

November 30, 1987

Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers and Solicitors
P. O. Box 997
Halifax, Nova Scotia
B3J 2X2

Dear Mick:

Re: Donald Marshall Inquiry

As you know, the Hearings will be resuming in Halifax on January 11, 1988 and we will be getting to Constable Gary Green sometime thereafter.

Since Constable Green has refused to meet with us, we have been unable to determine whether we have all of the required documentation. I am enclosing a Subpoena directed to Constable Green, c/o you, requiring that all materials be delivered to Commission Counsel within 15 days of the date of the Subpoena. We are not aware of the type of documents which Constable Green would have but we are particularly interested in any diaries or other personal notes which Constable Green may have in his possession. Would you please acknowledge receipt of the enclosed Subpoena.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

IN THE MATTER of the Public Inquiries Act,
R.S.N.S. 1967 c. 250

- and -

IN THE MATTER of a Commission appointed
by Order-in-Council the
28th day of October, 1986,
to inquire in and report to the
Governor in Council with respect
to all matters related to the
death of Sandford William Seale
and the criminal prosecution of
Donald Marshall, Jr. (The
Marshall Inquiry)

TO: Constable Gary Green
c/o William L. Ryan
Stewart, MacKeen & Covert
1959 Upper Water Street
Halifax, N. S.

BY VIRTUE of the powers vested in me by the Public Inquiries Act and by Order-in-Council dated October 28, 1986, I do hereby order that you:

1. Produce and deliver to Commission Counsel within 15 days of receipt of this Order any and all such documents, reports and materials as may be in your possession or custody and relevant to the matters before the Inquiry, including, without restricting the generality of the foregoing:

All diaries, files, or other documentation relating to the investigation of the Donald Marshall conviction and subsequent acquittal.

30th WITNESS the Chairman of the Marshall Inquiry this
day of November, A.D., 1987.


CHAIRMAN

November 30, 1987

Mr. S. Bruce Outhouse, Q.C.
Blois, Nickerson, Palmett & Bryson
Barristers and Solicitors
P. O. Box 2147
Halifax, Nova Scotia
B3J 3B7

Dear Bruce:

Re: Donald Marshall Inquiry

As you know, the Hearings will be resuming in Halifax on January 11, 1988 and we will be getting to Sgt. Wheaton sometime thereafter.

Since Sgt. Wheaton has refused to meet with us, we have been unable to determine whether we have all of the required documentation. I am enclosing a Subpoena directed to Sgt. Harry Wheaton, c/o you, requiring that all materials be delivered to Commission Counsel within 15 days of the date of the Subpoena. We are not aware of the type of documents which Sgt. Wheaton would have but we are particularly interested in any diaries or other personal notes which Sgt. Wheaton may have in his possession. Would you please acknowledge receipt of the enclosed Subpoena.

Yours very truly,

George W. MacDonald
Commission Counsel

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Encl.

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TO: Sgt. Harry Wheaton
c/o S. Bruce Outhouse, Q.C.
Blois, Nickerson, Palmeter & Bryson
1568 Hollis Street
Halifax, N. S.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 30, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Jim:

Re: Background Study on Policing in Nova Scotia

I am enclosing a copy of the draft outline for the above-noted Study on Policing in Nova Scotia. I thought that it might be useful for you to have the enclosed prior to our meeting this Wednesday afternoon.

Although the research plan for this project has not yet been finalized, I venture to say that the essential focus of the research will be as contained in the enclosed outline. I look forward to meeting with you on Wednesday.

I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

encl.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Chief Richard Walsh
Sydney City Police
P. O. Box 730 320 Esplanade
Sydney, Nova Scotia B1P 6H7

Dear Sir:

As part of its research program, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the recruitment and selection of police officers, training policies, and operational practices which are relevant to the investigation of serious crimes. We wish to assess the nature and extent of co-operation among municipal police forces and the R.C.M.P. on these matters, and the ways in which basic procedures relate to the development of positive relationships with Natives, Blacks, and other visible minorities.

The Commission expects that this background study will contribute to the formulation of recommendations which will be of benefit to both the public and police forces throughout the Province.

