?

18 A. Well basically, you were given a little slip of paper,
19 say to go to the hospital. And you would ask your boss
20 in your shop. You'd say, "Look, I'm sick. I need to
21 go to the hospital." And if he felt that it was
22 justified, he would give you a slip of paper, signed
23 by his name, with the time when you left the shop. You
24 would take that to the hospital. On the way, you would
25 stop off at the control, and show it to the keeper.

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1 The keeper would initial that, put the time that he saw
2 you, and you would take it on to where you were going,
3 your destination. Once you got there, you would have
4 it signed. And then you would bring it back with you
5 when you returned, and have it signed again. So you
6 had to have the average piece of paper, just a little
7 slip, signed about six times. Initially, in
8 Springhill, they used the same system, though it was
9 a medium security. They used that for years and years,
10 until the guys started forging the slips. And then
11 they decided they would eliminate them.

12 Q. I think when we left you, in the sort of routine day
13 at Springhill, it was 10 o'clock at night, and there'd
14 been a further count.

15 A. The last count of the open period, yes.

16 Q. And when what would happen?

17 A. Then they would generally call, "Time for lock-up," at
18 a quarter to 11.

19 Q. What happened between 10 and quarter to 11?

20 A. The guys would be usually just hanging around the unit,
21 because you couldn't go outside, at that point. The
22 doors were locked -- the outside doors. So you're
23 still in the unit. There's two T.V. rooms. Or there
24 were at that time, two small T.V. rooms. You go watch
25 television. Or you could just sit on your range and

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- 1 play cards, or talk to people, or stay in your cell.
- 2 Q. And then at quarter to 11, what happened?
- 3 A. They would call, "Time for lock-up. Go to your cells."
- 4 Q. And you'd go into your cell and be locked in?
- 5 A. You would go to your cell and lock yourself in.
- 6 Generally, in Dorchester, you go in, and they turn the
- 7 big wheel. And it locks everybody's door. In
- 8 Springhill, the doors are all individual. And to lock
- 9 them, they can't be locked electronically. They have
- 10 to be locked manually. So you are required there, to
- 11 lock your own door.
- 12 Q. And then are you expected to settle down for the night
- 13 and go to sleep, or could you read?
- 14 A. You're free to do what you want, as far as that goes,
- 15 in terms of reading or sleeping. If you wanted to try
- 16 sleeping, it's kind of hard because, as I said, there
- 17 is noise. So generally, a lot of guys would stay up
- 18 later, until things would start to quiet down a little
- 19 bit. Or if you wanted to do like I did, I used the
- 20 night as my time to study and read, because it was a
- 21 little more quiet than the day.
- 22 Q. And what you've described, I take it, was a routine
- 23 work day, a Monday to a Friday?
- 24 A. Identical. Monday to Friday.
- 25 Q. And would that replay itself, day after day, week after

1 week?

2 A. Yes.

3 Q. What about on the weekends? Were there differences,
4 in terms of what the routine was like on the weekend?

5 A. Very slight differences. Breakfast is at eight
6 o'clock. They would open the doors at eight, which is
7 an hour later. They would yell, "Breakfast," and
8 that's all. Just the one word. And if you got up at
9 that point and went down to breakfast -- they didn't
10 send people by ranges, you just went, because there
11 weren't all that many guys who would go to breakfast.
12 The food wasn't that great.

13 Q. On a weekend morning.

14 A. On a weekend especially. You could sleep in on those
15 weekends. And guys would take advantage of that.

16 Q. And if you didn't have breakfast, when were you
17 expected to get up? And what would happen when you
18 did?

19 A. Well you were allowed to sleep in, in Springhill, until
20 dinner time, or later if you wanted to. But I mean,
21 that would involve missing your meals. They would
22 count you while you slept. And if they locked your
23 door, they would slam your door shut, and then open it
24 later, after the count was complete.

25 Q. Were you expected to do anything on the weekends?

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1 A. No.

2 Q. Were you required to do anything?

3 A. No, except to be present for the counts. That was it.

4 Q. So you could exercise the option not to eat all day,
5 and just stay in your cell?

6 A. That's true.

7 Q. Were there any additional privileges that were
8 available on weekends? Was there any greater
9 recreation time, and greater access to any resources
10 or facilities?

11 A. Recreation was opened all day, from the morning, nine
12 o'clock, until 11 o'clock, when they would have the
13 count.

14 Q. Eleven o'clock at night?

15 A. In the morning, no. And then after lunch, from one
16 o'clock until four, and then after supper, from six
17 o'clock, again until 9:30 or so. Generally that would
18 be it for the weekend.

19 Q. And what about your having said that they closed the
20 yard at Springhill in the later years, in around '78
21 or '79? What did that mean, with respect to weekends?

22 A. Well it meant that if you wanted to go somewhere, you
23 could go out to the inside yard only, in the winter
24 time.

25 Q. What was the inside yard?

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1 A. Springhill is set up as a court yard within a court
2 yard. The area where the buildings -- where the
3 inmates live are all connected, is the inside yard.
4 It's the area within the perimeter formed by the four
5 buildings. The area outside that, is the outside yard,
6 and the areas for the shops and administration
7 buildings. And that is much larger. And that, of
8 course, is separated from the other, by a series of
9 gates and security locks.

10 Q. And was it that outside yard that was closed during
11 those winter months that you described?

12 A. Yes. Yes. And still is, as far as I know. The last
13 I was there, it was closed during the winter.

14 Q. But the inside yard was kept opened?

15 A. The inside yard is always kept opened. And guys walk
16 around in a circle. It's the only thing you can do
17 there.

18 Q. And is that basically what it is, just a square?

19 A. It's a square.

20 Q. Is there grass?

21 A. No, not much. There's a little bit of it in front of
22 each of the living units. But by dent of guys lying
23 on it, it's pretty well dead.

24 Q. So it's just dust or dirt?

25 A. Dust.

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1 Q. That's what it is?

2 A. Yeah.

3 Q. Mr. Grattan, can you describe for us what affect this
4 environment had on your emotions?

5 A. It squashes everything. It makes you turn everything
6 off. It makes you repress everything, and hold
7 everything inside, and sit on it. You don't let
8 anybody see what you feel. Sometimes, you don't even
9 let yourself know what you feel. You especially don't
10 let people know when they've gotten at you,
11 particularly dealing with guards, because to let your
12 emotions show, in any way, means you will be punished.
13 You will be punished by a guard, if you let him know.
14 And you will be punished, in other ways, by the other
15 inmates, if you let them know that they've gotten to
16 you. If they know they've gotten to you, they can ride
17 your case more. They can bother you more. In the case
18 of the guards, the same thing applies. And they have
19 more possibility of hurting you, or punishing you. If
20 you show you're angry at a guard, he can charge you,
21 and put you in the hole. There's a variety of things
22 like that.

23 Q. If I ask you about emotional effects, do you know what
24 I'm talking about?

25 A. Um-hmm.

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1 Q. Would the emotional effect of the inmates be pretty
2 uniform then, from what you're describing?

3 A. I would think. I would think that would apply to most
4 of the guys that I knew. There's a -- I don't know if
5 it's a psychological term or what, but they talk about
6 "affect," as well. And most guys in prison don't show
7 any. They don't have any "affect," because they've
8 repressed everything and squashed it. So what you see
9 is a mask.

10 Q. And is that a pretty uniform thing that you see?

11 A. Yes.

12 Q. So inmates' "affect" is very uniform.

13 A. Oh, yes, very.

14 Q. Mike Grattan, it would be accurate to describe you as
15 a lifer.

16 A. Certainly.

17 Q. Is that correct?

18 A. Certainly. I take pride in that.

19 Q. And I want to ask you about that, and what it means to
20 be a lifer. Can you tell me if a lifer experiences
21 prison differently from a short-term prisoner?

22 A. I believe so, in very many ways. First and foremost,
23 is the term lifer. It signifies someone who is serving
24 a life sentence, who is never getting out. Generally,
25 to the rest of the prison population, that scene is

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1 pretty heavy duty. Among the lifers -- because it's
2 not something voluntary, it's involuntary -- it's not
3 seen as any such big deal. But it does carry with it,
4 a whole bunch of responsibilities. Lifers are supposed
5 to be, in a real sense, at the top of the hierarchy.
6 There's a pyramid in prison.

7 Q. So you're talking about how lifers are regarded in
8 prison. Is that ---

9 A. Oh, yes.

10 Q. If you would tell us about that?

11 A. Well by the lifers themselves, there's generally -- the
12 feeling is quite common among lifers, that they're at
13 the top. This feeling generally, is shared by most of
14 the population. These are all men who have expressed,
15 in one way or another, their willingness to face
16 ultimate violence, even to the risk of their own lives,
17 or the lives of other people. So they're dangerous
18 men. And they're seen as dangerous men by the rest of
19 the population. Whether they actually or not, that
20 doesn't matter. Once you're seen in that light, you
21 are expected to behave in a certain way.

22 Q. And what do those expectations consist of?

23 A. Lifers are -- it sounds almost like the Boy Scout code
24 -- but lifers are expected to be solid. They're
25 expected to be trustworthy. They're expected to be men

1 of their word, regardless of what that word might be.
2 If a lifer says he's going to do something, regardless
3 of what he is, he's expected to do it. They're
4 expected to do their time, without whining and crying.
5 They're expected to keep their mouth shut. They're
6 also expected to lend themselves to whatever they can
7 do, to help the other prisoners. This is all
8 expectations lifers have of themselves. The other
9 prisoners really just avoid the lifers. They tend not
10 to bother them, because they know that these are not
11 men that one should trifle with. And particularly in
12 Springhill, where most of the inmates are doing two-
13 year sentences, they don't harass the lifers very much.

14 Q. And so the lifers, therefore, associate with other
15 lifers. Is that correct?

16 A. Yes, almost exclusively. And the reason for that is
17 two-fold. One, the other lifers understand you. It's
18 a community, in a very real sense. And you know these
19 guys. You know who they are. You've known them for
20 maybe 10 or 12 years. You know what their beef is.
21 You know what they came into prison for. You know that
22 it's a so-called clean offense. There are some
23 offenses in prison, that prisoners don't consider
24 clean. Sex offenses, rape, sexual -- anything of a
25 sexual nature, is seen as a dirty crime. Murder is not

1 seen as a dirty crime. It's violence. And violence
2 is not seen quite the same way, in certain ways.

3 Q. So this would form part of the sort of unwritten code?

4 A. It's part of the inmate code, which, at that time,
5 existed. And I'm sort of dating myself, by even using
6 it. It really doesn't exist per se, now, as it did
7 then, among the whole population.

8 Q. But you're saying that it existed between 1971 and the
9 approximate time of your release, around 1985?

10 A. Oh, certainly. Oh, certainly. Particularly from '71
11 to '78, it was very, very strongly inbred almost. It
12 was really just driven right into you.

13 Q. And this code consists of these expectations you've
14 described, and these characteristics?

15 A. And others. The expectation that if somebody crosses
16 your path, or pushes in front of you, or does something
17 to you, that you will stand up for yourself, that you
18 will deal with this.

19 Q. As a lifer, you were expected to follow through. Would
20 that be the way you'd describe it?

21 A. Oh, yes. You would have no choice. A challenge, a
22 direct challenge to you, was a challenge to all the
23 lifers. And if you didn't respond to it appropriately,
24 you were seen as N.G. -- no good. And that meant that
25 no one else would ever associate with you again, or

1 that they would just, every chance they got, attack
2 you.

3 Q. Were lifers any more likely to be the subject of
4 challenges, because of their status in prison?

5 A. It's like the old gunslinger, and the young
6 gunslingers. There's always some young punk coming
7 into the jail, that wants to try his spurs, so to
8 speak, who wants to make a name for himself, and show
9 that he's a tough guy. It doesn't do much for him to
10 pick on some poor young fellow doing two years for car
11 theft. But if he gets in some lifer's face, then he's
12 going to make a rep, one way of the other.

13 Q. A rep being a reputation?

14 A. A reputation.

15 Q. And this young punk that you've described, this is
16 someone who is doing a short-term sentence?

17 A. Generally. Generally. They have little to lose. On
18 a two-year sentence, they do 16 months, 13 days. The
19 average lifer, on a life sentence does anywhere from
20 10 years, to 25. And he's not going anywhere.

21 Q. As a lifer, how do you learn to adapt to these
22 expectations? How do you learn this code? What
23 happens when you get into the prison?

24 A. It's almost by osmosis. When I walked into Dorchester
25 Penitentiary, the Sheriff took me in. And when he took

1 the cuffs off me, there were six lifers standing in a
2 hallway, across from me, looking at me. Rather large,
3 scary guys. I was about 5'6", and weighed about 145
4 pounds. And these guys were like giants. And tattoos,
5 and scars, and broken glasses fixed with tape. And
6 they said, you know, "Hey, you're a lifer. We're
7 lifers. If you're clean, you keep your mouth shut, you
8 mind your own business, you're one of us. We'll look
9 after you." And my reaction, at that point, because
10 I was a young punk I suppose, was to say, "I don't need
11 you guys. I can look after myself," which they liked,
12 because it was a cocky attitude. And they said, "Okay.
13 We like this guy. He's one of us."

14 Q. Is that what happened though, that you looked after
15 yourself? Or did you become part of the sort of lifer
16 community?

17 A. Well as soon as the word went out that, "There's a
18 young fellow just got sentenced to life, he's 15," the
19 word went out around the older guys in the population,
20 the other lifers, "Don't bother this guy." And they
21 made very sure that the rest of the population knew
22 that. They told them that for two reasons. One, "If
23 you bother this guy, he's going to kill you. He's
24 crazy." Two, "If you bother this guy, we're going to
25 kill you, because we're crazy."

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1 Q. And that was in 1971.

2 A. Yes.

3 Q. After you had been there for a few years, is that a
4 role that you occupied, with respect to other young
5 lifers coming into the institution? In other words,
6 is this a role that keeps getting handed down?

7 A. I would think that, yes, that would be the case. But
8 it's a role that changed over the years. Most of the
9 guys, after they're in for a while, that threat of
10 wildness from them sort of fades. And they sort of
11 almost become -- I don't want to use the term "father
12 figure" -- elder brother is a good term. They become
13 elder brothers, to a lot of the guys in the joint.
14 Junior was an elder brother to a lot of guys inside.
15 A lot of them. And that entails protecting the weaker
16 guys from the stronger guys, and making sure that
17 things stay quiet.

18 Q. I'm going to ask you specifically about Junior, because
19 I know that you knew him inside. But I do just want
20 to ask you some of these more general questions first.
21 Why was it important to the lifers, that things be kept
22 quiet? What are you referring to when you described
23 that?

24 A. Well first of all, the lifers want quiet for
25 themselves. We were seen by the population, as not

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1 having a whole lot to lose. You know, they figured,
2 "Oh, these guys are never getting out." But the actual
3 case was, that since we knew that for us to get out,
4 things had to go, over a very long period, with no
5 trouble, we didn't want trouble. It wasn't to our
6 benefit to have riots and problems break out. When
7 something like that goes down, it's bad for everybody.
8 And we knew that. Also, having been around through
9 some of those things, we had seen the violence, we had
10 seen the deaths, and we knew what was coming. So where
11 the young kids, out of ignorance or whatever, would
12 start something, just to see what would happen, we knew
13 what would happen. We knew that, if necessary, the
14 guards would come in and shoot. So we didn't want any
15 trouble. So we kept things quiet that way.

16 Q. Can you tell me, in perhaps elaborating on this a bit,
17 how lifers are regarded by, or treated by, the
18 institution? Do you have a role there?

19 A. Yeah, they're used. They're used by the institutions,
20 as a control mechanism, as a control group. Generally,
21 in Springhill -- Springhill, because it's broken up
22 into four buildings, and each building is broken up
23 into six tiers -- they would try to put two lifers on
24 each tier, as a steadying influence, is the term that
25 they would use. And they would tell us that, right to

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1 our faces, "Oh, you lifers are a steadying, stable
2 influence." You know, this sort of thing. Where
3 anything went wrong, naturally, they would usually grab
4 the lifers right first, and throw them in the hole, or
5 punish them first.

6 Q. For what reason?

7 A. Well you were seen as a ring leader then, you see. On
8 the one hand, they wanted you to control things. But
9 if you tried to, they grabbed you, and sometimes just
10 shipped you to a maximum security.

11 Q. So is it fair to say, then, that lifers stood out in
12 the prison population, both from the perspective of the
13 institution, and from the perspective of the other
14 prisoners?

15 A. Yes, it is.

16 Q. Are there any features of being a lifer that are
17 unique, that you haven't told us about, in answering
18 these questions?

19 A. It's a difficult kind of thing to put into words. It's
20 almost -- you're doing time in the prison. But you're
21 within a prison, within a prison, that you've created
22 around yourself. And you've set your own limits, your
23 own perimeters within that. Lifers know what the
24 limits are. So we create our own smaller limits, just
25 slightly smaller, within that, so we don't have to come

1 into contact with the forces of authority. If they
2 tell us we can walk 100 yards in one direction, we'll
3 go 98, and stop, of our own volition. It's as though
4 you try as hard as you can to ignore the physical
5 prison that you're in, and try to find the space within
6 yourself, or within those in your community.

7 Q. Why do you do that?

8 A. For your sanity. For your sanity. To keep from going
9 mad.

10 Q. For what reason? Because of the length of sentence?

11 A. Because of the length of sentence, primarily. I think
12 maybe initially as well. But also, because it fits
13 with that feeling of community, of strength that you
14 get, of solidarity from forming a bond with guys that
15 you are going to live with for 10 or 12 years. There's
16 a very strong bond that forms between lifers. And
17 they're like brothers. I mean, it's deeper than
18 family. It's deeper than blood. These are guys who
19 have stood back to back with you, in life and death
20 situations. These are people you trust, because you've
21 known them for 10 years.

22 Q. And I'm going to ask you more about this shortly, but
23 now that you've mentioned it, do these connections with
24 other lifers, do they survive out into the street,
25 once, as a lifer, you do get released?

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1 A. Well they do, in many ways. In some, you lose track
2 of the guys. But in others, the guy might be released.
3 You might see him 10 years later. And that's still
4 there. That feeling is still there. You don't lose
5 that, because these are people who have been through
6 the worst times of your life with you, and have
7 survived, and have been strong enough not to bend, not
8 to give in. And you know these people, as I said. And
9 you respect them. And in a very deep sense. There's
10 real affection there.

11 Q. If you're once a lifer, are you always a lifer?

12 A. I think so. I think there are some cases, where
13 somebody might do something to dishonour themselves,
14 where the other lifers would look down on him. Yeah,
15 there are cases where you're no longer a lifer. But
16 generally speaking, lifers are lifers, and always.

17 Q. How would you describe the experience of getting older
18 in prison, in your particular case?

19 A. You don't notice it. I didn't notice I was getting
20 older, until I got out. And I don't know whether
21 that's because the guys around me were the same
22 relative age to me. I never noticed them getting
23 older. You don't age in prison. A lot of guys say
24 that. You don't age in prison. It's not that you
25 don't age, you don't mature. You don't mature in

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1 prison. You don't grow, through life experiences,
2 because every day is the same as every other day,
3 barring those experiences you create for yourself, or
4 which are imposed on you from outside. And they're
5 generally negative. So you don't like those. I think
6 it's a matter of your emotional growth doesn't really
7 happen in there. But the grey hairs come, and hairs
8 go.

9 Q. Mr. Grattan, you experienced the parole process in
10 prison. Is that correct?

11 A. Yes, I did.

12 Q. Can you tell us how this process made you feel?

13 A. Well it's like going to court again, and again, and
14 again, and again, for the same offense. And you're
15 always guilty. And they've decided that, before you
16 go in, that you're guilty. And they want you to admit
17 that. And they want you to tell them you're sorry.
18 In fact, parole papers are called by prisoners, "Sorry
19 Papers," as in, "I see you've got your Sorry Papers
20 with you. Going up for parole"? You know, snicker,
21 snicker. That's the sort of thing. Yeah, that's true.
22 It's a very legalistic, but already pre-determined
23 course. You have to go up -- if you're a lifer, you
24 have to go up for parole -- you have to go before the
25 Board for passes, to go out of the prison for a few

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1 hours. And then it's passes again, for a few days.
2 Then you go up before the Board again, to get day
3 parole. Then you go up before the Board again, to get
4 parole. And anything that's a change in your parole
5 status, involves returning to the Parole Board, and
6 again, going through that tribunal, which already knows
7 you're guilty.

8 Q. And how does it make you feel personally, about that
9 experience?

10 A. It's a very hard, humiliating experience. You have to
11 go to these people, hat in hand, with all the little
12 certificates, and little gold stars you've earned,
13 through the years that you've been in prison, and take
14 it to them, and say, "This is what I have done to
15 change myself, to improve myself, to make myself a
16 better human being, more able to live in your society.
17 Please let me out." And whether you're sincere about
18 that or not, they will decide. You don't.