Dr. Richard Apostle, of Dalhousie University, will be the principal researcher responsible for this study. In order that Dr. Apostle's study should be as complete as possible within the time we have allowed for it, the Commission is anxious that Dr. Apostle should interview and collect data from a number of people within the Province who have responsibilities and concerns in the area of his study.

The Commission attaches great importance to this study and considers the assistance and co-operation of yourself and your organization to be essential to its completion.

While I am sure the information we are seeking is quite straightforward, our staff does appreciate the need to respect confidentiality in certain circumstances. We will exercise

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Manning MacDonald, Esq.,
Chairman
Sydney Police Commission
P. O. Box 730 *40320 Esplanade*
Sydney, Nova Scotia B1P 6H7

Dear Sir:

As part of its research program, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the recruitment and selection of police officers, training policies, and operational practices which are relevant to the investigation of serious crimes. We wish to assess the nature and extent of co-operation among municipal police forces and the R.C.M.P. on these matters, and the ways in which basic procedures relate to the development of positive relationships with Natives, Blacks, and other visible minorities.

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Manning MacDonald, Esq.

November 26, 1987

appropriate discretion with respect to the use of material gathered during this study.

Dr. Apostle will be contacting you shortly to talk about his interests. His report to the Commission is expected to be submitted by March 31st, 1988.

Should you require any further information or credentials with respect to Dr. Apostle's study, please do not hesitate to get in touch with Mr. John Briggs, the Commission's Director of Research at the Commission offices.

I thank you in advance for any assistance or co-operation you may be able to extend to Dr. Apostle with respect to this important work.

Yours very truly,


Chairman

TAH/ljb

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COMMISSIONER

November 26, 1987

Chief Donald Trider
Office of the Chief of Police
Dartmouth City Police
P. O. Box 817 *New North + OCHTERHOEY*
Dartmouth, Nova Scotia B2Y 3Z3

Dear Sir:

As part of its research program, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the recruitment and selection of police officers, training policies, and operational practices which are relevant to the investigation of serious crimes. We wish to assess the nature and extent of co-operation among municipal police forces and the R.C.M.P. on these matters, and the ways in which basic procedures relate to the development of positive relationships with Natives, Blacks, and other visible minorities.

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Chairman

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Dr. John Savage,
Chairman
Dartmouth Police Commission
c/o City Hall *90 Alderney Drive 2nd Floor*
Dartmouth, Nova Scotia B2Y 3Z3

Dear Sir:

As part of its research program, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the recruitment and selection of police officers, training policies, and operational practices which are relevant to the investigation of serious crimes. We wish to assess the nature and extent of co-operation among municipal police forces and the R.C.M.P. on these matters, and the ways in which basic procedures relate to the development of positive relationships with Natives, Blacks, and other visible minorities.

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Yours very truly,


Chairman

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M.R. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Murray J. Ritch, Esquire
Chairman
Nova Scotia Police Commission
P. O. Box 1573 45 Alderney Dr. 10th Floor
Halifax, Nova Scotia B3J 2Y3 Queen's Sq.

Dear Sir:

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Yours very truly,



Chairman

TAH/ljb

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Chief Superintendent C.J. Reid
Commanding Officer
Royal Canadian Mounted Police
'H' Division 3139 OXFORD ST.
Halifax, Nova Scotia B3J 3E1

Dear Sir:

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Chairman

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COMMISSIONER

November 26, 1987

Ken Rowe, Esq.,
Chairman
Halifax Police Commission
c/o IMP Group
2561 Dutch Village Road
Suite 400
Halifax, Nova Scotia B3L 4T1

Dear Sir:

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Ken Rowe, Esq.

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Chairman

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 26, 1987

Chief Blair Jackson
Halifax Police Department
1975 Gottingen Street
Halifax, Nova Scotia B3J 2H1

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Chairman

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COMMISSIONER

M E M O R A N D U M

TO: Prof. Bruce Archibald and
Dr. Scott Clark

FROM: John E. S. Briggs

DATE: November 26th, 1987

RE: Access to the Department of the
Attorney General Personnel and Information

I enclose a copy of Jamie Saunders' letter to me dated November 25th, 1987, along with the enclosed list of crown and assistant crown prosecutors in Nova Scotia.

Please be good enough to review Saunders' letter and advise me as soon as possible whether or not there is anything contained therein that causes you concern.