19 Q. Mr. Grattan, what function did illegal drugs have in
20 prison, when you were there?

21 A. It was an escape. It was the ultimate escape. It was
22 the only effective escape, short of death. Guys used
23 drugs as an escape. But even guys who didn't use
24 drugs, were involved in watching the goings on of those
25 who were seeking drugs, or hunting drugs. The search

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1 for drugs, became a quest for life, a quest for
2 meaning. They would go, you know, on this wild search
3 for drugs. And, "I hear there's drugs in. I hear
4 they're in #9." So everybody would go over to #9, and
5 look for drugs. And then, that was exciting. It was
6 something happening. It would interest people. "Hey,
7 did you hear about the drugs"? And everybody would go
8 over there. And that sort of thing. It was also an
9 entertainment. It was an activity that kept guys busy.
10 It gave them something to focus their minds on. As
11 well as, when they would get drugs, they would get a
12 bomb. You know, they'd get high.

13 Q. And were drugs readily available?

14 A. Oh, yes. Oh, yes. When I was there, primarily it was
15 hashish and marijuana. Mostly marijuana. That was a
16 very big drug of choice, at that time. And it was
17 freely available. And there was all kinds of it.

18 Q. You knew Donald Marshall Jr., while you were in prison?

19 A. I was there when he came to Springhill.

20 Q. And you served time with him at Springhill?

21 A. Yeah. I was upstairs. He was downstairs, in the same
22 living unit.

23 Q. And did he change over the years that you knew him in
24 prison?

25 A. I think so.

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1 Q. Can you tell us in what ways?

2 A. I think Junior became more withdrawn, and more quiet.
3 He was quiet to begin with. He always was. It was one
4 of the reasons people liked him. But he was also more
5 withdrawn, and more pulled away from others. He drew
6 towards himself, what strength he had, and kept it
7 within him. And Junior was a dignified person. And
8 his dignity was quiet. And he kept it to himself. And
9 as he got older, I think he got more quiet, and became
10 even more within himself.

11 Q. Did you know him quite well?

12 A. Oh, yeah. Junior's my friend.

13 Q. And Junior is/was a lifer. Is that correct?

14 A. Yes, that's correct. Is/was.

15 Q. So who did he associate with at Springhill? I don't
16 mean names. I mean was it other lifers?

17 A. Quite frequently ---

18 Q. Was it white prisoners? Was it aboriginal prisoners?

19 A. Quite frequently, Junior didn't associate with lifers
20 at all. He knew three or four, that were his close
21 friends. And I considered myself privileged to be one
22 of those. There were a great many of the aboriginal
23 prisoners, the Native population in Springhill, that
24 he was with. He was very close to them. And they
25 looked up to Junior. From the day he got there, he had

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 an influence over the guys that were there.

2 Q. And were they lifers only?

3 A. No, they were not. They were generally not lifers.
4 There were very few. Junior was -- I think, for most
5 of the time I was there, Junior was the only Native
6 lifer in Springhill.

7 Q. When you were at Springhill, was there a Native Indian
8 Brotherhood?

9 A. Not initially. Not when I first got there. That came
10 around the middle of the '70s -- '74, '75, something
11 like that.

12 Q. And do you have any knowledge of Junior's involvement
13 in the Native Brotherhood?

14 A. Oh, yeah. Junior was involved with it. There was a
15 guy named Augustine, and Junior. And several other
16 people I knew were involved with it.

17 Q. And what was your knowledge of the Native Indian
18 Brotherhood based on? How did you acquire knowledge
19 of that?

20 A. Well first of all, I didn't know much about it at all,
21 except that I was working in the prison newspaper,
22 which still existed at that time. It was called the
23 Communicator. And I had been invited by the
24 Brotherhood to a social, to report on it, for the guys
25 in the general population, and let them know what the

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Native Brotherhood was doing.

2 Q. Do you have any knowledge of who got the Native
3 Brotherhood started?

4 A. There were about five or six guys. But Junior was one
5 of them, on the inside. I know there were people on
6 the outside, as well, working very hard for them.

7 Q. Yes. I was asking, actually, about the people on the
8 inside.

9 A. Yeah.

10 Q. And when you left Springhill, was the Native Indian
11 Brotherhood still there?

12 A. Oh, certainly, and very active.

13 Q. And while you were there, following the start of the
14 Native Indian Brotherhood, what sorts of functions or
15 role did it play? What did it do?

16 A. They didn't have a lot of things happening at first,
17 because the prison administration was against them.
18 They didn't like the idea of people coming in. They
19 didn't like the idea of Indians, and family of Indians
20 coming in. They were afraid drugs would be smuggled
21 in. They were afraid this was all some kind of gaff,
22 some kind of game. But over the years, they've come
23 to accept the Native Brotherhood, and to see that they
24 do have a deep influence on the guys inside,
25 particularly, as Dr. Monture was just saying, in the

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 spiritual aspect. They have a sweat lodge now, in
2 Springhill. They never had one.

3 Q. When you were there?

4 A. When I was there.

5 Q. And the social that you were invited to report on, what
6 did that consist of? What was going on at that event?

7 A. It was basically a family visiting day, where the
8 family of guys who were Natives, would come and visit,
9 and be allowed to visit with them privately, in the
10 gymnasium, away from the population, and not in a
11 visiting room. A more open setting.

12 Q. Was this something special or different from what would
13 happen routinely, with respect to visits?

14 A. Well this is very different, yes. All the different
15 groups in the prison, generally had one of these, once
16 a year. I think they started out initially, as once
17 a year. The Native Brotherhood had one. The Black
18 Inmate Association had one. I believe that there were
19 three or four. The A.A.'s had one. The Narcotics
20 Anonymous had one. They all had a social every year.
21 And this was the one that the Brotherhood had.

22 Q. Mr. Grattan, with respect to your observations of
23 Junior's experience of prison, did you make any? Are
24 you able to comment on that?

25 A. Yeah, I think I can comment on that.

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. What can you tell us?

2 A. In fact, I'd like to. Junior had it harder than most
3 of us, largely because of the fact that he was
4 innocent. It's not just the fact that most of us
5 didn't believe in Junior's innocence. I mean, like the
6 old saying in prison is, "Everybody's innocent, but
7 we're all still here." With Junior, that wasn't true.
8 Junior was innocent, and he knew that. And he stuck
9 to his guns. But being a lifer, I know what the prison
10 authorities think like. And the first thing they want
11 from you, is an admission of guilt. And the last thing
12 they want from you, is an admission of guilt. They
13 want you to admit your guilt again, and again, and
14 again, and again. And if you don't, they'll label you
15 as a compulsive liar. And they'll say you're crazy.
16 And they'll try everything they can, not to get you
17 anything, not to allow you passes, not to get you out
18 of the prison, not to allow you any privileges. Only
19 because they're trying to force you to admit your
20 guilt. And I saw Junior stick to his guns for 12
21 years, of saying, "No, I didn't do it." And he stuck
22 to that. And for that, no one stands higher, in my
23 estimation.

24 Q. Mr. Grattan, what can you tell us about visiting at the
25 prison? And I guess, would your experience have been

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

- 1 only at Springhill, with respect to visiting?
- 2 A. Oh, no. I had visits in Dorchester, from my father.
- 3 Q. Can you tell us, in terms of just the setting? How did
- 4 visits happen? How were they experienced? What was
- 5 the setting in which they happened?
- 6 A. Well the guard would come up and get you.
- 7 Q. We're talking about Dorchester now, are we?
- 8 A. Dorchester. You would be told, "You have a visit."
- 9 Officer So and So would come and get you. He would
- 10 take you down to the visiting room, which would mean
- 11 marching you through sections of the building, and out
- 12 through the gate. And he would hand you over to
- 13 another guard, who would march you over to a stool, and
- 14 sit you on it, facing a pane of glass with holes
- 15 punched in it. And then your visitor would be brought
- 16 in, on the other side of the pane of glass. And that's
- 17 how you would have your visit.
- 18 Q. And you communicated through the holes?
- 19 A. Well you yelled at each other, is what you did. Yeah.
- 20 Q. And who else was in the room?
- 21 A. A guard at each end of the table.
- 22 Q. And was anybody else having visits at the same time?
- 23 A. Yes, all in little booths, all connected. They were
- 24 like little telephone booths, all connected all along.
- 25 Q. So is it likely that someone would have been sitting

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 right next to you, having a visit at the same time you
2 were having a visit?

3 A. Oh, yes. Oh, yes, always. Always.

4 Q. Was this a noisy experience?

5 A. Oh, yes.

6 Q. What else would you describe about it?

7 A. It was not a pleasant experience. There's no contact,
8 none.

9 Q. No physical contact?

10 A. No physical contact, whatsoever. They couldn't pass
11 through a cigarette. You couldn't shake hands. You
12 couldn't hug. Parents couldn't hold their children.
13 Children couldn't touch their parents.

14 Q. So that was the whole visit? There wasn't a part at
15 the end, where you got to go and embrace and say good
16 bye?

17 A. No. And the visit lasted a half hour max. That was
18 it.

19 Q. What about the ability of other people having visits,
20 to hear what you were saying in the conversation you
21 had?

22 A. Oh, yeah. They could hear everything you said.

23 Q. Was there any way of preventing that?

24 A. Well you could try to whisper. But generally, there
25 was no way. I mean, they'd hear you. The guards were

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 there, just for that. That's why there were there, to
2 listen to what you were saying.

3 Q. What about visits at Springhill? What were they like?

4 A. Very different. Open visit system there. They have
5 a visiting room, with little tables and little chairs.
6 And you go in. And your visitor comes in from outside.
7 And you sit together, at a table. And you can touch,
8 you can shake hands, you can hug. There's contact, to
9 a certain extent. You're watched very carefully,
10 through glass windows, by guards, all the time during
11 your visit. You're searched, sometimes before and
12 after. Often strip searched. Sometimes every time
13 you get a visit, sometimes occasionally, like a spot
14 check. But you were always searched in one way or
15 another. At least patted down.

16 Q. Before you went in, and after you left. And this room
17 where you are with your visitor, is there anybody else
18 in the room with you?

19 A. Oh, yes. There are other visitors, all at their little
20 tables. It's very much like a room like this.

21 Q. I see. So it's still an open room ---

22 A. It's still an open room.

23 Q. --- with other visits being conducted?

24 A. With other visits there.

25 Q. And are you able to have more than one -- or were you

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 able, because I want to focus on the time period, when
2 you were there -- were you able to have more than one
3 visitor on these occasions?

4 A. Generally, no, unless it was something very special.
5 Generally, it was like one visit at a time. But if
6 your mother and father came, that was considered one
7 visit. If your mother and father and your brother and
8 sister came, that might be considered one visit also,
9 because they were family. But if you had two or three
10 different friends that came, they would often make the
11 first one leave, before they would let you see the
12 second one, if they came together.

13 Q. And how long did these visits last?

14 A. They were generally supposed to last no more than an
15 hour. But they usually didn't limit them quite that
16 much. They'd usually give you at least a couple of
17 hours, sometimes all afternoon.

18 Q. And how often would you get these visits?

19 A. You were allowed to have a visit every day, except
20 Christmas Day. Christmas Day being the only day you
21 weren't allowed to have a visit.

22 Q. Why was that?

23 A. The visiting room is closed on Christmas Day.

24 Q. Can you give us an explanation for why they closed it?

25 A. I have no idea, except that maybe the staff who run it,

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 would like to go home for Christmas.

2 Q. So what was Christmas Day like?

3 A. Christmas Day is a day like any other day, except that
4 you get breakfast from eight o'clock in the morning
5 until 10 o'clock in the morning. And you don't have
6 to rush there to get it. You can eat with guys from
7 other units, rather than eating in your own, because
8 they only use one dining room.

9 Q. Oh, I see.

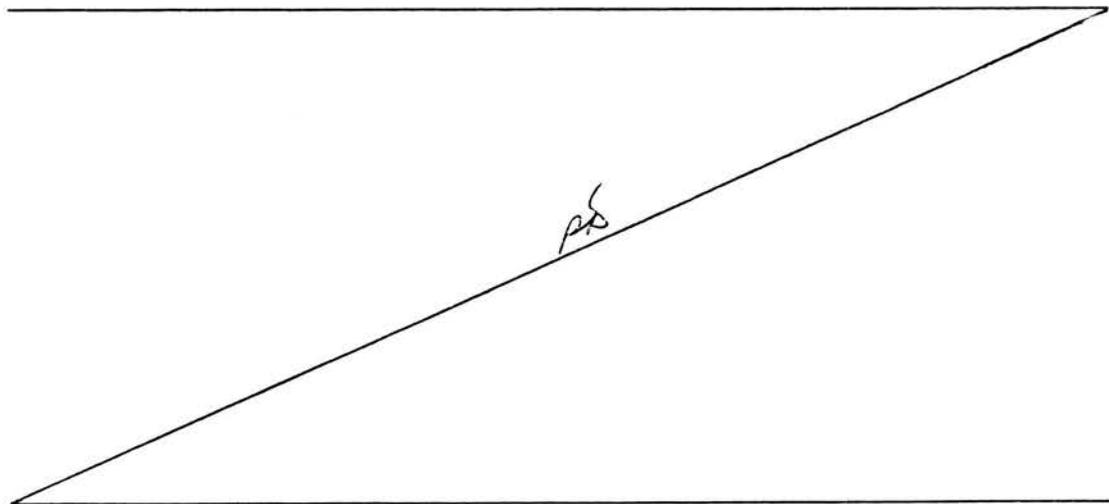
10 A. So if you want to go sit with a friend of yours, who
11 lives in another building -- because there is no
12 contact between inmates from one building to another.
13 You can't go visit your friend, where he lives, unless
14 you live on the same range. So if he lives in another
15 unit or cell block, you can't go visit him. Except at
16 Christmas time, you can go have breakfast together.

17 Q. There are a few other things I'd like to ask you about,
18 Mr. Grattan. One is -- we're talking about Christmas
19 -- what about receiving presents, or getting things
20 from people, at the prison?

21 A. No. There are no gifts given or received. It's just
22 -- that's not allowed. They don't allow us to receive
23 gifts.

24 Q. So you served 11 years inside, and effectively, 11
25 Christmases. Then you never got a gift?

1 A. I won't say I never got a gift, but not legally.
2 Q. That was a very good answer. With respect to telephone
3 calls, who could you call, and under what
4 circumstances? Could you receive calls from people?
5 A. At that time, they said no, you couldn't have phone
6 calls. But within a few years of my arrival in
7 Springhill, they had started allowing certain guys to
8 have phone calls, to family only, and only for certain
9 reasons. Like for instance, if your family lived in
10 Vancouver, and you were doing time in Springhill, or
11 an emergency, or an illness in the family, or something
12 like that, they would let you have a phone call. But
13 it was not a regular thing. And it was very hard to
14 get.



MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 Q. When you have a phone call, does that mean that they
2 let you receive a phone call? What about if you
3 wanted to make a phone call?

4 A. Generally the same. They would let you receive it
5 sometimes and sometimes they wouldn't even tell you
6 you had one. Sometimes they would let you make one
7 and sometimes they wouldn't. It all depended entirely
8 at that point on whether the guard wanted to bother
9 sitting there and listening to you.

10 Q. That was another question I was going to ask you. So,
11 were phone calls monitored?

12 A. Yes. Oh, yes.

13 Q. You mentioned strip searching. What is a strip search
14 and when did they occur and for what reason?

15 A. A strip search is basically the administration's way
16 of telling you, "We are in control." They would walk
17 you through, take you into a small room, sometimes
18 with other people walking by, sometimes not. And they
19 would strip you and take your clothing and look at it
20 bit by bit, and sometimes rip it apart. And then they
21 would give it back to you and tell you to get dressed
22 and go back to your unit, or march you off to the hole
23 if they found anything.

24 Q. What about searching your person on these occasions?

25 A. They would look through your hair, in your ears, make

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 you take your false teeth out, make you take your
2 glasses off. The whole bit.

3 Q. And did they look in other places as well?

4 A. Only in certain cases. If they were deliberately
5 looking for drugs, they would generally tell you to
6 bend over and crack a smile.

7 Q. Mr. Grattan, what are some of the emotions you felt
8 upon being released from prison after 11 years?

9 A. It's the scariest thing I can think of. It's as scary
10 in its own way as going to prison was when I was 15.
11 It's very much a frightening experience, going out of
12 jail.

13 Q. Why is that?

14 A. It's the unknown. You don't know it any more. You
15 know what you think it was when you were there and
16 maybe that's changed. And you know what you dream it
17 will be, but those are only dreams and you don't know
18 if they're real or not. So you just don't know where
19 you're going and you're scared.

20 Q. What sort of things had changed from the time that you
21 had gone into prison to the time when you got out?

22 A. I just loved video games. I had never seen any video
23 games. Those computer -- you put a quarter in things
24 with the little boom boom. I just loved those. I
25 thought they were great. I had never seen those.

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1 Personal computers, never saw them. All kinds of
2 weird stuff. You know, the little mini tape
3 recorders, the Walkman. Didn't have those. There
4 were a lot of things like that that I had never heard
5 of. They just didn't happen.

6 Q. What about things that had been there? Was everything
7 -- you know, tell us about style, about language.
8 What other things did you ---

9 A. Style was kind of a major change. Basically, we went
10 from long hair, beards and Roman sandals to the preppy
11 look. And, you know, at that time period, there was a
12 major change in styles. When I went in, everybody had
13 long hair and headbands and the whole bit. And, when
14 I came out, people were into, like, sweatsuits and
15 jogging and -- you know, a beard.

16 Q. Had you expected this?

17 A. No. In fact, I kept telling myself all the time that
18 I was in prison, "Oh, I'm keeping up with the styles.
19 I know what's happening. But, at the same time, it
20 really didn't internalize itself until I got out
21 there and realized that everything had changed.

22 Q. What about the effect of having been in an all male
23 environment for a long period of time? How did that
24 affect your ---

25 A. It makes you very shy with women because you tend to

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 see them as some sort of unattainable goddess. You
2 look at women as a Madonna figure. And, in prison,
3 guys that I knew, at least, were always extremely
4 respectful to women. Largely because we never saw
5 any. And, when we did, this was the only feminine --
6 I don't want to say perspective but something Dr.
7 Monture was talking about, the male and the female.
8 The female was special because we never had any
9 contact with it. We missed out on that particular
10 focus. It wasn't there. The principle was lacking.
11 If the principle was there, well then it was elevated.
12 It was above us. And most guys that I knew tended to
13 think women were very special. So when you get out,
14 you're very shy around them. You don't want to say
15 anything to them that might offend them or hurt their
16 feelings. And you're unsure of yourself anyway as to
17 how you can talk to them. And, certainly, you're
18 very, very shy when you get out of prison.

19 Q. What are some of the ways that a lifer is not equipped
20 to deal with life on the outside?

21 A. Making decisions. You haven't made any decisions for
22 11 years. There are no decisions to make. You're
23 told what to do all the time and that becomes very,
24 very anxiety inducing, having to make all these
25 decisions. What socks do I wear? And that may seem

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 small but it's repeated all through the day again, and
2 again, and again. Do I eat in this restaurant?
3 There's people there. Will I feel comfortable there?
4 I don't know. Maybe I won't go there. I'll go
5 somewhere else. And, you know, you just sort of check
6 in and check out but you never really feel
7 comfortable. You never feel at home.

8 Q. Describe some of the other ways that life is stressful
9 outside for a lifer? Can you give us some specific
10 examples?

11 A. It's difficult to be specific. It's from everything
12 to -- well, it's from everything like getting a
13 transit pass on a bus, asking for a bus pass. You
14 don't ask strangers for things in prison. If you
15 don't know a guy, you don't talk to him. So you don't
16 talk to strangers out here. You really are so very
17 much within a certain framework yourself. You know,
18 like when I was talking about when somebody's in
19 prison, you don't touch them and you don't come too
20 close to them. Well, outside here, everybody comes
21 close to you. They come right into your face. They
22 jar you. They bump into you on the sidewalk. Whoa,
23 this is like really weird. This is uncomfortable.
24 It's somewhat frightening. And there's so many
25 people, and there's so many cars, and there's so much

MR. GRATTAN, DIRECT EXAM. BY MS. DERRICK

1 noise. And it's a different noise. It's a weird
2 noise, unfamiliar noise. Some guys can't sleep when
3 they get out. Now, there are lot of people who can't
4 handle the change from a maximum security prison to a
5 medium security prison. So it's that much more
6 difficult to go from any prison to go the street.

7 Q. How would you say being in prison for 11 years
8 affected your ability to express emotion?

9 A. It made it very difficult for me to express emotion.
10 I can talk about emotions. It's just very hard for me
11 to bring them out so people see them. I don't cry or
12 anything like that very easily though I can if I need
13 to. I had to take therapy and things to learn how to
14 release feelings, even anger and things in appropriate
15 ways. I didn't know how. And I did that for a long
16 time. While I was in prison I started doing that and
17 continue to do it to this day. It's something I think
18 I will probably continue to have to work with for the
19 20, 30, 40 years.

20 Q. Thank you very much, Mr. Grattan.

21 A. You're welcome.

22 MR. SAUNDERS

23 I have no questions for the witness.

24 CROSS-EXAMINATION BY MR. SPICER

25 Q. Mr. Grattan, are there services available to you when

MR. GRATTAN, CROSS-EXAM BY MR. SPICER

1 you get out of prison and you're on parole? Are there
2 any services available to you through Corrections
3 Canada or through the parole service to assist you in
4 trying to re-integrate into society?

5 A. Many. Yes, there were many services available.

6 Q. Can you tell me -- give us some description of what
7 they are and what they do for you or what they fail to
8 do, if any?

9 A. Well, the initial release -- when you're released,
10 you're handed over to a parole officer. That's either
11 a parole officer in a halfway house -- if you go to a
12 halfway house on release, which all lifers have to do
13 -- you go to a halfway house and you live in a
14 structured environment where you are safe and where
15 they can watch you and evaluate your every movement.

16 Q. If I could just stop you there for a second. Did that
17 happen to you. Were you in a halfway house for a
18 while?

19 A. Oh, yes. Oh, yes.

20 Q. How long were you there for?

21 A. I was there a year.

22 Q. Was that long enough?

23 A. At that time, I thought it was. And, perhaps, it
24 wasn't. I was told by one of my parole officers that
25 he didn't feel it was but my opinion at that time and

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

1 his were different. The parole board felt that the
2 year was enough and they released me from that halfway
3 house at that time.

4 Q. Okay. What happens then after you get out of the
5 halfway house?

6 A. Then you go to another parole officer. You're handed
7 over to a parole officer from the district office
8 wherever you live.

9 Q. In your case, was the halfway house the Carlton House?

10 A. Yes. As a matter of fact, it was.

11 Q. Was Jack Stewart at the halfway house when you were
12 there?

13 A. He was the director at that time?

14 Q. Okay. Was Junior at the halfway house at all during
15 the time you were there?

16 A. Yes, he was. But for a very short period of time.

17 Q. Okay. At the beginning or the end of when you were
18 there?

19 A. Oh, after I left.

20 Q. After you left.

21 A. After I had left.

22 Q. So when did you actually get out?

23 A. I got out in 1981.

24 Q. And your halfway house experience then was the period
25 of '81 and part of '82?

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

1 A. Yeah, pretty well. It was about eight or nine months.

2 Not quite a year. A little less than a year.

3 Q. So you're telling us you were in the halfway house,
4 the Carlton House, for the best part of a year and
5 then you left that and went to a parole officer. Now,
6 at that stage of the game, where were you living?

7 A. Oh, well, at that point you have to have a place of
8 your own.

9 Q. Okay.

10 A. You're -- before you can leave the halfway house, you
11 must have your own dwelling.

12 Q. So you got your own dwelling?

13 A. I got an apartment, yeah.

14 Q. You got an apartment. All right. Now, tell us what
15 the parole officer's role is with you after you get
16 out of the halfway house?

17 A. The parole officer's role is to both advise and
18 supervise. They watch you and see if you're having
19 any problems or they give you advice and help you to
20 find employment and give you ideas on what you can do.
21 And send you to the various social agencies that can
22 assist you.

23 Q. And was that function of the parole officer helpful to
24 you?

25 A. Many times. I had very good parole officers.

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

1 Q. And then what happens? Is it the same process then
2 for a period of time that you liaise with a parole
3 officer?

4 A. That's the process forever. I'm a lifer so it never
5 ends. They hand me from one parole officer to another
6 as they go or whatever.

7 Q. And as you are longer and longer out of prison, does
8 your -- does the frequency of your contact with the
9 parole officer decrease?

10 A. At one time, it did. I was eventually on reduced
11 parole. But now they no longer do that as much. Now
12 they tend to keep the controls on and keep the -- I
13 don't know exactly how they put it. Keep the contact
14 up, I suppose, to a regular thing. Like, every month
15 or so, you're supposed to see a parole officer.

16 Q. Okay. So you've been out now about nine years, I
17 guess. Haven't you?

18 A. No. Actually, I went back in 1986.

19 Q. Oh, did you?

20 A. Yeah.

21 Q. Okay. And you're out again now?

22 A. I am out again now.

23 Q. And is the frequency that you have with your parole
24 officer been affected by the fact that you went back
25 in in '86 or would it be ---

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

1 A. Well, I'm back in a halfway house again.

2 Q. I see. Okay. So are you able to tell us, if you
3 hadn't gone back in '86, what the frequency of your
4 contact with the parole officer would be at this
5 stage, after nine years?

6 A. It would probably have been the same.

7 Q. About once a month?

8 A. About once a month.

9 Q. Do you find the contact with the parole officer still
10 useful to you?

11 A. Yes.

12 Q. And what ways is it still useful?

13 A. Well, basically, it's almost like an umbilical cord.
14 As much as I hate prison, as much as I hate everything
15 about prison and all the things it does to people, I
16 am a product of it and I need, in some ways, to keep
17 some contact with it. It helps me as an individual
18 sometimes. Sometimes, it's just an annoyance but,
19 sometimes, it does actually help. Have you had any
20 contact with Junior Marshall in the years since '81?

21 A. Oh, yes. I've run into Junior various times.

22 Q. Do you know whether or not any of the services that
23 are available to you were available to Junior after he
24 got out?

25 A. I don't know that for a fact but I know that unless

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

1 you're on parole, you're not supposed to have access
2 to some of these things. They're for parolees.

3 Q. Have you ever been in a situation where you've
4 discussed with Junior how he's getting along and how
5 he's doing over the years?

6 A. Not really. I've asked Junior how he is. And he
7 says, "I'm fine" or whatever. And he asks he how I
8 am. And I say, "I'm fine."

9 Q. Is that about the limit of your discussions then,
10 pretty well?

11 A. No. We talked about generally other people that we
12 had known. The people we have in common, friends,
13 people who have died or are still in prison, people
14 who are ---

15 Q. Other than saying, "I'm fine, I'm fine", was there any
16 other discussion about how -- did he ever describe to
17 you how he was doing other than this short comment
18 that he was fine.

19 A. Occasionally.

20 Q. What kinds of things did he say to you?

21 A. You'd have to ask Junior that.

22 Q. Okay. Thank you.

23 A. You're welcome.

24 **EXAMINATION BY THE HONOURABLE GREGORY T. EVANS**

25 Q. Mr. Grattan, I'd like to ask you ---

MR. GRATTAN, EXAM. BY MR. EVANS

1 A. Yes, sir.

2 Q. --- some questions about -- what education did you
3 have when you went in?

4 A. I had a Grade IX half completed in the French school
5 system in New Brunswick.

6 Q. Were you proficient in English then?

7 A. English and French.

8 Q. Both. Now what educational -- were there any
9 educational courses that you could take?

10 A. When I went to Springhill there were a few but most of
11 them were below my level at that point. They were
12 upgrading courses that would go from Grade I to Grade
13 VI. I took courses by correspondence from outside the
14 prison.

15 Q. And was that something provided by the Correctional
16 Service?

17 A. That was something that at that time was funded by the
18 Correctional Services. They supported that very much.

19 Q. And so then did you follow a particular course?

20 A. I completed high school in French by correspondence
21 and then I took the GED course in English and got my
22 Grade XII from that. And took some University credit
23 courses by extension and by correspondence.

24 Q. And when would you take that in the prison time? You
25 were working the six hours a day or whatever it was.

MR. GRATTAN, EXAM. BY MR. EVANS

1 A. Well, I would gear my day around it. As I said, I
2 found a job eventually as a cleaner, working in the
3 unit where I lived. So that I could get up at eight
4 o'clock in the morning, scrub the floors, get that
5 done by 8:30 or 9:00 and then sleep all day. Then I
6 would go to supper, come back, lock myself in my cell
7 and study all night or read.

8 Q. So that when you came out then, you were pretty well
9 qualified as compared to most of those of those in the
10 prison system in Springhill.

11 A. I would say in many ways I was fortunate. More
12 fortunate than others, yes.

13 Q. Do many follow the courses, educational courses?

14 A. They are not made readily available now and they don't
15 encourage them in Springhill.

16 Q. When you got out and into the halfway house, were you
17 able to get a job?

18 A. When I got out and into the halfway house, yes, I was.
19 In fact, the general recommendation of a halfway house
20 when a lifer comes out is -- they don't push you to
21 work. They say, "Look, just get used to being out for
22 a while. Take three months off." You know, sort of
23 thing. But I was unable to do that and I immediately
24 -- within a month, was working.

25 Q. And did you keep that job?

MR. GRATTAN, EXAM. BY MR. EVANS

1 A. I worked at that job for a couple of months until the
2 hours were cut back and then it wasn't much good to
3 me. It was a cleaners job. I was working in Fort
4 George Museum on Citadel Hill.

5 Q. And then did you get another job?

6 A. No. I'm looking for work now.

7 Q. Are drugs a big problem in Springhill?

8 A. They never were from my perspective when I was in
9 there. The only problem was obtaining them and paying
10 for them. When I was there in the early 70's, it was
11 a totally different atmosphere. As I said, it was
12 still part of the '60's. It was -- the people that
13 were there, if they had drugs, they shared it with one
14 another. It was seen as a spiritual experience. It
15 was seen as a communion that was shared between
16 people. Now it's big business and it's very different
17 there now than it was when I was there.

18 Q. And was alcohol a problem in the ---

19 A. Alcohol was rarely a problem. Occasionally, some guy
20 would get a brew and get twisted. Alcohol was a
21 problem like pills is a problem because of the
22 violence it creates and brings out. Other drugs were
23 less of a problem because they created less violence
24 directly.

25 Q. And you said that lifers sort of formed a community

MR. GRATTAN, EXAM. BY MR. EVANS

1 of their own. They were separate from the
2 institution.

3 A. Yes. Very much.

4 Q. From other inmates in the institution.

5 A. Oh, yes. They were their own particular little group.

6 Q. They were the top rank or the hierarchy.

7 A. In a sense. Them and the really big-time dope
8 dealers. The dope dealers because, of course, they
9 controlled all the drugs.

10 Q. They had the money.

11 A. And had the power. Yes, money and power. Lifers had
12 prestige and no money and no power.

13 Q. But at least you had someone to back you up if there
14 were difficulties.

15 A. Yes. Quite frequently, the lifers stuck together to
16 that point. Oh, yes. Very much. That was the main
17 thing of it is people stuck together.

18 Q. So that separated you from the general crowd.

19 A. Oh, certainly. Certainly.

20 Q. Thank you very much.

21 A. You're very welcome.

22 **MS. DERRICK**

23 Mr. Commissioner, my next witness will be Ann Marie
24 Battiste, and I think it would be appropriate to start
25 her after the lunch. I don't know whether she's here.

1 She is here.

2 MR. EVANS

3 She's here.

4 MS. DERRICK

5 And, perhaps, if we could start at 1:30 or ---

6 MR. EVANS

7 Right.

8 MS. DERRICK

9 Would that be acceptable?

10 MR. EVANS

11 Well, if she's here now, would you care to start and
12 then we'll quit at half past twelve and come back at
13 2? The ---

14 MS. DERRICK

15 Because it's nearly ten past twelve I would really
16 rather put her evidence in all together.

17 MR. EVANS

18 What's the best time for other counsel because I know
19 they like to make phone calls and things of that
20 kind.

21 MR. SAUNDERS

22 That's fine. Whatever the Commissioner rules. 1:30
23 will be fine.

24

25 --- Upon recessing at 12:15 p.m.

1 THE REGISTRAR

2 All rise. Please be seated.

3 MR. COMMISSIONER

4 The next witness, please.

5 MS. DERRICK

6 Thank you, Mr. Commissioner. Dr. Marie Battiste?

7 _____
8 DR. MARIE BATTISTE, (Sworn)

9 DIRECT EXAMINATION BY MS. DERRICK (On Qualifications)

10 Q. You are Dr. Marie Battiste?

11 A. Yes, I am.

12 Q. And that is spelled B-A-T-T-I-S-T-E?

13 A. Um-hmm.

14 Q. Is that correct?

15 A. Yes, or Battiste. However.

16 Q. How do you prefer to be addressed?

17 A. Battiste would be fine.

18 Q. Thank you. Dr. Battiste, you have a Doctorate in
19 Education. Is that correct?

20 A. Yes.

21 Q. With a specialty in bilingual/bicultural education?

22 A. Bidialectical as well.

23 Q. And a Master's in Education from Harvard University?

24 A. Um-hmm.

25 Q. You obtained your Doctorate from Stanford University

1 in California.

2 A. Yes.

3 Q. And you did your undergraduate education at the
4 University of Maine?

5 A. Um-hmm.

6 Q. Currently, Dr. Battiste, you are the Micmac Cultural
7 Coordinator and Curriculum Developer at the Eskasoni
8 School Board?

9 A. Yes.

10 Q. And prior to that, last year you were the Classroom
11 Consultant for the Eskasoni School Board?

12 A. Yes.

13 Q. What did that job involve?

14 A. In that capacity I was involved with all of the
15 teacher inservicing and training element of
16 organizing and preparing what teachers go to what,
17 when, how long and so on, and what kinds of
18 resources do they need, inservicing teachers to
19 particular concepts that we were developing in the
20 school, as well as providing guidance to the
21 teachers as to how to do certain kinds of things in
22 the classroom, helping new teachers through the
23 transition, working through with the administration
24 on programming, advising them on programming, what
25 would be the best program to utilize for different

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 kinds of purposes.

2 Q. Where is the Eskasoni School Board located?

3 A. It's located 25 miles -- let me see -- east of the
4 Route #4 East Bay turnoff. And it's situated on the
5 Bras d'Or Lakes.

6 Q. And is it on the Eskasoni Reserve?

7 A. Yes, it is.

8 Q. And what are the ages of children the School Board
9 is concerned about, who come under their auspices?

10 A. The Eskasoni School Board has children from Grades
11 Kindergarten through Grade 9.

12 Q. And is the school located on the Reserve as well?

13 A. Yes, it is. We have -- actually, we have two
14 schools, an old school that houses the children in
15 the Grades Kindergarten through Grade 1, and then a
16 -- the -- what is called the "new school," which is
17 the -- which houses children in Grades 2 through
18 Grade 9. And they -- the ages range from 4 years
19 old when they come in and Kindergarten to whatever
20 age it takes for them to get out in Grade 9. Some
21 of them are over-aged.

22 Q. And what does your current job involve?

23 A. This year my job is primarily to develop curriculum
24 materials for the Micmac language program, to
25 identify a sequence of instruction for the language

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 program and provide materials for that, as well as
2 to provide a core curriculum of concepts sequenced
3 to the age level and the understandings of children
4 throughout the school year from -- so it goes from
5 Kindergarten to Grade 9. So it's the integration of
6 the Micmac culture into the curriculum. So in
7 examining that, I would examine all the guides and
8 all the books. I would prepare material where there
9 is aspects that need to be developed in each of the
10 grade levels.

11 Q. And has part of your scholarly activity involved the
12 study of various stages of child development?

13 A. Well, it's always been my -- it's -- my scholarly
14 development has been working in child development,
15 primarily from my early days in which I was a Head
16 Start advisor/director. I was a planning Head Start
17 director many years ago. And from there I began
18 doing a lot of work in early childhood development
19 among Native peoples. In particular, I was looking
20 at the Wabanaki tribes in Maine, and then reflecting
21 my own childhood background on all the courses that
22 I took subsequently in early childhood development.

23 Q. And is it correct that you are the first Aboriginal
24 woman in Canada to have received a Doctorate?

25 A. As far as I know, yes.

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 Q. You are a fluent Micmac speaker yourself?

2 A. No, I'm not. I -- my parents are Micmac speakers,
3 fluent Micmac speakers. But in my years of growing
4 up in Maine, I didn't have a peer group of Micmacs
5 to speak with. And so that my knowledge of Micmac
6 is all in my head. And I understand completely
7 everything I hear said. I am a limited speaker of
8 Micmac, with developing the functions now in these
9 later years for how would I have used it.

10 Q. In 1984 to 1988, you were the Education Director and
11 Principal of the school at Chapel Island?

12 A. That's correct.

13 Q. And can you tell us a bit about that school? What
14 grades of children were there ---

15 A. Again, it was children in Grades Kindergarten
16 through Grade 6. And as it's a small community--
17 it is my home community. That's where my parents
18 both live, on Chapel Island Reserve. And when I
19 finished school -- well, actually, before I finished
20 school, we had been formulating a Band-operated
21 school with the Band Council. And when I finished
22 and was returning home to take a position at Trent
23 University, they stopped and asked if I would kindly
24 take on the position of Principal and Education
25 Director to guide the school into a bilingual/

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 bicultural education curriculum. And with that as a
2 goal, I felt it was an important thing to finish
3 something that I hadn't been able to finish. And so
4 -- with the idea that I could hire my own staff to
5 come into the school. I hired a -- Micmac teachers
6 and we have an all Micmac staff school that operates
7 a bilingual/bicultural education program.

8 Q. And a bicultural education program, as you're
9 describing it, involves the study of Micmac culture?
10 Would that be correct?

11 A. Well, in a bicultural environment, you're not
12 necessarily studying it, you're living it. You're
13 -- if your teachers are Micmac teachers, if your
14 people are all Micmac, then you live the Micmac
15 values. You live the -- you discipline the children
16 in Micmac ways. You would teach to specific
17 concepts, for example, like the Treaty. You would
18 talk about the Grand Council. You might talk about
19 the history, missionaries, explorers and so on,
20 whenever -- however you could integrate it into the
21 curriculum, but using Micmac as a language of
22 instruction, as well as teaching English as a second
23 language.

24 Q. Dr. Battiste, I see from looking at your C.V. that
25 you've worked at Stanford University in California.

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 You've worked at the University of California.
2 You've worked at the American Institute for Research
3 in California, at Harvard, at the Maine Indian
4 Education Council. These are all places you've
5 worked over the years.

6 A. Yes.

7 Q. Is this a complete curriculum vitae with respect to
8 these various consulting and work positions you've
9 had?

10 A. Well, no. I guess I have not been able to update it
11 recently to include the work that I've done with the
12 Commission, some of the courses that I've been
13 involved with, some of the other committees, local
14 parish council and all kinds of other things that I
15 do in the community. So I guess it's reflective
16 pretty much of everything that I've done, but not
17 everything.

18 Q. And these other things that you've done have had an
19 educational and cultural focus?

20 A. Everything I do does.

21 Q. And you've just mentioned having some involvement
22 with the Commission. You're referring to the Royal
23 Commission on the Donald Marshall, Jr. Prosecution?

24 A. Yes, I am.

25 Q. And, in fact, I think you made a submission to the

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 Royal College on behalf of the Grand Council?

2 A. Yes.

3 Q. Is that correct?

4 A. That's correct.

5 Q. And that's found in Volume #3, I believe, part of
6 the Dr. Clark study?

7 A. Yes.

8 Q. On the Micmac?

9 A. Yes.

10 Q. And also you modestly don't mention having attended
11 the Consultative Conference that the Commission held
12 in November of 1988.

13 A. That's correct.

14 Q. You were there as a participant?

15 A. That's right, um-hmm.

16 Q. And were you there representing the Grand Council or
17 as ---

18 A. In our invitation to the -- to this event, they
19 asked how we would like to represent ourselves. And
20 we indicated that we would like to be representative
21 of the Grand Council. My work with the Grand
22 Council has -- began when I returned to the
23 community in 1978, when my husband was doing some
24 work with the Union of Nova Scotia Indians. And he
25 came back to work with -- at the time, the Grand

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 Captain was the President of the Union. And since
2 that time we have maintained a very close
3 relationship with the Grand Captain, who is the
4 Executive of the Grand Council, and have advised and
5 offered assistance in a lot of different kinds of
6 ways, in preparing submissions and articles, doing
7 research. Any kinds of things that require our
8 assistance, we're available.

9 Q. Is this work referred to in your C.V. where you talk
10 about consulting activities and say that you're the
11 Executive Director of the -- and I'm afraid I don't
12 know how to pronounce this ---

13 A. Apamuwek Institute?

14 Q. Yes.

15 A. Yes, that is. Our Apamuwek Institute is a
16 consulting firm of which I am the Executive Director
17 and for which we have a group of scholars who work
18 with us on various projects, depending on whatever
19 kinds of projects we are taking on at the time. And
20 we call upon their expertise, research and legal and
21 whatever kinds of -- economic ---

22 Q. And some of this is referred to in your C.V.,
23 Contracts and Education, Aboriginal Rights, Indian
24 Public Policy: Contemporary Issues.