My only concern is that the penultimate paragraph of Saunders' letter may restrict you from quoting unattributed remarks for illustrative purposes in your reports. Perhaps you would not wish to do this in any event. However, if you share any concern on this point, advise me and I will seek clarification. That aside, I intend to reiterate my concern to Jamie Saunders regarding his statement to the effect that the object of their attendance during the interview process is to ensure that you receive "the correct information". Frankly, I still have difficulty with the notion, as expressed by Darrel Pink, that prosecutors will be more forthcoming in the presence of counsel than in their absence. It would seem to me that, assuming a reasonable rapport between interviewer and interviewee, reasonable assurances, confidentiality and anonymity, the interview is more likely to be uninhibited and free-ranging in the absence of counsel. However, neither of you seem to share my concern on this point, so unless I hear otherwise, I shall not press it further. Please get back to me on the above shortly.

Thank you for your co-operation.

JESB/ljb

Enclosures

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BY COURIER

November 26, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Jim:

I enclose herewith an outline of our areas of interest with respect to our interview with Ron Fainstein. We trust that these will be found in order.

I look forward to receiving your response at your earliest convenience on our request for access to the HQ file on Roland Thornhill.

Kindest personal regards,

Yours very truly,

J. Cook

Jor
David B. Orsborn
Commission Counsel

DBO:jrc

encl.

AREAS OF INTEREST RE RON FAINSTEIN INTERVIEW

1. General experience re issue of wrongful conviction
 - pros and cons and remedies available
 - approach to compensation issue
2. Specific involvement re Marshall
 - involvement in commencement of RCMP investigation
 - knowledge of any RCMP opposition to investigation
 - details of any interviews conducted in Nova Scotia
 - consideration of remedies available and preference, if any
 - communication with N.S. Department of Attorney General regarding remedy and procedures
 - knowledge of any contact with N.S. Court of Appeal
 - knowledge of compensation arrangements, including opinion on quantum and knowledge of Federal contribution

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BY COURIER

November 25, 1987

PERSONAL AND CONFIDENTIAL

Professor Donald H. Clairmont
Department of Sociology
Dalhousie University
Corner Seymour & South Streets
Halifax, Nova Scotia

Dear Don:

I enclose for your information a copy of Wilson Head's Memorandum to myself with respect to the Renner Proposal.

Ed Renner phoned me the other day to see where we were at, vis-a-vis his proposal. I indicated that the matter was still under consideration, but that, in any event, I felt we would not wish to do a replication of his earlier study, but, if anything at all, a modified and more narrowly focused study.

Basically, at this stage, I would like to throw the ball back to Renner with a specific counter-proposal, if indeed the consensus is that there is potential merit in following up on his 1977 study. If Renner bites on any counter-proposal that we put forth, and we can agree on terms, then well and good. If not, we either proceed on our own, if the project is sufficiently merited, or drop the idea altogether.

I have indicated to Wilson that I will be discussing this subject with you with a view of developing the specifics of a counter-proposal. Perhaps, you can give me a call when you receive this and we can arrange to get together.

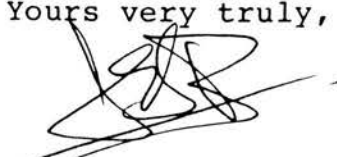
- 2 -

Professor Donald Clairmont

November 25, 1987

Thank you for your co-operation. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "JESB", written over the typed name.

John E. S. Briggs,
Director of Research

JESB/ljb

Enclosure

cc: Dr. Wilson Head

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 25, 1987

PERSONAL AND CONFIDENTIAL

Dr. Wilson Head
111 Yorkminster Road
Willowdale (North York), Ontario
M2P 1M5

Dear Wilson:

Attached for your information and records is a re-typed copy of your Memorandum to myself with respect to Ed Renner's proposal, along with a copy of my letter of today's date to Don Clairmont.

I have sent a note to Ed Renner suggesting that we meet on December 7th or 8th when you are in Halifax. In the meantime, I would like to put forth a specific counter-proposal to him with the idea that he will then presumably signal his interest or disinterest before or at our December 7th/8th meeting.