25 A. Yes.

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 Q. I also see that in the summer of 1988 and 1989 you
2 were the Coordinator and Presenter at the Micmac
3 Language Teachers' Workshops in Nova Scotia and in
4 Prince Edward Island?

5 A. Yes. That's something that I do with the -- through
6 the Eskasoni School Board and which we started,
7 actually, before then, when we were dealing -- when
8 I was still working with the -- as an education
9 director. My role in there is coordinating teachers
10 and -- from -- throughout the Maritimes to come
11 together. And we -- I help them develop various
12 cultural language issues involved with language and
13 cultural education.

14 Q. And have you taught any courses, Dr. Battiste,
15 dealing with child development?

16 A. Yes.

17 Q. Can you tell us about that?

18 A. I taught for the Bachelor of Social Work program,
19 the Micmac Bachelor of Social Work program. I
20 taught a course in Developmental Psychology within
21 Dalhousie University. And the nature of the course
22 was to cover all the developmental areas from birth
23 to death and afterwards, pre and post, from a Micmac
24 perspective.

25 Q. Dr. Battiste, I see as well in your C.V. that you

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 have done and made numerous scholarly publications
2 on language and culture, Micmac language and
3 culture.

4 A. Um-hmm.

5 Q. And the list is contained there.

6 MS. DERRICK

7 Mr. Commissioner, I would like Dr. Battiste to be
8 qualified as an expert on Micmac culture, education
9 and child development.

10 MR. COMMISSIONER

11 I qualified her quite a while ago.

12 MS. DERRICK

13 Thank you, Mr. Commissioner.

14 DIRECT EXAMINATION BY MS. DERRICK

15 Q. Dr. Battiste, where were you born?

16 A. I was born in Holton, Maine, during the time of--
17 the latter part of the time of centralization. My
18 family left the reserve during the '40's when the
19 Micmac people were being centralized to the two
20 reserves, Eskasoni and Shubenacadie. And my father
21 was a migrant labourer/worker working in the fields
22 potato picking. And my mother went with him. At
23 the time there were just 3 children. And I was born
24 in the United States, in Holton, Maine.

25 Q. And did you grow up there?

1 A. Yes. During the time of centralization, my parents
2 felt that there was very little hope for people
3 living on the reserve. They had been there during
4 the time when people were being moved. And it was a
5 very difficult time for the people on the reserve.
6 And they felt that if they had any opportunity, it
7 probably -- in terms of employment, anyway, that
8 they would probably get it off the reserve. And so
9 we grew up in Maine. And then when I finally
10 graduated from school in high school, my parents
11 moved on.

12 Q. You, having lived in the United States -- and I
13 think you mentioned earlier in your testimony that
14 you returned to Nova Scotia in 1978.

15 A. Yes.

16 Q. Why is it that you returned and where did you come
17 back to?

18 A. Well, it's only a -- I returned in the sense of
19 coming back to the community in 1978, after having
20 been away, but that my family -- while we were
21 living in Maine, my mother always spoke Micmac. We
22 always welcomed visitors who came through. And so
23 we always knew who the network of people were in our
24 community. And we went back to the reserve
25 frequently for funerals of our relatives. And that

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 was frequently that we would return. And when we
2 returned, we would stay at various people's houses.
3 And in a reciprocal way, when they needed to come
4 through to go potato picking or blueberry picking,
5 our house would be right on the border in Holton,
6 Maine, and they would come to us and we would also
7 provide them housing, food and whatever else they
8 might need.

9 Q. And when you came back for funerals, where was it
10 that you were coming back to? What reserve was it?

11 A. All of them. It was wherever your kin was. And
12 that -- and our relatives are spread over all of the
13 reserves. And depending upon the relationship my
14 parents had with different other people who are not
15 relatives, people that -- who -- with whom they
16 would like to show their respects to the greater
17 family, they would -- we would be on the road a lot.

18 Q. And now where do you live?

19 A. I live in Eskasoni. My parents live in Chapel
20 Island, which is about an hour away from Eskasoni.
21 And when I came in 1978, my husband and I had a
22 Winnebago type van or vehicle. And we parked beside
23 the Grand Captain, who was at the time the President
24 of the Union. And that's where we've been ever
25 since, although we built a house. Not still in the

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 Winnebago, but pretty much in the same spot we were
2 when we came in.

3 Q. Can you tell us, why did you come back?

4 A. Well, for us who -- when we had been in the States
5 for some time, there -- the unyielding urge to have
6 children wherever you are came about. And I wanted
7 our children to have the roots embedded in the
8 Micmac family and community. And so our reason was
9 to bring back our children and to raise them as
10 Micmacs. And when -- on my first year home in '78,
11 I was -- we had our first child in 1979.

12 Q. How many children do you have?

13 A. I have 3 -- we have 3.

14 Q. And what ages are they?

15 A. 3, 8 and 10.

16 Q. And do your children speak Micmac?

17 A. Yes, they do. They -- intermittently, depending on
18 which group they play with. And again, this is sort
19 of a characteristic of how the language is
20 developing in the community, whereas children who
21 are dominant speakers of Micmac, if they remain
22 dominant in their group, can influence all of the
23 other children to speak Micmac. And that is the
24 case with my son, who is not dominant in his play
25 group. My son -- my daughter, however, is more

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 dominant in her play group so that she can effect
2 the language that is used in that particular group.
3 My daughter -- all my children understand Micmac
4 exceptionally well, but use it for whatever
5 functions they need to have it.

6 Q. And are they being educated on the reserve?

7 A. Yes, they are.

8 Q. Dr. Battiste, what is the Micmac community's
9 attitude towards children? Can you discuss that a
10 little?

11 A. Well, the Micmac community has a very very deep
12 love, concern and attachment to their children and
13 to other children. That your children are your own
14 for the purposes of the fact that you give them
15 birth, but they belong to the greater good, the
16 greater collective community. And so that we have a
17 lot of children and we have a lot of
18 responsibilities. A child is raised in a home in
19 which there are many uncles and aunts, all of whom
20 have the authority to chastise a child who they see
21 doing something wrong. They have a very tolerant
22 attitude toward their misbehaviour and their noise.
23 They're taken to every social event. Sometimes it
24 appears like they are not disciplined. But we have
25 a different notion about discipline. And that is,

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 that our children are given direction, are given
2 metaphors about what happens to kids when they do--
3 when -- they know of other kids who have done
4 certain kinds of things. So that your children will
5 learn that, "If I do this, this will happen to me
6 too." And we allow our children to experience a lot
7 of things, recognizing that they're -- that they
8 have -- that they aren't infallible, that they are
9 going to experience pain and suffering, and that we
10 give them an opportunity to experience those things,
11 knowing that, when they do, that it will also help
12 them learn a lesson by it. A child is told not to
13 touch the stove. But if he touches the stove, then
14 he will know why he's told not to touch the stove.
15 And so those kinds of things in terms of giving
16 children the opportunity to have the experience with
17 it, of -- with a -- some kind of a negative effect,
18 falling through the ice outdoors in play. You know
19 that -- okay, now you've experienced it. Children
20 are guarded within the community, under the watchful
21 eye of the collective community. And they are
22 accepted as being children and that they will
23 eventually learn right from wrong.

24 Q. What are the critical ages in a child's development,
25 from a Micmac perspective?

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 A. Well, in the first early years, from the time the
2 child is conceived -- for that's an important time
3 too. Because the conception as a baby -- we don't
4 think of a child as an embryo or a fetus. It's a
5 baby. And from that time until the child is about 5
6 years old or 6 years old, the child is within the
7 realm of the -- a maternal community. While there
8 is a lot of uncles, fathers, other males in that,
9 basically our mothers are -- or our central mothers
10 are taking care of the children in the core. In
11 that time the children are allowed free exploration
12 and curiosity. And there's a lot of laughing. And
13 that's the time in which the child is developing a
14 language. Within that, he's given a very rich
15 language environment. The language environment of
16 his home would be Micmac. The children would learn
17 the Micmac by listening and -- but not intruding.
18 They would be -- whatever their needs are for food,
19 for love, for caring, for nurturing, for holding,
20 for petting, for sitting on somebody's lap to listen
21 to them, would be all done within these larger units
22 of people being together. That's where a lot of--
23 you know, people go with their kids wherever they
24 go. They take their kids.

25 Q. In that age frame.

1 A. In that age frame. From about 6 to about 12, 13,
2 they're now moved out into a realm of peers. And in
3 this peer development there is a lot of where those
4 kids -- there is always the eldest in charge. And
5 the eldest in charge will be accountable for
6 whatever mishaps might occur among that group. So
7 they roam around in groups. I have 12 kids in my
8 house. And they all leave my house when I get tired
9 of them. And they all go next door. And they all
10 go together. And then when they get tired of them
11 next door, then they're kicked out and sent to
12 another house. And they're over there. And they're
13 -- you know. So they roam around in groups. And
14 sometimes you just say, "Everyone get out. Get out,
15 get out," you know, "It's a fresh day." We have an
16 open bread and peanut butter policy. And the open
17 bread, peanut butter and jam policy allows that all
18 children will be fed at all times with this open
19 bread policy. And so that no one goes hungry. When
20 there are major meals, all of -- whoever is in the
21 house eats whatever is available. And, you know,
22 there's a lot of people visiting at different
23 places. And you share your food. And you share
24 your kids. And you share your dialogue. And you
25 share your life. And you share everything in a

1 collective community consciousness. About -- in
2 this time of their growing up in this -- 6 to 11
3 year olds, there is a lot of exploration outdoors.
4 There's a lot of time being outdoors. I mean,
5 that's the time when you really don't want to have
6 them inside, for all kinds of good reasons. But,
7 anyway, that they spend a lot of time exploring
8 their outdoor world, being outside. They climb the
9 trees, they play hockey, they go skating, they do
10 whatever is the sport, you know, of the time.
11 They're well taken care of from every household,
12 from every window which is open, which -- every door
13 is open. We note our children. And when we see
14 anything going on that's out of the ordinary, we
15 wait to see if the oldest is going to correct it, in
16 the hopes that they will. And if they don't, we
17 alert him to it. And then if that doesn't work,
18 then we then go after the oldest and say, "This is
19 your job. You were supposed to be out there looking
20 after these children," and so on and so on. We do
21 have ways of disciplining our children with a
22 Npisoqon, which is a medicine stick, which is a very
23 sacred stick -- switch, and which is more used for
24 threat than actual use. And if you have to actually
25 use it, you'll remember why it was used. But it's

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1 not a -- it's not something that we discipline with,
2 a switch like in hitting, but rather by the threat
3 of it as opposed to actually, you know, going
4 through with it. But on some occasions, you will
5 find an occasion that you should remind them of the
6 power behind the medicine stick or the Npisoqon.
7 About the change of when they approach puberty,
8 children are then adults, for the most part.
9 They're adults in the sense that that's how they
10 perceive themselves. They're not adults in the
11 Micmac world yet. They've been given the values
12 slowly along the way. But they're -- recognizing
13 that a 12-year old is not a full adult. They are
14 still learning along the way. While parents may
15 heed or try to correct things like -- you know, talk
16 to their children about sexuality and the
17 repercussions of it and so on, that should an
18 untimely pregnancy do come about, at least that girl
19 knows what happens when you do this. And so you
20 might do something the next time to avoid it. But
21 it's not one in which we would admonish children for
22 getting pregnant, or in the case that sometimes
23 children may become introduced to drugs and alcohol.
24 Again, we have all different ways of coping with
25 that when it happens. But sometimes we recognize

1 that within our society, that, you know, these are
2 things that we can't always hold up the barriers and
3 not let our children experience the things that
4 they're going to experience if they're going to
5 experience them. And so that adulthood comes very
6 early in a Micmac society, children who are 13 and
7 14. I have known of instances when a boy turns 13
8 and his grandfather brings him down tobacco and
9 gives it to him. And not that he wants to get him
10 smoking, but rather he acknowledges, "Now you have
11 come to this stage. You are an adult. You are
12 moving into adulthood." At this time our children
13 develop self-reliance. They learn adaptive
14 strategies for dealing with all kinds of things,
15 whether it's the law, whether their parents, or
16 whether community. They're learning all kinds of
17 adaptive strategies of how to get along. At that
18 time there's more of the realm of the peer network
19 begins working around tournaments, ball tournaments,
20 social events, religious events that also have the
21 social network to them. And our children move
22 around in these social networks, developing wide
23 group networks, social networks, that will take you
24 through a lifetime. You also are giving your
25 children leeway to go to these tournaments, be there

1 and have fun and so on, knowing that they're going
2 to absorb the values of the community. They're
3 going to absorb the values of the culture. They're
4 going to -- you know, it will be a collective
5 consciousness still. And while we recognize that
6 teenager years are years in which kids are having
7 hormones jumping all over them, I think that we take
8 it in a lot more stride than the non-Native
9 community.

10 Q. So does this stage last from puberty through the
11 teenage years? Would that be the parameters of that
12 stage of development?

13 A. Yes, I'd say so. It goes -- actually, probably
14 there's a twofold process thereafter. And that is
15 one in which, you know, the girl's identity and
16 boy's identity are being established. The -- in
17 these times the girls will have -- begin having more
18 solid responsibilities in the home. Usually that
19 will follow along the same things that their mothers
20 have been doing, the caretaking, the helping with
21 the cooking, the housekeeping and other kinds of
22 things, that kind of -- continuing the values and
23 culture of the mother passing on to the daughters.
24 Males will -- for a period of time, I'd say, in
25 those puberty years when they're out, you know,

1 exploring the outside world of social networks, they
2 begin to bond a little later into the next phase
3 with their fathers. I'd say that begins about 18,
4 21, 22, kind of -- 24 years, in that you're
5 developing strong bonds within your own family
6 again. Because, you know, you grow up, you're into
7 it. And then you sort of leave it to go with all
8 your friends. But then you come back through and
9 into the bonds of your immediate family again, only
10 to start building your own families and begin having
11 your own children and getting married and so on.

12 Q. And with respect to a Micmac boy, what about the
13 bond with his mother? You've mentioned bonding with
14 the father. Where does that come into play?

15 A. Well, the mother's bond with her children will never
16 be severed with anything. I think when my -- an
17 instance happened where my brother did something
18 wrong and my mother thought this was inappropriate.
19 And even though he was a good 40 years old, she
20 called him up and she says, "Your mother is the only
21 person who can tell you this. Your mother. You
22 know, nobody else in the whole world can tell you
23 anything but your mother." And from birth -- from
24 when you give birth to a child, male or female,
25 these are your children who you bond with. And that

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1 bond relationship stays with you for a lifetime.
2 And it is something that is not nurtured in the same
3 way. Because I -- as I have witnessed it, is that
4 males don't have the same linkages to their male
5 children as females have with their children, boys
6 and girls. And that relationship continues on. And
7 mother, no matter how old you are, can chastise you
8 for things that you have done wrong, and can make
9 some major decisions affecting your presence in or
10 outside of the house.

11 Q. And is that expected through the course of your
12 life, that your mother is going to have that
13 entitlement, as it were, that role?

14 A. Yes, I'm sure of it, yes.

15 Q. How significant are the later teenage years in child
16 development in the Micmac community?

17 A. Well, during those years I -- that is the time when
18 you are developing some of the most critically
19 important skills in Micmac society. And that is
20 your ability to be self-reliant, your ability to be
21 resourceful, your ability to have a bond, a social
22 -- sociality with a large community network. It is
23 really in that development that your -- actually,
24 your identity is established. You might always know
25 your -- that you're Micmac. And you don't sense a

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1 Micmac identity out of it. But you develop the
2 identity that is called "Micmac," in which you are
3 developing an understanding of the collective
4 consciousness of that particular community and
5 culture. And to see, by going to distant reserves,
6 distant places where other Micmacs are and to note
7 the similarities of all the people and how they are
8 alike and how they share and give of themselves to
9 each other, is the establishment or the sort of the
10 cementing of that self-reliance. And self-reliance
11 is a very important skill as well as a value in our
12 community. But it's self-reliance because you can
13 do so much within your social fabric. Your network
14 is so wide and so big that, you know, should I
15 decide tomorrow that I'm going to go to Boston, and
16 I don't have a penny in my pocket, I can go. And I
17 might stay as long as I wish. Because I know that
18 whichever way I go, whichever route I take, I will
19 go with all the families along the way who I know
20 and who my mother knows. And sometimes when we were
21 in Maine, you know, strangers would come to the
22 door. We would know them to be Indian. And we'd
23 say -- the first thing -- the first question always
24 was, "Who are you? Whose family are you?" And then
25 the long network of, "This is my family and this is

1 my family." And by just knowing who your family is,
2 you'd say, "Oh, well, come on in. I know you.
3 You're my relative. You're my kin." Or, "Oh, yeah.
4 Your mother treated me good when I was down there,"
5 and any number of things. So that you can be
6 especially self-reliant in doing all kinds of these
7 things and explore your environment, knowing that
8 within that there is all these Micmac adaptive
9 strategies of getting along and getting by and
10 taking care of yourself, as well as you learn a
11 whole lot of being resourcefulness. And that
12 resourcefulness you learn through your network of
13 peers again, through your network of friends. And
14 they say, "Well, you should go here. You should go
15 there. You should go do this," and so on. And, "I
16 know a friend down here. And here's her phone
17 number. And here's two dollars. And -- you know,
18 that's all I got, but here it is," or things like
19 that.

20 Q. In this stage, what is the significance of the
21 family in the acquisition of these skills and this
22 knowledge?

23 A. What is the significance of the family?

24 Q. Yes, of the mother and the father and the brothers
25 and sisters, the immediate family, as I would

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1 understand it.

2 A. Well, I think that -- on the individual.

3 Q. Yes.

4 A. What would be their -- the impact of them on the
5 individual. Well, I think that once you are firmly
6 entrenched within your family, first of all, and
7 that you come to know by being -- running around in
8 your own little neighbourhood for many years and
9 helping each other and so on, is that you begin to
10 pass on -- you know, your community is secure with
11 -- you know, your family is secure in that when you
12 go, you'll be taken care of by the large network of
13 people who you have within your own network or your
14 -- sort of your community network or your collective
15 network of people. I think that -- I'm not sure I
16 understand your question very well. But I guess
17 what I'm -- comes to mind is that there is, you
18 know, there maintains all those bonds. It -- they
19 aren't ever severed by your leaving.

20 Q. What is the effect on a family of having a child
21 removed as opposed to a child voluntarily going
22 away?

23 A. Well, in this particular instance, it has had a
24 devastating effect on the family.

25 Q. And when you're saying, "in this particular

1 instance," you're referring to Donald Marshall, Jr.?
2 A. I'm talking about -- I'm talking and thinking about
3 Donald, although -- Donald Marshall, Jr., although
4 there are other situations in which children are
5 taken from families. An analogous situation might
6 be boarding schools, where children were taken from
7 their homes. Starting in 1930, boarding schools
8 were set up for orphaned and neglected children.
9 And somebody else would determine whether they were
10 neglected or orphaned. And they would be rounded up
11 and sent to boarding schools. That, in my
12 experience, has been a very negative and devastating
13 effect personally, as well as, you know, on the
14 culture and the community, because of the removal of
15 children from their immediate family. First of all,
16 is that the collective consciousness is not passed
17 on to the children of -- through the daily dialogues
18 in the home, that they lose a sense of who they are
19 and who they should bond with.
20
21
22
23
24
25

1 Their bonds are severed with -- not in the same
2 sense. Like your mother knows who you are and so on
3 and your mother has got that bond with you, but
4 somehow you're sort of in limbo in this, taken from
5 the family.

6 Q. This refers to the individual who is removed?

7 A. Yes, that's right.

8 Q. This is the effect on the individual?

9 A. Yes. I think that from having had the experience
10 and my experiences with children who have come from
11 boarding schools, in which my -- I also have a
12 sister who was in the boarding schools for 3 years.

13 Q. So, you're speaking about this personally with
14 respect to your sister but also as an educator who
15 had involvement ---

16 A. That's correct. That's correct, oh, yes.

17 Q. --- with children who were the products of boarding
18 schools?

19 A. I find that in the situation with people who have
20 been from the boarding schools that because of the
21 trauma that they experience, the loss of nurturance
22 and bonding and loss of their community, they go
23 through many, many, if not endless, years of turmoil
24 trying to recover from that experience. Some don't
25 recover. Some people succumb to alcohol as a way of

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1 removing the pain that they went through. Some
2 other people with whom I've had experience who go on
3 to school and who get into education and begin to
4 relive their experiences from through looking at it
5 from different eyes, from a different perspective,
6 and therefore are given a place to put that
7 experience in other categories, in other words, than
8 the ones that they personally experienced in terms
9 of pain and psychological agony. In these instances
10 when teachers -- when these people go to take
11 classes, they're able to begin to reflect upon those
12 experiences that they had from a different light and
13 begin to resolve them. And I think that resolution
14 to turmoil and conflict and trauma is part of the
15 healing process.

16 Q. What about the effect on the community?

17 A. The community, at the time of removal, suffers that
18 sense of loss. There's two different kinds of
19 things here, and I'd like to at least bring them up
20 in the sense of the child who is removed to boarding
21 school and the child like Junior Marshall and the
22 difference between them. In a boarding school
23 situation, the child would be taken away from the
24 home and the community and then brought back into
25 the community, and when they come back into the

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1 community the one thing about the boarding school is
2 that they were all Micmac, there was no non-Micmacs
3 in that group, they were all Micmac children, as
4 opposed to another institution where he might be one
5 of many who were not Micmac or there might be some
6 other tribes there. But, you know, it's good to
7 some degree that they were all Micmac, that they
8 could stay together, they could talk together, they
9 could share things together, even though their
10 language was discouraged, that they were not allowed
11 to speak their Micmac language in the boarding
12 schools, and that has a devastating effect on your
13 identity and your perception of the world outside as
14 well as your perception of yourself. The children
15 come back home. I find that a lot of those children
16 who have come back home from institutions like a
17 boarding school have had to deal with severe trauma.
18 A lot of them have taken to alcohol as a way of
19 relieving that particular problem, so that
20 alcoholism might be directly attributable to the
21 kinds of problems associated with children who have
22 been in a trauma situation, which means that
23 inevitably the whole community will suffer by such a
24 thing because everyone might have at least one
25 person in their family who has come from that

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1 particular situation. And so it has all kinds of
2 different kinds of effects and effects that we're
3 still dealing with, even after the boarding school
4 days of 1969 had closed that people are still trying
5 to resolve that particular experience, although
6 there are other boarding schools. That's not to say
7 boarding schools are by and large, you know, at
8 fault. There are some that are better than others
9 and certainly we have some people who in their high
10 school years go to boarding schools and are
11 community leaders today. The situation with Donald,
12 I would say, Junior, is that, you know, he was in an
13 isolated situation not with other Micmacs and his
14 whole collective consciousness was something that he
15 never had an opportunity to be nurtured through and
16 in, recognized by and with, and so as a result, you
17 know, there was a loss of bonding with a social
18 network that might not have been the same with the
19 other.

20 Q. Just a couple of questions arising out of that,
21 Dr. Battiste. In the boarding school setting that
22 you've described when there were summer holidays,
23 what happened to the Micmac children who were
24 resident in the boarding school? Did they stay at
25 the school? Did they go back into the community?

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1 A. Some did and some didn't.

2 Q. Some didn't?

3 A. Some didn't go home for the summers and holidays and
4 some did. In the situation in which my sister was
5 in for 3 years, she did not.

6 Q. And with respect to the social gatherings, the
7 sports tournaments, the celebrations that you
8 described earlier that are part of the formative
9 teenage years, did those happen only within the
10 particular Reserve where a child is resident or are
11 you talking about events that take place throughout
12 the Micmac Nation?

13 A. It's throughout our Micmac Nation. Being Micmac
14 does not mean that you are a Micmac in the solitary
15 sense of being just a Micmac in your own community,
16 a Micmac is a Micmac who ties into people as far as
17 California and as north as Quebec and the Gaspé
18 Peninsula and up into Newfoundland. Micmacness is
19 our collective consciousness and we know each other
20 by the kinds of ways in which we interact with each
21 other and all the tournaments and kinds of things
22 that happen, it has long been the tradition for us
23 to go from Reserve to Reserve, you know, during our
24 summertimes in particular, as the weather is good,
25 and in the old times it was hop on your canoe and go

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1 wherever, or it might be in the wintertime you might
2 skate across the water, the ice, you know, to get to
3 another Reserve to go to a dance or do other things.
4 But basically our Micmac people move, are more
5 fluid, and it starts very early from the tournament
6 age onward. And it's important to our culture
7 because we know who we all are and we know who all
8 our families are, and when you meet another Micmac
9 who you don't know, you ask them, "Who are you?"
10 Like, "Who is your father and who is your mother and
11 how are you related?" And if you can't find the
12 relationship, you know, within that community, then
13 people know you're not part of the community. You
14 know your own. You know, insiders know insiders
15 and you know who is an outsider.

16 Q. And does a person have to have a formal education to
17 have a sense of all this?

18 A. Oh, of course not. I think that it starts from
19 children. Children have a sense of who their
20 community is, they have a sense of who their
21 relatives are from a very, very early age. My
22 children ask me -- my 8 year old is always asking me
23 who her relatives are and I try to relate to her all
24 her relatives, but she can't grasp it all because
25 it's too many and so she just keeps continually

1 asking. But it does become confusing because we
2 call our elder women "sukis" or "auntie" and we call
3 our elder men "uncle", "nkluksis", "nglamo,ksis",
4 which comes from taking care of, it would be -- an
5 uncle would be one who would take care of you and
6 take care of not you but everyone within the
7 collective, and so he was an uncle. And so from
8 that, all male older men are uncles and all women
9 are sukis, and so would you also call your immediate
10 aunts sukis and your immediate uncles, as in your
11 father's and mother's brothers, uncles, and so it
12 sometimes gets confusing who is who. But we see
13 each other as all Micmacs, and therefore we all
14 share the same value toward each other and we thus
15 extend respect to each other by these terms.

16 Q. Is it necessary to be able to articulate this in the
17 fashion that you are in order to have a sense of it
18 or an understanding of it?

19 A. No. No, you would not have to be reflective and
20 give it new categories of thought to be able to
21 experience it and know it. In fact, the majority of
22 the people live it without reflecting upon it and
23 it's intuitive.

24 Q. What is the significance, Dr. Battiste, of a
25 Micmac's inability to go back to his or her

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1 community?

2 A. Well, I think it's -- there's sometimes when you've
3 done something wrong and you feel like you can't go
4 back until that's resolved, and it may take several
5 years but you come and you resolve it and you make
6 amends and you do what has to be done and it's over.
7 When you're taken away from the community, and in
8 the instance quite like Junior who didn't do
9 anything wrong and he has nothing to come back
10 to make amends for but yet he has lost a significant
11 amount of nurturance and recognition, acceptance and
12 cooperation from that community, where you've lost a
13 collective consciousness from, where you've lost
14 kind of the sociality network of bonding with
15 people, it is -- as it has been for him, it's been
16 devastating because he has to deal with so much.
17 He's carrying so much baggage. It's a very
18 difficult process. It's his process, though, that
19 he will go through in which he will have to resolve
20 some things for himself, but I think that the
21 community sees how painful a process this is for him
22 and the community would like to share with him how
23 much that he has given to us by this wrongful
24 imprisonment, and he hasn't yet been able to come
25 back into that collective community, into that

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1 collective consciousness, to share because of the
2 pain that goes with it. And I guess our daily
3 dialogue is basically what we find as our daily
4 collective consciousness.

5 Q. Is this process that you're describing for Donald
6 Marshall Junior then a process of reconnecting with
7 his community?

8 A. Yes. Yes, I think that that -- it's a process that
9 he is going through in which he needs to come
10 through the collective community again. I see that
11 people are ready, willing and able to help him in
12 many ways but it's very difficult when you are
13 Junior Marshall, to stop him at Woolco and say, "How
14 are things going, you know, how have things been,"
15 because, you know, the only thing on his mind is
16 where he's been. And in our daily dialogue, we
17 share our feelings and our emotions and our
18 experiences and our, you know, inherent
19 fallibilities, and that's part of our daily
20 dialogue, and I think that it's difficult for him to
21 come back into it because of the experience he's had
22 with what he's gone through.

23 Q. And in this daily dialogue that you've referred to,
24 is this a community daily dialogue that you're
25 referring to?

1 A. Yes, I'm talking about sort of the daily lunches,
2 the daily dinners, the daily visiting that go on in
3 our community on a daily basis. We move from house
4 to house, we have tea, we talk, we pick up the news
5 of the day, and one of the things that, you know, we
6 shared for so many years was what was happening to
7 Donald as a collective community and it was through
8 the daily dialogue, and his mother, pained greatly
9 by what was going on with her son, was obsessed with
10 it, that was the only thing she had on her mind, and
11 so that when you see Caroline downtown, "Me tal
12 wuleyin", "Kog wey teliak", and you begin an
13 interaction with somebody in Woolco and Shoppers
14 Drug Mart or wherever, she would begin her pain,
15 agony and suffering and what she was going through.
16 And so that evening it would go home, back in the
17 home, "Well, I saw Caroline, Sukis Caroline, at the
18 Woolco today and she felt (this) and she felt
19 (that)," and then you'd pass it around, and so it
20 just would go around in big circles and everyone was
21 experiencing the pain and suffering that the family
22 went through, particularly because the Grand Chief
23 would make his route through the community, you
24 know, periodically, you know, with various functions
25 that he had to attend.

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1 Q. So, he was quite present in the community, is that
2 what you're saying?

3 A. Yes.

4 Q. Dr. Battiste, the types of skills and knowledge that
5 you referred to earlier as being developed in the
6 later teenage years, do those have a relationship
7 with an individual's ability to reconnect with the
8 community?

9 A. I think so. I think that it certainly is evident
10 that if you haven't been part of the network of
11 being -- you know, establishing your own network of
12 people, if you haven't gone on and shared and been
13 part of the sociality that goes on in the community
14 in the sort of going here and going there, that, you
15 know, you lose a lot of, you know, the strategies
16 for how to survive as a Micmac from that. You lose
17 your center, you lose your perspective, you lose
18 your focus, you lose the place that's the core of
19 you, and that has a devastating effect upon you
20 personally.

21 Q. Having lost these things that you have described,
22 the person who has lost them, in cultural terms, in
23 knowing terms, is that person still a Micmac?

24 A. Yes. Yes, that person is Micmac. You can be away
25 from the community for as long -- you know, many

1 people go away, you know, and frequently come back
2 and it's by your, when you do come back, being --
3 you know, utilizing all the strategies of being a
4 Micmac, which is, you know, that sociability, that
5 connecting with other people, that sharing and
6 caring and giving and being self-reliant and witty
7 and resourceful and all those kinds of things, it
8 fits you back into the community well.

9 Q. What value do Micmacs place on the preservation of
10 cultural identity?

11 A. Well, I think that our people see it's very
12 important that language survive and it comes from
13 our ancient lessons from our Creator that when we
14 awoke lost and naked in the world, we looked to our
15 Creator and asked how we should survive and our
16 Creator taught us how to hunt, to fish, how to cure
17 what we took, taught us the medicines and the plants
18 that would help us survive, taught us the
19 constellations in the stars and the path of the
20 Milky Way which was the path of our dead spirits
21 into the spirit world, and our Creator taught us all
22 that was wise and good, told us to sleep and to pray
23 and to dream and listen to the dreams that would
24 come to us, and then our Creator gave us a language
25 in which we were to pass on this knowledge to our

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1 future generations and told us about the
2 presence of our two worlds in which we would be
3 able, if we were firm and believing of heart, to
4 pass through unscathed but, if we were weak and
5 unbelieving, not firm of heart, we would be crushed
6 to atoms. Our culture, our language, is very
7 important because it means that we must survive in
8 our world, that many, many aboriginal people have
9 been placed upon this earth each with their own
10 instructions from the one Creator and some have been
11 able to survive in the woods, some in the desert and
12 some in the snow, and all of us have our own
13 ecological lessons to learn about how to live where
14 we are, to survive. And we believe that in our
15 language that survival exists and that survival will
16 give us the lessons about what we shall pass on to
17 our children. And so it's not just a cultural
18 identity as in what artifacts do we keep, what
19 baskets do we make, what designs do we use on our
20 quill work, for those have been a reflection over
21 the years of us as a collective group sharing this
22 collective consciousness among each other, but it is
23 what we share in the lessons of our daily dialogue
24 through the language and pass that on to our
25 children that is important to be maintained.

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1 Q. What value is placed by the Micmac culture on a
2 relationship with nature and how is this expressed?
3 A. Well, it's expressed by our knowledge and has always
4 been of our knowledge of our own ecological
5 environment. If those were the lessons that our
6 Creator taught us, he taught us all about our world
7 around us and about how to survive with it, it was
8 also the interrelationship of all things in it and
9 the interdependence of things to each other as well
10 as the spirit that exists in all things. A foreign
11 concept to an English speaker might be the concept
12 of the spirit world and the spirit that exists in a
13 tree, in a branch, a bottle or a pail, a gun or a
14 fishing rod, but it is accepted in our language as
15 we categorize things in animate and inanimate things
16 and inanimacy is not without life. In fact, there
17 are a whole list of things that are inanimate that
18 would -- or that are animate that would be thought
19 to be inanimate in an English thought process of
20 living/non-living. And so we have this relationship
21 with all things that is expressed in our language
22 and some things are closer to us than others, and
23 that's expressed in that relationship notion of
24 animacy/inanimacy. And that our environment is a
25 very important element to our survival, to know

1 about how the fish run or to be able to track
2 animals, to be able to know, you know, when other
3 animals are around, is important knowledge to our
4 survival.

5 Q. And you're referring specifically to the natural
6 environment?

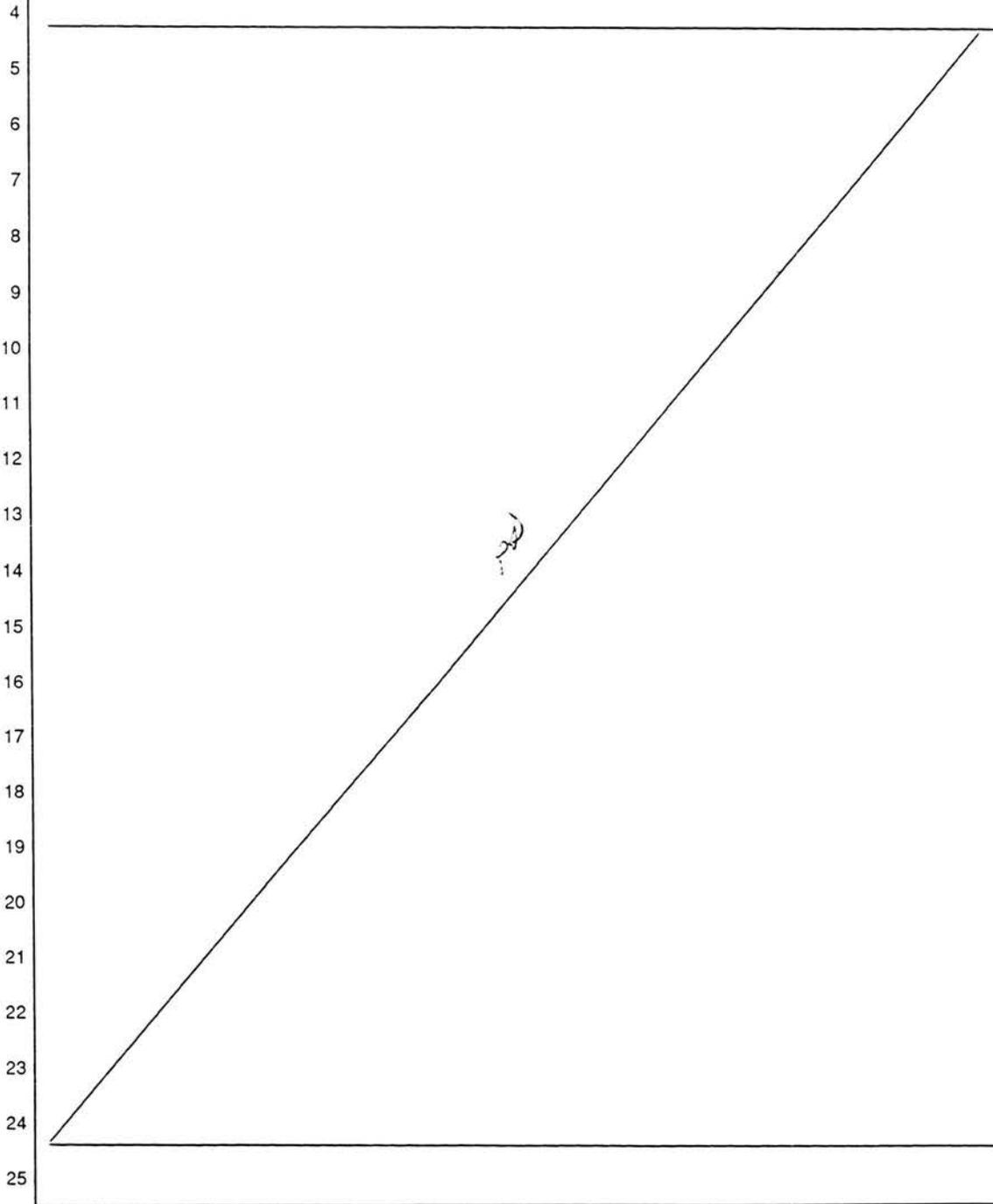
7 A. That's right. And so all these things, of all
8 things in nature, are interdependent. We are not
9 alone. Our Creator also made animals and fish and
10 we're all interdependent with one another.

11 Q. Dr. Battiste, can you tell us about the expression of
12 Catholicism in the Micmac Nation amongst Micmac?

13 A. Well, in 1610, on June 24th, 1610, our Grand Chief
14 Membertou and 140 other Micmacs became Catholics.
15 They were baptized by Father Fleshe who was a Jesuit
16 priest, a Jesuit at the time, coming from the
17 Vatican, the Holy Sea, and that at that time when we
18 entered into this relationship with the Holy Roman
19 Empire, we entered it because our Grand Captain
20 Mismouwet had gone on to France and had come back
21 with information about what it is this relationship
22 meant. We came into it not as Catholics in the
23 sense of we understood what the doctrines were of
24 the church, we came in sort of as in a political
25 alliance, but also it comes from an ancient story in

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1 which, when our -- an Elder had a vision and in
2 this vision -- two stories. You can't tell one
3 without the other.



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1 A. There was a time, in our MicMac culture, when there was
2 a great famine. And at this great famine, people were
3 dying, and there was great despair among our people.
4 And a gentleman, an Elder, had a vision, and had a
5 dream. And he came back and he shared it with his
6 Elders, as all dreams were not nonchalantly taken. And
7 in this dream, he was given three crosses. And a cross
8 was to be put on him, that he was to wear his cross on
9 him. He was to keep a cross in his home, in his
10 wigwam. And he was to have a cross in the village.
11 And each of these crosses that were given to them, had
12 various symbolic meaning, in terms of what it was to
13 mean. And when they came back -- or when this man,
14 after he had the vision, and he talked to the Elders,
15 they said, "Well let's do that." And so they wore the
16 cross on them. And they put the cross in their wigwam,
17 and they put it in their village. And soon after, the
18 famine lifted, and all things were good. And people
19 continued the tradition of keeping the cross. Maybe
20 it was a cross of four directions. Maybe it was the
21 medicine wheel. Maybe it was the cross of
22 Christianity. The cross, nonetheless, exists. In
23 later times, another person had a vision, a woman --
24 not only men dream -- she had a vision. And in this
25 vision she saw a floating island. And on this floating

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1 island, were these empty branches. And it floated.
2 And on those empty branches, were all these animals.
3 And she went to the Elders, and asked them, "What does
4 this mean"? And after long counsel, they said, "We
5 can't seem to figure out what this means." And not
6 long after that, the MicMacs on the shores, noted
7 across the sea, in came this floating island. A big
8 floating island, upon which it had these empty
9 branches. And as they took their canoes and went out
10 to meet this island, to find out what it was, they
11 noted these animals on the branches of the trees,
12 covered in skins. And they wondered about what this
13 was. For indeed, this was the dream that had been
14 prophesied, that this was coming. And they watched,
15 as these people disembarked from this boat. And off
16 they came to the shore, in little boats. And as they
17 watched, they noted that they carried with them a
18 cross. And when they landed on the shore, they bent
19 down and kissed the ground, and planted their cross in
20 the ground. And thus it was, that our people realized,
21 that these two, although they were surely different
22 looking people, at least they had come from the same
23 Creator. And with that, they openly embraced them, and
24 shared with them, and showed them their land, and
25 showed them about. And while there was hardly enough

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1 language between the two, to qualify one as a fluent
2 speaker of MicMac or English, at the time, to warrant
3 such things as a complete change-over to a religion
4 that was different, the MicMac people sought the
5 political alliance that went with the Holy Roman
6 Empire, in which they would protect us, that our lands
7 would not be taken from us. As well as, to accept that
8 we are all under one God, and that we have many ways
9 in which we pray to that one God, and that some of them
10 that the French used, were like ours, in many ways.
11 Their incense burning was like our pipe ceremonies, and
12 our incense burnings. The different rituals that went
13 with Catholicism, were things that we could accept, the
14 rituals. Rituals are a part of our daily life. It's
15 part of our -- from the time we wake up, the rituals.
16 And these were rituals. And we were introduced to
17 these new rituals. And we adopted these rituals,
18 without adhering to the full -- what I would call the
19 dogma of the church. And so therefore, we adopted the
20 Catholicism, but held to the blending of our
21 traditional beliefs in them.