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 25, 1987

PERSONAL AND CONFIDENTIAL

Dr. Anthony Doob
The Centre of Criminology
University of Toronto
John P. Robarts Research Library
Room 8001, 130 St. George Street
Toronto, Ontario M5S 1A1

Dear Dr Doob:

RE: Jury Simulation Research

Further to our discussion of November 9th, 1987, I am enclosing a copy of my letter of November 17th to Clayton Ruby, along with a copy of his letter of November 11th to Commission counsel.

I had a lengthy discussion with Clayton Ruby in Sydney recently, during which he stressed to me his viewpoint that the racial attitudes of juries was a critical issue. For my part, I reiterated my view, as reflected in my letter of November 17th, that it was unlikely that simulation research would provide any meaningful insight into the racial attitudes of jurors in Nova Scotia. I did, however, undertake to make inquiries as to whether there was any alternate technique aside from, of course, polling individual jurors following a trial. Please let me know if you have any thoughts on that question.

I have difficulty in seeing the critical importance of this issue, at least as Mr. Ruby has stated it to me. With respect to the trial of Donald Marshall, Jr. in November, 1971, it is clear that we will not be able to determine the extent to which racism played a part in the deliberations of his jury. It seems to me that so far as the present context is concerned, jurors should, in principle, reflect the prevailing attitudes of the community from which they are drawn. In this connection, it seems to me that the results of the research undertaken by Peter Russell & Co. may be suggestive of general prevailing attitudes in the

Dr. Anthony Doob

November 25, 1987

Province of Nova Scotia today, and therefore, by inference the likely attitudes to be found amongst a sample jury.

I have no doubt that given sufficient time and resources and an appropriately designed jury simulation model, it may be possible to generate interesting, and even suggestive, results. However, as far as I am concerned, the question reduces itself to one of competing priorities as against the possibility of obtaining at best questionable and marginal results. My sense of our discussion is that you largely shared my reservations as to the merits of the Commission undertaking jury simulation research. Please advise if I misinterpreted your thoughts on the subject.

Perhaps, when you have a chance you could give me a call and we can discuss these matters.

Thank you for your co-operation. I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

Enclosures

P.S. With respect to Peter Russell's study, I would be most interested to receive the results, preliminary or otherwise, along with any analysis, as and when available.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 25, 1987

PERSONAL AND CONFIDENTIAL

Prof. Edward Renner
Psychology Department
Life Sciences Centre
Room 3263, 3rd Floor
Dalhousie University
Halifax, Nova Scotia B3H 4J1

RE: Research Project - The Criminal Justice System
and Discrimination Against Blacks in Nova Scotia

Dear Professor Renner:

Further to our recent telephone conversation, I would propose that we meet with Dr. Wilson Head on December 7th or 8th.

I will confirm a date and time shortly, but in the meantime, please advise if you are unable to be available on either of those dates.

Thank you for your co-operation. I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

November 25, 1987

PERSONAL AND CONFIDENTIAL

Mr. Russell Juriansz
Blake, Cassels & Graydon
Barristers & Solicitors
Commerce Court West
26th Floor
S.E. Corner of King & Bay
Toronto, Ontario M5L 1A9

Dear Russell:

This is a very belated thank you for your participation during our 'in-house seminar' last month. It was very useful to have your input and I appreciate your making yourself available. Of course, aside from all that, Betty and I enjoyed our dinner together! I hope all is well with you.

Best wishes.

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

P.S. I understand that we have yet to receive an invoice from you with respect to expenses and fees, n'est pas?

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 25, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Jim:

Re: Access to HQ File

This letter is our formal request for access to RCMP Headquarters file 80HQ-042-170. We understand that this file relates to Roland J. Thornhill and is the HQ counterpart of "H" Division files that we have already reviewed.

We would like access to this file to review, in particular, the position expressed by the Nova Scotia Department of Attorney General in respect of the laying of charges, and the interpretation of the RCMP of the position expressed by the Nova Scotia Department of Attorney General. We are attempting to determine whether the decision not to lay charges was an independent decision of the RCMP devoid of extraneous influences, or whether charges were not laid because of instructions received from the Nova Scotia Department of Attorney General. If in fact it was an independent decision of the RCMP, we would like to know specifically who made the decision and on what basis.

J. Bissell
Page 2
November 25, 1987

We would like to review the file for indication of any direct communication between HQ and the Nova Scotia Department of Attorney General, and we would also be interested in ascertaining the HQ position on intention under s. 110 (1)(c) and whether or not this position differed from that expressed by officers in "H" Division.

Yours very truly,

A handwritten signature in dark ink, appearing to read "David B. Orsborn". The signature is fluid and cursive, with a large initial "D" and "O".

David B. Orsborn
Commission Counsel

DBO:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Bv Courier

November 24, 1987


Mr. Guy LaFosse
Boudreau, Beaton and LaFosse
Barristers & Solicitors
50 Dorchester Street
Sydney, N.S. B1P 6J1

Dear Mr. LaFosse,

This is to advise you that John MacIntyre's testimony will be heard in Sydney beginning on Monday, December 7th. We have scheduled the week of the 7th to the 10th and the week of the 14th to the 17th for this evidence. Would you please let me know if you will be attending the Hearings at that time.

If you need any further information, please give me a call.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier

November 24, 1987

Mr. Bruce Outhouse
Blois, Nickerson, Palmeter & Bryson
Barristers & Solicitors
1568 Hollis Street
Halifax, N.S. B3J 3B7

Bruce
Dear Mr. Outhouse,

This is to advise you that John MacIntyre's testimony will be heard in Sydney beginning on Monday, December 7th. We have scheduled the week of the 7th to the 10th and the week of the 14th to the 17th for this evidence. Would you please let me know if you will be attending the Hearings at that time.

If you need any further information, please give me a call.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier

November 24, 1987

Mr. Charles Broderick
Barrister & Solicitor
P.O. Box 151
3316 Plummer Avenue
New Waterford, N.S. B1H 4K4

Dear Mr. Broderick,

This is to advise you that John MacIntyre's testimony will be heard in Sydney beginning on Monday, December 7th. We have scheduled the week of the 7th to the 10th and the week of the 14th to the 17th for this evidence. Would you please let me know if you will be attending the Hearings at that time.

If you need any further information, please give me a call.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/jm

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COMMISSIONER

By Courier

November 24, 1987


Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
P.O. Box 997
Halifax, N.S. B3J 2X2

Dear Mr. ~~Ryan~~, *Mick*

This is to advise you that John MacIntyre's testimony will be heard in Sydney beginning on Monday, December 7th. We have scheduled the week of the 7th to the 10th and the week of the 14th to the 17th for this evidence. Would you please let me know if you will be attending the Hearings at that time.

If you need any further information, please give me a call.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/jm

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COMMISSIONER

By Courier

November 24, 1987

Mr. M.G. Whalley, Q.C.
City Solicitor
City of Sydney
320 Esplanade
P.O. Box 730
Sydney, N.S. B1P 6H7

Dear Mr. Whalley,

This is to advise you that John MacIntyre's testimony will be heard in Sydney beginning on Monday, December 7th. We have scheduled the week of the 7th to the 10th and the week of the 14th to the 17th for this evidence. Would you please let me know if you will be attending the Hearings at that time.

If you need any further information, please give me a call.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/jm

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 24, 1987

M.E. Martin, Esq.
Director of Crown Attorneys
Ministry of the Attorney General
18 King Street East, 18th Floor
Toronto, Ontario M5C 1C5

Dear Mr. Martin:

Re: Crown Attorneys' Manual

Thank you for your letter of November 12, 1987, along with enclosures which I received today.

I had understood from our telephone conversation that you would be forwarding a copy of the Crown Attorneys' Manual or Handbook which I understand Ontario is now preparing in anticipation of new legislation relating to freedom of information. I gathered from our conversation that the material your department is now putting together, although not strictly speaking a manual or handbook, is a consolidation of current policy directives to crown attorneys. We have sought and obtained from virtually all other provinces copies of their prosecutors' manuals and in those cases where these materials are not matters of public record, we have accepted them on a confidential basis. It would be most helpful to our research if you could make available to us a copy of your current consolidation.

If you should have any questions concerning my request, please do not hesitate to let me know. I look forward to hearing from you. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION IN THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 24, 1987

Ms. Rosemary Rideout
Office of the Executive Director
Nova Scotia Legal Aid
5212 Sackville Street
Suite 301
Halifax, Nova Scotia B3J 1K6

Dear Ms. Rideout:

Thank you for your letter of November 20, 1987 along with
enclosures.