22 Q. And does that remain true today, in contemporary MicMac
23 society? Is Catholicism interpreted distinctively?

24 A. Yes. Yes. In fact, there were some rituals in this
25 century, that the church tried to have stopped, saying

1 that these were not Catholic rituals. These are things
2 that we don't do. And our Grand Council put a stop to
3 it, saying, "Well this is the way we do things. And
4 we do not want you to come tell our Elders that that
5 is not what we ought to do. For it has enriched our
6 spirituality, and has not taken away from it."

7 Q. Dr. Battiste, can you tell us what the St. Ann's Day
8 celebrations are?

9 A. St. Ann celebration has been an annual event. The St.
10 Ann Mission itself, probably from the time of 1620,
11 when St. Ann became the Patron Saint of MicMacs, 10
12 years after we became Catholics -- but every year, from
13 as far back, and much before there was any church that
14 came in and baptized, our people have had annual
15 gatherings. And at our annual summer gatherings, all
16 the people would come to the gathering.

17 Q. All the people from throughout the MicMac Nation?

18 A. Yes. And that it would -- they would come with their
19 leader, their Captain, or their District Chief. And
20 they would come together. And they would not only have
21 a social event for many days, weeks, and long time ago,
22 months, of being together. It was a time in which our
23 political body, our traditional government, was able
24 to bring all of their leaders together, and discuss
25 alliances and war, truces, you know, major events, that

1 would affect all the people. And so, all the people
2 came, with their leader. And the leaders would go into
3 Council in the Lodge, and then, would share with their
4 people, these events. And if there were major things
5 that had to happen, like if there was going to be a
6 war, or a truce that was made, that it would be by
7 consensual understanding, by having the people told,
8 and shared, and discussed, and all of that kind of
9 thing, with all of the people. And then the Council
10 would go back in, and would make decisions. So that,
11 our St. Ann gathering has been taken to Chapel Island
12 since 1750. And before that, it was in Malagwach,
13 which was the other centre of the MicMac Nation. It
14 was moved in 1750 to Chapel Island, because of its
15 strategic spot.

16 Q. Is it still an annual event?

17 A. Yes, it is.

18 Q. And does it still have this combination of political
19 and social features?

20 A. Yes, it does.

21 Q. And is it attended only by political representatives
22 from the various regions?

23 A. No. It's by everyone. Or at least, a lot of people.
24 And everyone tries to make an attempt to get to the
25 event.

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1 Q. And would this include families, children, older
2 people?

3 A. Yes, everyone. Except that, in the last few years, it
4 has been primarily of the people in Nova Scotia. We're
5 getting now, more people from the other -- Newfoundland
6 and New Brunswick areas are coming in. But I was in
7 Maine and Boston. And our whole family went every
8 year.

9 Q. And in contemporary terms, do the St. Ann's Day
10 celebrations still occupy a position of significance
11 in the MicMac cultural life?

12 A. Yes. Yes, very much important.

13 Q. And does the Grand Chief occupy a special role, as part
14 of the St. Ann's Day celebrations?

15 A. Oh, indeed he does. A central and integral role. Yes.
16 The Grand Council meets primarily twice a year. Once
17 on Pentecost Sunday, and once on St. Ann Sunday -- or
18 actually, I guess it's Monday they meet. But it's
19 during those two times of the year that they meet,
20 annually, every year, to discuss the issues pending
21 their Nation. As well as, it gives the Grand Chief,
22 and the Grand Captain, and the other Captains, a chance
23 to talk to their group. And in more recent years, it's
24 been with the Grand Chief and the Grand Captain,
25 addressing the Nation.

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1 Q. I would like to ask you, Dr. Battiste, some questions
2 about the Grand Council.

3 MS. DERRICK

4 But before getting into that, Mr. Commissioner, this
5 might be a good time for a short break.

6 MR. COMMISSIONER

7 Take 10 minutes.

8 MS. DERRICK

9 Thank you.

10 (20-MINUTE BREAK)

11 THE REGISTRAR

12 All rise. Please be seated.

13 MR. COMMISSIONER

14 Have you finished?

15 MS. DERRICK

16 No, I have not. Thank you, Mr. Commissioner.

17 BY MS. DERRICK

18 Q. Dr. Battiste, when we had the break, I was just about
19 to ask you to describe for us, a bit about the
20 political structure of the MicMac Nation, and the
21 function of the Grand Council, if you could oblige us?

22 A. Well the MicMac Grand Council is made up of the seven
23 major districts, at least has been. There have been
24 some changes in the more recent, let's say 25 years'
25 time, because of the boundaries that have been set up

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1 around regional, provincial groups, and so on. But
2 basically, our MicMac Nation is spread over seven major
3 districts, that include all of the Maritimes,
4 Newfoundland, Cape Breton Island, Nova Scotia, Prince
5 Edward Island, the Gaspé Peninsula area of Quebec, and
6 into the United States, into Maine. And of course, we
7 have MicMacs also, who are living in Boston. Our Grand
8 Council is made up of Captains from each of the MicMac
9 Reserves. And they are headed up by a Grand Chief, and
10 a Grand Captain.

11 Q. And what are the Grand Captains? What is their role?

12 A. The Grand Captain is the executive in charge of -- well
13 in ancient times, he would be in charge of all the war
14 chiefs of the -- you know, being there to make
15 decisions with regard to the, you know, positioning of
16 people, strategic placing of people, and so on. In
17 this executive role, he deals with the treaties,
18 currently. His role is dealing with the maintenance
19 of the treaties, and the treaty obligations, affecting
20 MicMac people, the Grand Council in particular.

21 Q. How are the Grand Captains chosen?

22 A. The Grand Captain is chosen -- you wanted to know the
23 Captains or the Grand Captain?

24 Q. The Grand Captain.

25 A. Okay. The Grand Captain. The Grand Captain was chosen

1 most recently, from the Elders. The Elders decided who
2 that should be. And he was within the lineage of the
3 Captain of -- or the previous Grand Captain. He was
4 in his family, not by blood, but by kinship. He was
5 an adopted son. And so he was brought in. And he
6 became the Grand Captain.

7 Q. Do you know whether Mr. Marshall, Sr., who's the
8 current Grand Chief, is related to a previous Grand
9 Captain?

10 A. The Grand Chief now, is related to the previous Grand
11 Chief. He is a cousin to him. And the previous Grand
12 Chief was the husband of the sister of the previous
13 Grand Chief.

14 Q. So is it accurate to say then, that kinship connections
15 have played a relevant role, with respect to who has
16 become Grand Chief?

17 A. Yes.

18 Q. And what is the role of the Grand Chief, in the MicMac
19 Nation?

20 A. Well the Grand Chief is the representative of the
21 collective community consciousness, all of the MicMac
22 community, the MicMac culture, MicMac society. And as
23 a representative of our -- of us, in this very
24 prestigious position, he exemplifies the values, the
25 beliefs, the traditions and the customs of the people,

1 maintaining continuity with each generation of people.
2 His role requires him to attend and be part of all the
3 major functions. In the time in which -- well since
4 the Grand Chief became Catholic in 1610, and with the
5 time in which we really became -- there was more of a
6 consciousness of being Catholic, in the sense of
7 understanding more of what it meant, by virtue of
8 Father Pierre Maillard, who, in 1735, came among the
9 MicMacs. And he was there until he died in 1762. And
10 he spoke MicMac. And so he then developed a more
11 Catholic consciousness among the people, by expressing
12 these concepts of the church, in MicMac. And at the
13 time when the French were banished from our area of
14 Acadia -- mi'kma'kik, which was unamakik, they were
15 banished from -- that our people ---

16 Q. Sorry. That's a description of an area?

17 A. These are districts, yes -- that our Grand Council
18 maintained, and our Captains maintained, the religious
19 customs and traditions, that the Priest would have done
20 ordinarily. And they did that for a period of over a
21 hundred years. And during that time, they would go to
22 the funerals, and say the last prayers, and do the
23 prayer leading. They would be part of the acceptances
24 of the marriages between people. You would have to go
25 to the Grand Chief, and express your intention to marry

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1 a certain person. They would be present at the -- you
2 know, they would pretty much take care of all the
3 prayer leading, and the Sunday prayer leading, and
4 acceptance of promises, and you know, the beginning and
5 the death, and so on, and be at all the marriages of
6 the families. And so, subsequently, the Grand Chief
7 takes on that role today. He continues to go to all
8 of the major events, and all the funerals, and wakes,
9 and is an important personage in our community, who
10 represents us.

11 Q. What are the qualities that the community looks for in
12 a Grand Chief?

13 A. Well they would look for a person who is stable, who
14 is good of heart, who is caring of his people, who
15 shares, who is generous, gives of his things, or monies
16 or whatever, to others. He would be very self-reliant,
17 resourceful. He would be a good hunter, in the old
18 days, although hunting is not exactly today -- it's
19 changed a lot. So hunting is not necessarily the
20 important skills of the day. But of the old days, it
21 was an important quality, to be able to hunt and
22 gather, and to teach children, and to be an exemplary
23 MicMac.

24 Q. And the quality of being able to teach children, would
25 that have a contemporary expression, with respect to

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1 the qualities a Grand Chief would need to embody?

2 A. Oh, yes. Well the Grand Chief has always been one who
3 is, you know, very much a part of making sure that
4 whatever we are, as MicMacs, is passed on to children,
5 and that there remains that continuity in our people,
6 and in our culture. And so he would be very
7 encouraging, you know, of the MicMac language, would
8 use the MicMac language, would be there to make sure
9 that -- you know, to check to see if parents are doing
10 their jobs, you know, with their children, and so on.

11 Q. With respect to the role and the significance of the
12 Grand Chief, are these things that you learned as an
13 adult, or did you know about them when you were a
14 child?

15 A. Oh, I knew them as a child. I knew them as one of
16 those who -- we always came back for all the events,
17 St. Ann Mission, for the funerals and wakes and things.
18 And whenever the Grand Chief was coming, everybody
19 would whisper, "The Grand Chief is coming. The Grand
20 Chief is coming." And everybody would scatter and
21 would, you know, clean their house, or straighten
22 things up, or make a seat ready for him, or get the tea
23 on. And you know, do all kinds of things, to prepare
24 for the entrance of the Grand Chief.

25 Q. Dr. Battiste, have you had any recent discussions with

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1 community Elders, about Donald Marshall, Jr.?

2 A. I have.

3 Q. And can you tell us what these discussions have been
4 about?

5 A. Well having been aware that I was coming to this, I
6 took the opportunity to take one of our Elders'
7 Committee Meetings, to raise the question among them,
8 as to some of the questions that would be raised to me.
9 For I felt that -- I always feel, humbly, that I'm
10 still young. As old as my kids think I am, I'm still
11 young. And I do not have the knowledge of MicMacness,
12 and MicMac history, culture, and that it is from them
13 that I learn everything. And so everything I do, I
14 usually cover it through with Elders first. And in our
15 school, we do this, as a process of making sure that
16 what we're doing in the curriculum, is on par with what
17 the Elders would want to have us do. And I did have
18 this opportunity to raise with them, some of those
19 questions, yes.

20 Q. And what, if anything, did the Elders have to say about
21 Donald Marshall, Jr.'s capacity to become Grand Chief?
22 Is this a question that you asked them?

23 A. Yes. From one Elder it is said, that it would not be
24 possible, because he has lost continuity from his
25 community, from his people. The instance was given to

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1 me of a time -- of a previous time, when a Grand Chief
2 was selected, when another was in the running. And the
3 question of the other having left the community for a
4 period of time, being the major reason why that person
5 was not selected, in the sense of, you know, having two
6 men par, average, the same -- you know, kind of on the
7 same ground, facing each other, in terms of the
8 selection -- but the fact that one had not been in the
9 community on a continuous basis. And it was said to
10 me that, because of that, it would not be possible.

11 Q. Do you know whether, at the age of 17, Donald Marshall,
12 Jr. occupied any role at community functions or
13 ceremonies? Let's say 15, 16, 17?

14 A. Yes. Well first of all, all of us go with all of our
15 family, whenever anything happens. All children go
16 with their family to these events. It's not exclusive.
17 It's not just an adult function. So children always
18 go to these things. But the Elders pointed out that,
19 as the oldest son, that it would be his responsibility,
20 that he had started to undertake before he went to
21 prison, of taking his father to all of the events. And
22 that he had gotten his license, and he was beginning
23 to drive his father to these events. And it would not
24 be, for many years later, when his brother, next in
25 line, would be the -- his brother, who is not next in

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1 line, but he had two sisters and then a brother, who
2 then came in -- and who took over the role of taking
3 the father to all the events. It would be during these
4 times, in which not -- sometimes, you might go, and you
5 may not take the whole family. But you would take
6 somebody with you. And usually, it would be one of
7 your siblings, one of your children, you know,
8 especially the oldest ones. And they would go with
9 you. And through these long miles of talking and
10 sharing, is when you begin to reconnect with your
11 children again, and to sort of re-establish the values
12 and the beliefs, and sort of to cement the foundation
13 that they had begun in the early years.

14 Q. We heard yesterday, from Dr. McGee, that in 1970, he
15 saw Donald Marshall, Jr. at a St. Ann's Day
16 celebration. Just referring to that for a moment, is
17 St. Ann's Day an important event for the transmission
18 of culture to young people ---

19 A. Oh, indeed it is.

20 Q. --- in MicMac terms?

21 A. It is. It is. Very much so. And I wrote about it in
22 an article, published in 1977, in Indian Historian.
23 But as I view the St. Ann Mission, it is within the
24 realm of being the epitome of all the cultural values
25 of our people being brought together at this particular

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1 event, in which all the youth learn from their Elders,
2 about what is important, as well as, they learn about
3 what are the right values that we have, of sharing and
4 helping, and helping Elders, and doing things for them.
5 And no matter how old you are, that if an Elder says,
6 "Go do this," you immediately drop whatever you're
7 doing, and you go do. You learn the roles of people.
8 You learn who are important people, to know who they
9 are, and their connections. You also learn who your
10 family is, very quickly. You know, you're walking down
11 the road with somebody, or walking to a cabin with
12 somebody. And somebody says, "That's your cousin. You
13 can't go out with that person. That's your cousin."
14 And so very soon, you learn who is your kin, and who
15 is related to you, and who isn't. And those are --
16 that collective community consciousness, built around
17 our spirituality and our faith, around the cultural
18 values of caring and sharing and giving, the
19 acknowledgement of respect and the acknowledgement of
20 how to behave in certain situations, are all
21 reinforced, ever so well, in events such as this one,
22 where you have to leave all your material possessions
23 behind.

24 Q. I do want to ask you, and these are my sort of last
25 series of questions, about these values in MicMac

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1 culture. And you've just referred to the values of
2 giving and sharing. Can you tell us what role these
3 values of giving and sharing occupy, in the MicMac
4 culture?

5 A. They are essentially one of the most important ways
6 that define you as being a good person. If you're
7 stingy, you are regarded very little. If you are
8 generous, you are given a great deal more prestige and
9 status, for your generosity. You give, not only your
10 daily dialogue of stories about yourself and about your
11 family, funny stories, humorous stories, great stories,
12 little stories, whatever, to money, to food, to rides,
13 take kids places and help other families out. You baby
14 sit. You look after, you take care of. When somebody
15 dies, the community women rush to the house of that
16 person who has died. They clean the house completely,
17 from top to bottom. They leave nothing unturned. And
18 the men come in, and they fix it all up. And they fix
19 the doors and the steps, and stairs, and whatever needs
20 to be fixed, and the rugs, and everything. It's our
21 daily way of life. It's completely in everything.

22 Q. And what you've just described -- I think you mentioned
23 the idea of sharing stories, as well as some of the
24 examples you gave, of actually sharing material or
25 physical things. In MicMac cultural terms, does

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1 sharing therefore include the sharing of sorrows and
2 burdens, as well as the sharing of gifts and joys?

3 A. Yes. As a child, I never understood this completely,
4 until really I came back, because I would be so
5 embarrassed when we'd go to town, and my mother would
6 start telling all about the pains and sorrows she had,
7 about this and about that, when she'd meet other
8 people. And I'd say, "Why do you have to say all those
9 things? These are painful things. Why do we have to,
10 you know, keep on talking about them all the time"?
11 But in our community, you know, it's not just the good
12 that we talk about. We talk also about the pain and
13 the sorrows and the frustrations and the traumas that
14 we might go through. And it helps us psychologically,
15 to get through those things, as well as, it enables the
16 community to give us the kind of support we need, you
17 know, through every crisis, whether it's a death or a
18 sick person, or whether it is -- you know, any major
19 event. And I think that one of the things that we
20 noted particularly about our situation with Donald
21 Marshall, is that we shared those years of pain and
22 suffering too, with him, through the -- through his
23 mother, who painfully shared her experiences with
24 people, openly. And her faith and commitment to her
25 son was never, ever unquestioned -- or questioned. She

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- 1 was very strong in that. And it was the only thing she
2 had on her mind. And she would talk about it to
3 everyone that she was -- within this community, MicMac
4 community network. And she would share her pain. And
5 people came to begin to see changes going through her,
6 worrying about her, and what was happening to her. And
7 you know, when things began to change, when Donald was
8 released, you know, it was like a big burden that had
9 been lifted off her, had lifted off a lot of people
10 too, because then, they could now share in her joy, and
11 her happiness, you know, as she shared stories of this.
- 12 Q. And you returned to Eskasoni in 1978. Mrs. Marshall
13 was living at Membertou. And yet, were you personally
14 conscious of this community dialogue, with respect to
15 Donald Marshall, Jr.?
- 16 A. Yes.
- 17 Q. He was released in 1982. Were you conscious of
18 community dialogue following that, with respect to his
19 case?
- 20 A. Yes. Even though I was in California at the time, we
21 were always in contact with home, and with people at
22 home. And we were following what was happening,
23 through our family contacts at home.
- 24 Q. And were you conscious, therefore, of the comments of
25 the Court of Appeal, concerning Mr. Marshall being

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1 responsible for what had happened to him?

2 A. Yes.

3 Q. Did that form part of the community dialogue ---

4 A. Oh, yes.

5 Q. --- that you are aware of?

6 A. Oh, yes. Oh, yes. There hasn't been anything that
7 has happened here, and with this whole process, that
8 hasn't been part of the community dialogue.

9 Q. Dr. Battiste, back to some of the values of the MicMac
10 culture. Can you tell us what value is placed on
11 personal autonomy, and how this is expressed inter-
12 personally?

13 A. Autonomy. I think that one of the things that is clear
14 among MicMac people, is our individuality, our -- you
15 know, we are allowed, in our culture, in our community,
16 to be whoever we are. It's not a conforming culture,
17 that says, "You all have to be like this," and you're
18 shunned if you're not. It is accepted, and also
19 encouraged, that we develop our own personal strength,
20 our personal autonomy, our own self-reliance, our own
21 independence, our own resourcefulness, our own self-
22 clarity, wherever it may come from. And all the
23 different people in it, who are unique, are all alike,
24 because we come from the same family of values, so to
25 speak. But their uniqueness is in their personalities,

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1 in their visions of the world, their stories they tell,
2 the humorous way they see things. And that is what I
3 see as relished, in all of this likeness, that we also
4 can see and accept and appreciate the differentness of
5 everyone, in his own way. And it becomes a source of
6 humour, to acknowledge the different kinds of unique
7 characteristics of one person, and to laugh about them.
8 And we laugh. We always laugh about everything. It's
9 part of our nature, and part of our culture, to poke
10 fun at, and laugh at everything, for it helps us to get
11 through hard times, you know, too. And it helps us to
12 see how we -- no one's perfect.

13 Q. Dr. Battiste, what value is placed upon modesty, by
14 MicMacs? And how is this expressed?

15 A. Well I asked this to the Elders. And we sort of all
16 looked at each other. And someone said, "Well I've
17 never seen the Grand Chief naked." And they said, "And
18 I've never seen him without his shirt." And similarly,
19 our women certainly have always been noted
20 historically, in the journals, of course, as being a
21 very exceptionally modest group of people, you know,
22 who covered all of themselves, and maintained
23 themselves away from others. Males are certainly --
24 are different, in the sense that, you know, if you go
25 look at the Mikmaq series, you see a kind of dress that

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1 most of us never experienced. And so, whether that's
2 the way they dressed, you know, is only conjecture, as
3 to whether or not they dressed that way. But from all
4 likelihood, we are a very exceptionally modest group
5 of people.

6 Q. Men and women?

7 A. Men and women.

8 Q. Dr. Battiste, have people in the community, over the
9 19 years of Donald Marshall's ordeal, ever described
10 their feelings to you about his absence or his loss?

11 A. His parents you mean?

12 Q. Or other people in the community?

13 A. Would you repeat that question again?

14 Q. Have people in the community, at any point in the 19
15 years that have gone by, described to you, their
16 feelings about Donald Marshall, Jr.'s absence, or his
17 loss?

18 A. Oh, yeah. I think that in our community dialogues,
19 this is often raised, about what he's lost, and how
20 much he's lost, and whether anything can be recovered,
21 and how much can be recovered, and what has to be done,
22 for him to recover. Yes, it's frequently discussed.

23 Q. Can you say whether you personally have suffered,
24 because of what has happened to Donald Marshall, Jr.?

25 A. Well I guess I have to relate a story. When we

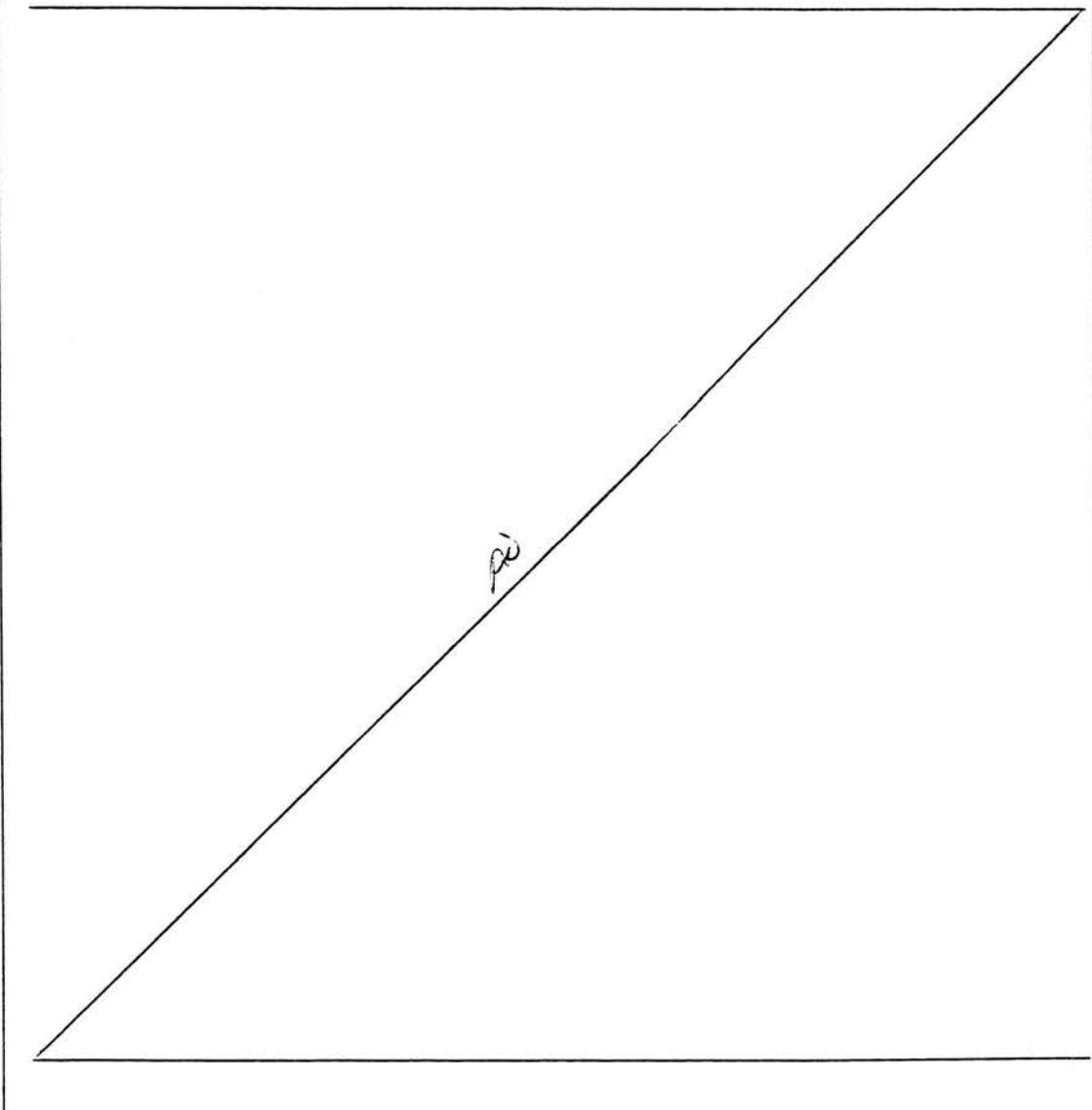
DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 attended the meetings, the first time, for the Donald
2 Marshall Inquiry, my children were young. And my son,
3 because I go away so often, was whimpering, "Why do you
4 have to go? Why do you have to go? Why do you have
5 to go"? And so on. And he moaned and groaned and
6 fussed. And I said, "I have to go. This is
7 important." And he said, "Every time you go, it's
8 important." And I said, "Yes." And I said, "I'm going
9 to tell you the story though, about something." And
10 he said, "What"? So I told him the story about this
11 man, this Indian man, who had a son, and it was his
12 oldest son. My oldest son could relate to that, too.
13 And he was in -- there was this accident, in which this
14 man was killed. And he was accused for killing. And
15 it wasn't him who killed him at all, but this other
16 man. And they sent this Indian man -- I didn't tell
17 him who -- I just said this Indian man's son away. And
18 they sent him away for 11 years, to prison, away from
19 his mother and father, in a prison. And terrible
20 things happened. And I said, "And I'm going there, to
21 go and try to find out, you know, how this whole
22 situation came about. What happened in society, that
23 should make this occur"? And he said, "Oh." And he
24 sat down and thought about it. And I was getting
25 ready. And he came stomping up, mad, again. And I

DR. BATTISTE, DIRECT EXAM. BY MS. DERRICK

1 said, "Jaime, I'm going to leave. I don't care what
2 you feel. I'm going to leave. And I'm going to go to
3 this." And he said, "No. I want you to." He said,
4 "I want you to, because if you don't do that, it might
5 happen to me."
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DR. BATTISTE, EXAM. BY MS. DERRICK

1 A. --- and he thereafter said to me, "I now know what I'm
2 going to do with my life." And I said, "Yeah, what
3 are you going to do?" He said, "Well, who's on top?
4 Is it a President?" And I said, "Well, there's a
5 Prime Minister here. We don't have a President." And
6 he said, "Well, I'm going to be Prime Minister. And
7 I'm going to make sure that that does not happen
8 again." And so I guess when you say, are we affected
9 by it? Have we been hurt by it? Yes, we all have
10 been hurt by it.

11 Q. Dr. Battiste, speaking as a MicMac, can you tell us in
12 what respects Mr. Marshall needs to be restored? Mr.
13 Marshall, Jr.

14 A. In what way he needs to be restored. Well, he needs
15 to go through -- in my opinion and in the opinion of
16 many other elders -- through some very prolonged
17 counselling.

18 Q. I'm sorry?

19 A. Prolonged counselling. Hopefully, with native
20 counselling. He needs to close the doors behind him.
21 Much in the same way that men who go off to war have
22 to close those doors behind them. And sometimes you
23 have to kick those doors closed. It's very difficult
24 to close those doors because so much sneaks up behind
25 them so often. And so, through a process of

DR. BATTISTE, EXAM. BY MS. DERRICK

1 counselling, I think that that might enable him to do
2 that. I think he needs to restore his fragmented
3 existence within the collective community. He needs
4 to come back to the community. And through his
5 acceptance of himself as just another individual
6 within the group of being able to share and laugh and
7 talk and give and be part of the collective that he
8 will be restored by -- through that process, of being
9 with his people again. I think he needs to find
10 integrity for his own personal interests. To find his
11 rootedness in some kind of clarity or vision for
12 himself and something that he can do -- something that
13 has some organized collective, constructive activity
14 to it. I think that he is -- he needs a MicMac woman.

15 Q. Dr. Battiste ---

16 Mr. Evans

17 Which is the priority?

18 A. A good grounded -- well, stable, with some social
19 counselling in the background.

20 Q. Dr. Battiste, can you tell us what cultural survival
21 camps ---

22 A. Yes, we had cultural survival camps for two years at
23 Chapel Island Reserve, on the Chapel Island island
24 where we have St. Anns Mission. We did that for two
25 years while I was at the Migmoy School. And we raised

DR. BATTISTE, EXAM. BY MS. DERRICK

1 money and got support from the community at large for
2 developing a cultural camp for children from the ages
3 about 8 to 14.

4 Q. And what is a cultural survival camp? What values
5 underlie it?

6 A. First of all, we have them leave their home, leave
7 their environment where they were and to go into the
8 natural environment to sleep on the -- in sleeping
9 bags on the natural ground. And sometimes in the
10 cabins, if it was raining -- in the floor of the
11 cabins on the island. And we had mutual together
12 eating at all meals. We had a number of elders and
13 adults present at this place where we would be able to
14 take care of them, for one. And to nurture their
15 evening dialogues and that kind of thing, as well as
16 to share with them their history and their culture and
17 their spirituality. To share with them their arts,
18 their crafts, the baskets and beauty of their culture
19 that they are able to make. To show them the
20 wilderness and how to survive in it -- what is out
21 there and to feel part of the total interdependence of
22 all things out there. As well as to know where our
23 world view and our consciousness comes from and how it
24 is all shaped from within our people.

25 Q. And the concept of a cultural survival camp -- does it

DR. BATTISTE, EXAM. BY MS. DERRICK

1 represent mutual benefits for the individual children
2 involved and for the greater communities from whence
3 they come?

4 A. Yes. Oh, yes. We have noted that the children who
5 have come to the camps have a great deal more
6 awareness of themselves -- a great deal more respect
7 for the hierarchy in our community, of our elders and
8 our counsel and our leaders. And that it's something
9 that is memorable -- something you take with you and
10 not only do you nurture the values of the community
11 but you teach some new things and they remember it
12 because they had that experience extended for a period
13 of time.

14 Q. Dr. Battiste, in giving your answers you've described
15 in many terms the suffering and loss of Donald
16 Marshall, Jr. Is there anything that you feel you
17 have not covered that you would like to address with
18 respect to Donald Marshall, Jr's loss in either
19 cultural, social or spiritual terms?

20 A. I guess the one thing I -- while we focus -- the
21 intent of this is to focus on the losses that he has.
22 I really have to reiterate the elders' point made to
23 us about how much he has given to us. And how much
24 his suffering has helped us in terms of getting a new
25 awareness of our role to be played in the justice

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 system to get a new awareness of racism, prejudice and
2 discrimination. And I think that by that great
3 awareness we're able to see what it's done for us,
4 collectively as a group, to watch these things and to
5 see them happen in this particular way that I think
6 that he needs to know how much he's given to us.

7 Q. Thank you very much, Dr. Battiste. Those are my
8 questions.

9 MR. JAMIE SAUNDERS CROSS-EXAMINES DR. BATTISTE

10 Q. Dr. Battiste, I'd like to begin where my friend, Ms.
11 Derrick, left off. And could I ask you to explain to
12 the Commissioner and to myself the degree of respect
13 with which Donald Marshall Jr. is now held by the
14 MicMac community?

15 A. Donald Marshall, Sr.?

16 Q. No, Junior.

17 A. Junior. What degree of respect he now holds?

18 Q. Yes.

19 A. That's a very difficult question because he has not
20 developed a great deal of respect because he has not
21 come back. Because he is unable to come back, or he
22 feels he is unable to come back or he hasn't linked
23 back with us. And for that reason, until he comes
24 back he can't get the respect of the people.

25 Q. Apart from however he may feel personally, is he

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 regarded as a person of great honour and courage by
2 the MicMac people?

3 A. Yes. I think that there is the element that he has of
4 what he has gone through, what he was holding to, the
5 length of time that he held to his innocence and not
6 breaking that shows the great deal of courage he had
7 in going through that. I think that the people hold
8 him as a -- he, himself, or he has become a symbol of
9 this to us, but not in the community dialogue of being
10 part of us. And so I see that his -- what he's going
11 through is honoured because of what he went through
12 holding up his being MicMac, his being innocent
13 through all of that. And yet still holding to some of
14 the very essential of being MicMac, as I listened this
15 morning to the other testimony. Grattan.

16 Q. By Mr. Grattan?

17 A. By Mr. Grattan. And how they saw him and I said to
18 myself, "Yes, that's very MicMacish." Those are the
19 MicMac traits of -- you know, of setting yourself away
20 from all of that. And he thus is -- has a great deal
21 of esteem by the community but in terms of the -- oh,
22 I guess -- I don't know. The word respect is so -- it
23 tangles with so many different corners that it's hard
24 for me to say no, he doesn't have the respect of the
25 community or yes, he does have the respect of the

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 community. I guess that I would say that the people
2 do hold him in high esteem as a symbol for all the
3 things that he's gone through.

4 Q. And the fact that he was able to survive while still
5 maintaining his innocence and his MicMacness and the
6 connections of which you spoke?

7 A. Yes.

8 Q. And I'll get to issues of self esteem and self respect
9 in a moment, but I wanted to separate that from the
10 esteem with which he is held by his own community.

11 A. Yes.

12 Q. And that is a very real thing.

13 A. Yes, yes.

14 Q. And was the release of the Royal Commission report in
15 January considered to be a complete vindication of
16 Donald Marshall, Jr.?

17 A. No.

18 Q. To what extent was it not?

19 A. Well, that he was completely vindicated was an
20 important element. But what it had given to him or
21 what he had for all those years had to deal with, we
22 all felt uneasy with that. That what he was having to
23 come back with the baggage he was carrying.

24 Q. Yes.

25 A. And it was his -- he was coming back with so much

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 extra baggage that it was like that it will help him
2 but he seems so lost.

3 Q. It was really only a step on his future path?

4 A. Yes.

5 Q. All right. And, given the answer that you have
6 described in your conversations with the elders of the
7 community and the great sense of what the community
8 owes Donald Marshall, Jr. for what he encountered and
9 incurred, was the release of the report considered as
10 a kind of victory? As you described it, a symbol by
11 the MicMac people?

12 A. Uh-hmm. Yes.

13 Q. And one in which his people could celebrate
14 vicariously?

15 A. Yes.

16 Q. You described contact over the years with his mother
17 and noted her commitment to her son and a firm resolve
18 in that. Have I described it fairly?

19 A. Very.

20 Q. And an absolute conviction in his innocence ---

21 A. Yes.

22 Q. --- and that it was all a big mistake or an accident,
23 as you've described it to your son?

24 A. Yes.

25 Q. And was that sense shared by his community? That it

1 was all an accident, a mistake that would some day
2 over time be explained?

3 A. I think that at the time in which -- or before the
4 inquiry -- before all the evidence, before anything
5 came out we really didn't have a firm handle on what
6 happened. And so we could only describe the
7 experience to our children in what we knew, or what
8 were the essential facts that lay before us. With the
9 Commission inquiry, with the report recommendations
10 and so on, we have now a different set of
11 understandings for what has occurred. It wasn't an
12 accident -- it was a gross injustice. And it was a
13 gross injustice that occurred at every level. And
14 that it was not just because he was a youth. It was
15 not just because of the time but something was because
16 he was MicMac.

17 Q. Could I ask you, Dr. Battiste, whether the community
18 shared the conviction and resolve of his mother and
19 father in his innocence?

20 A. Not all.

21 Q. Would you say most did?

22 A. Those close -- I think that those who were closely
23 within the family, knew the family and so on held to
24 that. But being an oppressed peoples, being also --
25 we get to this oppression by virtue of the fact that

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 we begin to accept our oppression. We accept, then,
2 that we are the victims -- that we, because of our
3 language, because of our culture, because of the way
4 we act and behave, that for these reasons -- these are
5 the reasons for why we are poor and inadequate or
6 uneducated or without power and prestige in the
7 community. When we look at the Commission's findings,
8 we begin to see ourselves totally from another view.
9 We begin to see that it had not -- our culture --
10 there's nothing wrong with our culture. There's
11 nothing wrong with our language, there's nothing wrong
12 with our being MicMac, for that is what our creator
13 gave to us. But what is wrong is how others are
14 treating us and what their perceptions have been of
15 us. And in order to build a bridge between these two
16 groups we must buttress both sides in order that we
17 can come to the centre in our bridge. And so, I think
18 that this Commission's Inquiry has enabled us to build
19 the foundations of our buttressing of our sides with
20 the right kinds of assumptions about ourselves.

21 Q. And that's the thing of which you spoke, of which the
22 elders wished to give thanks to Mr. Marshall.

23 A. Right.

24 Q. To get back to my question, are you able to say to
25 what degree the community shared his parents'

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

- 1 conviction and resolve about his innocence?
- 2 A. I couldn't say to what degree.
- 3 Q. When you spoke of the change in focus of the MicMac
4 community and as I read your paper -- you said it was
5 published in 1977?
- 6 A. Yes.
- 7 Q. Would you say the thesis of your paper applies equally
8 today?
- 9 A. Yes.
- 10 Q. I took it to be your suggestion and encouragement of
11 other aboriginal peoples to have regard to the MicMac
12 model and how successful it was in adapting to
13 European influence over 500 years.
- 14 A. Uh-hmm.
- 15 Q. Is that a fair summary of it?
- 16 A. Well, it is. To look at the adaptive strategies that
17 we've been able to utilize in order to survive as a
18 people with our language and our culture intact and
19 what kinds of things we do to reinforce those cultural
20 values.
- 21 Q. So have the things that you indicated in your paper in
22 1977 encouraged other aboriginal peoples to have
23 regard to the MicMac society and its success?
- 24 A. I think so.
- 25 Q. You do?

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 A. I think so. In some ways -- I mean, every time you
2 write about yourselves and your own people you begin
3 to share a consciousness with another group -- other
4 groups of people and Indian history is well read by
5 other native people about the different cultural
6 variations that we have among our native peoples. But
7 what binds us together are a lot of these
8 similarities. And we get to see how some things are
9 very different while some things are very much alike.
10 And we get to look at the core of the values.

11 Q. And so you see, as well, a kind of vicarious
12 celebration by aboriginal groups other than the MicMac
13 nation in this lesson -- the Donald Marshall, Jr.
14 lesson?

15 A. I think so.

16 Q. There are a couple of phrases, doctor, in your paper
17 that I would like your help on. And if I could get
18 you to turn to the blue book, which is Exhibit 4, and
19 at the very end is your paper. And at the bottom of
20 page 4 of the account that you are giving, the left
21 hand column about 20 lines from the bottom. Do you
22 see the paragraph that begins, "These assemblies of
23 MicMacs have served..."? And then the second
24 sentence, it is an annual ceremony and you're talking
25 about the St. Anns celebration which provides many

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

- 1 instrumental linkages sanctioned by the tribe of how
2 one becomes and remains a good MicMac. I wasn't
3 certain of your meaning of "instrumental linkages".
- 4 A. Okay. Instrumental linkages, I would also refer to
5 things like finding a husband, finding a wife.
6 Developing or -- developing a new network in which you
7 can go to their house and be able to go through a
8 community and stay at that person's house.
- 9 Q. Yes.
- 10 A. Instrumental in the sense that it might have value for
11 you outside of the value to the collective.
- 12 Q. So that this annual ceremony presents an opportunity
13 to facilitate that kind of association?
- 14 A. Yes.
- 15 Q. On the same page, bottom of the right hand column,
16 third line from the bottom, you speak of reaffirmation
17 -- and my page is cut off a bit - but it looks like
18 "reaffirmation of one's place in this cultural society
19 of St. Anns provide a reciprocal network..." Is it
20 "of specific obligations that ensure the survival of
21 the people"?
- 22 A. Now, would you kindly realign me to where you are?
- 23 Q. Yes. Right hand column, same page, just ---
- 24 A. Okay.
- 25 Q. --- three lines from the bottom.

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

- 1 A. "The establishment of alliances"?
- 2 Q. Yes.
- 3 A. "Renewal of friendships and reaffirmations of one's
4 place in this culture" -- I guess I was saying
5 "cultural".
- 6 Q. Oh, thank you. I have a copy that isn't cut off and
7 it looks like "one's place in this cultural society"
8 ---
- 9 A. Yes.
- 10 Q. ---- "at St. Anns provide a reciprocal network of
11 specific obligations that ensure"?
- 12 A. Yes.
- 13 Q. And my question of you, doctor, is what are the
14 specific obligations of which you write?
- 15 A. That's if I come to your house you've got to come to
16 mine.
- 17 Q. That reciprocity of sharing?
- 18 A. Yes.
- 19 Q. Thank you.
- 20 A. Yes.
- 21 Q. Are you still responsible for the curriculae in the
22 schools at Eskasoni?
- 23 A. Yes.
- 24 Q. Are you in charge of that?
- 25 A. What I'm in charge of is the development of a

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 comprehensive MicMac cultural curriculum of sequence,
2 concepts, objectives and skills, teaching materials
3 and resources that go with the whole thing.

4 Q. All right. And is this a school system and a board
5 that you were instrumental in establishing in 1968?

6 A. No, no.

7 Q. It was already there, was it?

8 A. Yes. I worked in Eskasoni school for a year prior to
9 it becoming a band operated school. And then that was
10 the year that I had my son, so I stayed home. But the
11 year before that I was working in the school as a
12 principal in training.

13 Q. And was it a term of your engagement that you were
14 then able to engage your own staff?

15 A. No, it was at Migmoy School at Chapel Island reserve
16 that the band council asked me to take on this task
17 and I asked that I be given some leeway as to the
18 staff I bring in.

19 Q. All right. And it goes from kindergarten through
20 grade nine?

21 A. At Chapel Island it was through grade six.

22 Q. But at Eskasoni?

23 A. Eskasoni is through grade nine.

24 Q. And what happens to children who wish to go to school
25 beyond grade nine?

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 A. They have to go into the provincial school system.

2 Q. Since you've been there in 1978 I take it that you
3 have now been able to trace one generation going
4 through that schooling system from kindergarten
5 through grade twelve if they desired it?

6 A. Uh-hmm.

7 Q. Have you noted any degree of success in encouraging
8 youths to take post-secondary education now?

9 A. Oh, yes. In fact, we have a great -- if we could call
10 it explosion, at this time -- of kids going from high
11 school into the university. We have a lot of people.
12 Considering that we didn't have before any, now we
13 have a great many more people who are in the
14 university and attending school. I think that that
15 comes about because of our band policy to -- actually,
16 it's the school board has instituted counselling --
17 native counsellors all through the way. Right from
18 within the early childhood years right on through to
19 high school and through college. So there is some
20 degree of continuity of helping students all the way
21 through.

22 Q. Given your expertise and your present position in the
23 community and your association with the elders and the
24 Grand Council, Dr. Battiste, do you consider that you
25 personally are in a position to provide professional

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

- 1 or personal counselling to Donald Marshall, Jr.?
- 2 A. Myself?
- 3 Q. Yes.
- 4 A. I think that I have counselling background. I was a
5 counsellor with the program in basic studies at the
6 University of Maine starting in 1971 and worked with
7 what were termed at the time disadvantaged youth, many
8 of whom came from Vietnam with severe traumatic
9 disorders and were trying to enter into the system.
10 To that degree, I say that I can offer some
11 counselling, yes. And I've had courses and I feel
12 that I have a good awareness of the MicMac world.
- 13 Q. Is there a psychologist in Nova Scotia who is MicMac?
- 14 A. No.
- 15 Q. Is there an aboriginal psychologist in Nova Scotia?
- 16 A. No.
- 17 Q. In the Maritimes?
- 18 A. No. Not that I know of. I only of a native doctor of
19 medicine, but none other than he. The only
20 psychologist that is native that I know is out in
21 Nevada.
- 22 Q. Nevada?
- 23 A. Yes.
- 24 Q. You spoke of Donald Marshall Jr.'s ---
- 25 A. No, he's a psychometrist and he's at Guelph, but ---

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 Q. A psychometrist?

2 A. Well, he likes the quantifiable data and the
3 manipulation of that.

4 Q. Right. You spoke of Donald Marshall Jr.'s reconnecting
5 or dealing with the fragmented existence, as you have
6 put it. And I take it that his return to Eskasoni or
7 wherever he chooses to go cannot ever be something
8 that's coerced or expected of him. He's going to have
9 to want to do it himself.

10 A. Exactly.

11 Q. Are you able to articulate the ways in which he can be
12 encouraged to do that?

13 A. Well, I think that when I -- I was told that Donald
14 Marshall was interested in these cultural camps. And
15 it seemed to me that having some kind of organized
16 collective activity gives one focus. It enables one
17 to do something. It enables one's ideas to be given
18 recognition and nurturance. And as a child -- we give
19 that to them during their lifetime, and if they have
20 been taken away from us then we have to find ways to
21 nurture that person again to find recognition and
22 nurturance and cooperation with each other. And I
23 think that if this is what he would like, that is
24 certainly does help him also to find a focus for why
25 language and culture is important to his community.

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 Q. Do you think, doctor, that that can be done subtly by
2 making him the focal point without making him the
3 focus of attention or putting him in a spotlight?

4 A. Well, he's certainly in the spotlight. There's just
5 -- I don't know how he can get out of the spotlight
6 right now except that as soon as this all stops that
7 he be given a little bit of peace from it all and be
8 given the opportunity to close his own doors. I think
9 that he will find it much more difficult to try to do
10 that in the outside world. I think there is safe
11 refuge in the community and that he'll find it there,
12 eventually.

13 Q. And would undoubtedly be welcomed back?

14 A. Oh, yes.

15 Q. At any time, at his choice?

16 A. Yes.

17 Q. But, am I right in inferring that the motivation has
18 to be his own?

19 A. Yes. And that's -- I think that he needs to have a
20 way to nurture his own personal interests, his own
21 vision.

22 Q. Yes.

23 A. He's got to come to it.

24 Q. Do you expect to tell his story in the curriculae in
25 the schools?

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 A. It is already.

2 Q. It is a matter that's discussed?

3 A. Yes.

4 Q. I would think

5 A. Yes.

6 Q. And will be throughout all grade levels in the school?

7 A. Yes. We will no doubt find a particular place within
8 the curriculum to put it. I think that when we talk
9 about different groups, racial discrimination,
10 prejudice, I mean, this is where these elements come
11 into being. But it also is important to look at it in
12 terms of justice, and justice for all and what the
13 concepts of the Constitution for Canadians is and how
14 we fit into it. And so when we talk about
15 Constitutional issues, this is another element that
16 needs to be brought up.

17 Q. Do you see a role that he might personally play in
18 that -- in the school system?

19 A. I think that he can find a role there very easily.
20 That sharing of his experiences and sharing of his
21 life in different places is the way in which he will
22 be able to find a way to clarify what all of that was
23 all about.

24 Q. Yes. This summer St. Anns celebration will be the
25 first since the release of the Donald Marshall report

DR. BATTISTE, CROSS-EXAM. BY MR. SAUNDERS

1 and I'm wondering whether anything is planned
2 involving Mr. Marshall at this year's St. Anns
3 ceremony?

4 A. Those things are not planned until Pentacost Sunday.

5 Q. I see.

6 A. So I don't know.

7 Q. And are those things planned by the Grand Council?

8 A. Yes. So the Grand Council and the captains meet on
9 Pentacost Sunday and whatever's going to happen during
10 that time during July will be brought up and delegated
11 and other aspects resolved.

12 Q. The elder with whom you were speaking about whether
13 Donald Marshall Jr.'s chances of succeeding his father
14 as Grand Chief might be affected by the lack of
15 continuity, was that elder a member of the Grand
16 Council?

17 A. It was a helper of the Grand Council.

18 Q. A helper of the Grand Council?

19 A. Yes.

20 Q. You'll have to assist me with that term.

21 A. Okay, there are Grand Council members and then there
22 are helpers to the Grand Council.

23 Q. Yes.

24 A. And the helpers are the women who do all the kinds of
25 work for the Grand Council and who are selected and

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 who maintain a position within the Grand Council until
2 their death and when they die or are unable to
3 continue their functions in that way then they pass it
4 on or they -- the elders will select another person.

5 Q. But I take it you did not have that discussion with a
6 member of the Grand Council?

7 A. No.

8 Q. Thank you, doctor. Those are my questions.

9 Mr. Evans

10 Thank you.

11 MR. WYLIE SPICER CROSS-EXAMINES DR. BATTISTE

12 Q. You mentioned at a couple of points in your testimony
13 -- you were talking about the sharing of sorrows and
14 burdens, I think was the note that I made. And you
15 were being asked questions about Mrs. Marshall
16 speaking to you about Junior's experience and the pain
17 that she was suffering. Ms. Derrick, I think, in her
18 questions, was using the word did you suffer? I'd
19 like to know what you mean by "suffer" because I'm
20 sure that if my son were put away for a murder that he
21 didn't commit that I would tell anybody and everybody
22 that I could and that they would be affected by that
23 experience and by me telling them that.

24 A. Uh-hmm.

25 Q. And that would be probably my family and my friends

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 and I'm sure that if I met you it would take twenty
2 minutes before I told you about it and you'd be
3 affected. And I'd like to ask you whether or not you
4 can distinguish between a person being affected by
5 being told something like that, which I'm sure would
6 be the case of any of us here, and suffer as a result
7 of being told about something like that. And if you
8 can distinguish between those two things, I'd like you
9 to tell me about it.

10 A. Well, that could be a very difficult thing to
11 distinguish -- between those two. I guess what I'm
12 trying to impress is that -- upon the group, here --
13 is that in our community dialogue we share the bits of
14 happiness and sorrow that come about. I think that in
15 the case with Donald Marshall and his family the fact
16 that Donald Marshall is the Grand Chief and he is
17 constantly -- he is part of us. He is part of
18 everything. He is almost like our kin, in the sense
19 of this is a very important person who is -- who for
20 a lifetime, or his lifetime anyway, will be part of
21 everything of us. And when he is affected and has
22 been affected by something like this, it affects the
23 MicMac people much more than if it was the neighbour
24 next door who had a son who had the same thing because
25 of the relationships of all these things to one

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 another.

2 Q. And ---

3 A. Not the neighbour. Neighbour would be terribly -- I'd
4 be terribly affected if anything happened to my
5 neighbour.

6 Q. True.

7 A. Let's say, down the end of the reserve there is a
8 family and his son went to jail and had gone through
9 this. I would not be as aware of his -- or the
10 family's daily struggles of the feelings that they're
11 having and what kinds of things they're going through
12 because they're not there and ever present at
13 everything.

14 Q. Sure. Does it then have something to do with the fact
15 that Junior was the son of a person who is held in
16 such great respect in the community?

17 A. Yes.

18 Q. Sure. And is the knowledge amongst the community
19 greater as a result of that fact? I mean, because he
20 is a person ---

21 A. Ever so much more so, yes.

22 Q. Sure. But is the nature of the affect on you -- let's
23 take the person down at the end of the reserve again.
24 You find out about what's happened to that person and
25 you're affected by it and you've found out what

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 happened to junior and you're affected by it. Is
2 there a qualitative difference in the nature of the
3 way you're affected by it? Or do you feel the same
4 way about it?

5 A. Well, I think we -- it's very hard to qualify those
6 feelings ---

7 Q. Sure.

8 A. --- of whether it was the situation, but I think that
9 when you have such high regard for a person you have
10 that same regard for his family as well. And when
11 there is something that happens in that family, you
12 watch it, you talk about it, you think about it, you
13 dialogue about it.

14 Q. Uh-hmm.

15 A. What happened to Junior affected a whole lot of
16 people, but never like it affected the family.

17 Q. No. I keep coming back to this word, I know, because
18 Ms. Derrick used it quite a bit. It's this word
19 "suffer". And the word suffer means something to me
20 and it's different than affected. And what I'm still
21 trying to understand from you is -- first of all, what
22 does the word suffer mean to you, and secondly, would
23 you say that you have suffered in the context of the
24 way you understand that word by this experience and by
25 your knowledge of it?

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 A. Suffering means heartbreaking inability to do anything
2 about something -- you're sort of -- it's a release of
3 great sorrow. And it can be for one, or for many, and
4 it can be for yourself. I guess I really have
5 difficulty distinguishing it, I just don't have the
6 words to describes the qualitative differences.

7 Q. Okay. Amongst other things, I take it that suffering
8 or being affected induces -- has an element of feeling
9 great empathy. That's one of the elements, I take it.
10 Beyond that, do you feel personally that part of you
11 has been adversely affected? In other words, can you
12 say I've suffered and this is the way that I have
13 suffered? Other than the feeling, which I quite
14 understand, of great empathy and pain?

15 A. No.

16 Q. Okay. In your CV there's a reference to an article and
17 I just wanted to ask about you about it. There's a
18 reference to an article on page 5 of your CV called
19 "Structural Unemployment The MicMac Experience". If
20 I wanted to understand current MicMac employment
21 patterns, would that be a helpful place for me to go?

22 A. Yes.

23 Q. Okay. Can you give me a little more help on that?
24 Can you tell me where else it would be useful for me
25 to go?

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 A. The article was written for the grade nine text,
2 Maritime Studies, Causes of Unemployment Among Native
3 People, in which I wrote the article and then it was
4 -- for the purposes of grade nine class had to be
5 edited to a grade nine consciousness. And therefore
6 it was chopped up and so I asked if I might use it to
7 publish in that particular journal the whole text.
8 What it does is describe the process of employment
9 among our people on reserves ---

10 Q. In Nova Scotia?

11 A. It looks at it sort of in Nova Scotia in -- with the
12 idea of Eskasoni.

13 Q. Okay.

14 A. Why are people, for the most part, on welfare in
15 Eskasoni? But it looks at it first from the
16 perspective of where MicMacs were, what were they
17 doing, how did they work, what was their notions of
18 work, how did they work, what kind of work did they do
19 over different periods of time?

20 Q. This is historically, we've started hunting and
21 gathering ---

22 A. Yes.

23 Q. --- and moving ahead.

24 A. Yes. Through hunting and gathering, through the
25 hunting and then the trading and then the trade that

DR. BATTISTE, CROSS-EXAM. BY MR. SPICER

1 went into the arts and crafts, the basketmaking, and
2 so on. With some discussion -- limited discussion
3 about the education along the way, but just where it
4 tied in to that but to discuss the relationship of
5 federal policy to notions of work and what work then
6 meant. And how those notions of work changed over
7 time as people were brought into a welfare system.
8 And so it sort of looks at the whole realm of the
9 different phases and stages of work in a historical
10 perspective.

11 Q. And does it bring us up to date in order to give me,
12 if I was looking for it, some understanding of current
13 employment patterns of MicMacs in Nova Scotia?

14 A. Yes, it does. Without being overly specific, it's
15 more intended to be general.

16 Q. Okay.

17 A. And so it doesn't allude to all the specific kinds of
18 work that's available but it does refer to the kinds
19 of things that could be done in terms of affecting
20 employment again in the community by looking at the
21 family base, resource base kinds of seasonal work that
22 has best fitted or has been at least fitted to the
23 MicMac way of life and styles of living.

24 Q. Okay, there's just one final thing I wanted to ask you
25 about it and I figure Mr. Saunders asked you a number

DR. BATTISTE, RE-EXAM. BY MS. DERRICK

1 of questions about it, but you said that Junior had
2 not yet come back. Has he taken any steps along the
3 way to start to come back, or are you able to give us
4 any insight on that?

5 A. I guess you'd have to ask him that.

6 Q. Objectively, you can't ---

7 A. Well, objectively I guess what I'd have to say is that
8 I saw him at mission. I saw him at mission last year.
9 And that's the first time I've seen him at mission in
10 a very, very, very long time.

11 Q. Now mission is what?

12 A. St. Ann Mission.

13 Q. St. Ann Mission, okay.

14 A. He was there. Yes. So he -- and that, to me -- and
15 being part of mission and being part of that ever
16 growing developing style of interaction, that he is
17 slowly making his way. But that was significant, I
18 thought.

19 Q. Okay. Thank you.

20 A. Uh-hmm.

21 BY MS. DERRICK

22 Q. I just have a couple of questions arising out of that.
23 Dr. Battiste, can you tell us whether helpers to the
24 Grand Council have any role in the choosing of the
25 Grand Chief?

DR. BATTISTE, RE-EXAM. BY MS. DERRICK

1 A. The Grand Chief is -- actually, the decision making is
2 done through the captains but that the captains are
3 not isolated in making decisions like that. While
4 they are the men who are in the Council, they are
5 there with all of their people -- all the elders, all
6 the women, all the men who are not part of the Council
7 -- and they are with them. And so women are important
8 advisors to all decision making among -- for all
9 leaders. And that it is not simply that men make a
10 decision, boom, and they go do, because they have to
11 deal with the effect that that decision might have
12 among their own women. And so they are careful,
13 always, to cover all their bases by going to visit all
14 the elders or to the respected elders and to talk to
15 them about decisions, you know, questions about,
16 musing on, you know. And in the course of all of that
17 they would get a full array of opinions, from which
18 they would come with their decision.

19 Q. And the helper that you spoke with and who gave you
20 this opinion concerning Donald Marshall Jr. having
21 been disconnected from his community, is that someone
22 who would be consulted in the process that you've just
23 described?

24 A. Might be, yes.

25 Q. Dr. Battiste, in your opinion, has the community's

DR. BATTISTE, CROSS-EXAM. BY MR. EVANS

1 suffering vis a vis Donald Marshall Jr.'s prosecution,
2 been culturally specific or distinctive because ---

3 WYLIE SPICER

4 Mr. Chairman, I've never objected up until now, but
5 please, the word is just laden with meaning. The
6 question is what has happened to the community, not
7 the community's suffering with respect to my friend.

8 MR. EVANS

9 I think you have to restate the question. Maybe this
10 witness is not in a position to answer a question of
11 that scope.

12 MS. DERRICK

13 All right, well I'll certainly restate it, Mr.
14 Commissioner.

15 Q. The affect on the community that Mr. Spicer was asking
16 you about -- can you tell us whether, then, the affect
17 obviously with respect to Donald Marshall Jr.'s
18 prosecution -- can you tell us whether that affect has
19 culturally specific or distinctive features?

20 A. I would say yes. And the first and foremost thing is
21 that that's our Grand Chief and that is distinctive to
22 our culture.

23 Q. Thank you.

24 THE HONOURABLE GREGORY T. EVANS EXAMINES DR. BATTISTE

25 Q. A couple of questions I wanted to ask you, too. You

DR. BATTISTE, CROSS-EXAM. BY MR. EVANS

1 were talking about the person with whom you spoke was
2 a woman and she was the assistant to the Grand Chief.

3 A. No.

4 Q. No. One of the elders, rather?

5 A. An elder.

6 Q. So what you're really telling us is in the MicMac
7 family is the same as in any other family -- the women
8 run it, pretty well. They tell the men and the men
9 make the -- announce the decision, but it's made by
10 the women.

11 A. Well we aren't going to let the men think that. No,
12 but I think that ---

13 Q. Because ---

14 A. I think that there is a mutual sharing of information
15 to enable a decision maker to come to a decision
16 making point with clarity as to what should be done
17 and that that information gathering would gather from
18 a lot of sources.

19 Q. Including the -- because in your paper at page 12
20 you've indicated that the women play a -- probably a
21 greater role in the family than the men.

22 A. That's right, they are.

23 Q. And that the ---

24 A. Very important.

25 Q. --- the ascendancy of the women's role, the man's

DR. BATTISTE, CROSS-EXAM. BY MR. EVANS

1 role, has gone down.

2 A. Yes.

3 Q. And you have indicated there, because of alcoholism
4 and so forth that that has been ---

5 A. Well, it's because of the changing roles of economic
6 activity that their image and their role has been
7 attached to, which is described in that Structural
8 Unemployment article which relates the different
9 nature of men's roles, of having to be out there doing
10 the trading or having to be out there doing the
11 negotiating or having to be out there doing the hunt
12 and going to get these kinds of things. Meanwhile,
13 that women's roles have remained so stable over the
14 years, they continually raise kids, have kids, raise
15 kids, raise families ---

16 Q. Yes.

17 A. You know, build large networks of community networks.

18 Q. And then you -- I'm just reading from it. "As a
19 result of the changes that have occurred in their
20 society, new role and honouring practices have
21 developed. A man who causes no trouble, stays sober
22 for the most part, works steadily in or outside of the
23 reserve and looks after his family is accorded respect
24 and prestige. These are the decision makers,
25 potential chiefs and councilmen of the tribal

DR. BATTISTE, CROSS-EXAM. BY MR. EVANS

1 community. The elders provide a vital link to their
2 ancestors and are accorded the respect of all." Now
3 that's the value that you will require in someone who
4 is chief or going to be a chief, correct?

5 A. Uh-hmm.

6 Q. Thank you.

7 (ADJOURNED UNTIL 9:30 A.M., APRIL 4, 1990, LORD NELSON
8 HOTEL)

10 Certified Correct:

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14 Nancy Brackett
15 Verbatim Reporter
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