Your co-operation is appreciated. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 23, 1987

Dr. Ben A. Silverberg
10 Foxbar Road
Toronto, Ontario M4V 2G6

Dear Dr. Silverberg:

When we met in Toronto on October 14th, you indicated to me that you would be sending down to me your manual from the Dick Arthur course, and also your cv. This material has not yet arrived and I would appreciate it if you would send it to me as soon as possible.

We anticipate calling the original polygraphist, E. Smith, some time in early January. We have been rethinking the extent to which the Commission wishes to get into polygraph issues, and at the moment, I am not certain whether or not it will be necessary to actually call you as a witness. Even if that is not the case, however, I will still want the benefit of your comments in preparation for examination of Mr. Smith.

I would appreciate it if you could get the Dick Arthur Manual to me as soon as possible.

Kind regards.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 20, 1987

BY COURIER

Mr. Jim Bissell,
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Jim:

Do you think there is any reasonable opportunity that we could speak to the Correctional Services people in Sydney during the time that John MacIntyre is testifying? Perhaps you could give me a call and let me know whether or not that seems possible.

Kind regards.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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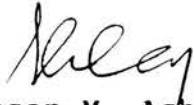
November 20, 1987

Ms. Anne Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
1545 Grafton Street
Halifax, N.S. B3J 2B9

Dear Anne:

Further to our telephone conversation of this morning, I would like to confirm that you will provide me with a statement of the number of hours billed for each item on the account for services rendered in October and November. Once I have received that information, I will go over the bill and will try to ensure that the cheque is processed quickly. Would you please make sure that all future accounts indicate the specific billing information which we require.

Yours very truly,


Susan M. Ashley,
Commission/Executive
Secretary

SMA/ljb

ROYAL COMMISSION IN THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 20, 1987

Hugh D. MacIntosh, Esquire
Barrister & Solicitor
83 Queen Street
P. O. Box 2257
Charlottetown, P.E.I. C1A 8B9

Dear Mr. MacIntosh:

Earlier this year I inquired whether or not you and Mr. Justice Campbell would be prepared to turn over to the Commission any files which you may have accumulated concerning the compensation Commission. I would appreciate it if you would let me know whether or not you are prepared to turn these files over to us so that we may include the material in the documentation for the Halifax portion of the hearings.

At the present time, it would be our intention to call both yourself and Mr. Justice Campbell as witnesses, and I will be in touch with you once we have a reasonable idea of when we might wish you to appear as a witness.

I will look forward to hearing from you concerning the release of the Campbell Commission files to us.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 20, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers & Solicitors
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Mr. Ruby:

Re: Jury Simulation Research

Further to our discussion of November 18th, 1987 at St. Andrew's Church Hall, I now enclose a bibliography of materials on simulation research with particular reference to racial/ethnic characteristics. The bibliography was prepared at my request by the Center of Criminology, University of Toronto.

I also enclose copies of all of the articles which I have on hand and which are referred to in the enclosed bibliography. I will follow up on the question of alternative techniques to simulation research and get back to you shortly.

I trust you will find this in order. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 20, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers & Solicitors
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Clay:

In connection with your letter of November 12, 1987 concerning the polygraph issue, we have decided that we are not going to get into the question of whether or not police forces currently use and/or rely on polygraphs too much. There is just too much on our plate already to get into this issue.

Kind regards.

Very truly yours,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 20, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers & Solicitors
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Clay:

I understand from John Briggs that he will be dealing with your letter of November 11, 1987 concerning your proposal that the Commission do a study regarding juries. I am going to leave it up to him.

Kind regards.

Very truly yours,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 20, 1987

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
Truro, Nova Scotia B2N 5B9

Dear Jamie:

I would like to continue the interview with Gordon Coles. I trust that at this point in time, with the Thornhill and Billy Joe MacLean files now having been given to us, we will be able to interview Mr. Coles concerning his knowledge of these matters, as well as his knowledge of the Donald Marshall case.

I would appreciate it if you could make the necessary arrangements to continue the interview with Gordon Coles. Given the voluminous documentation involved, it would be much more convenient if we were able to conduct this interview at the Commission's offices and if we were to tape the meeting.

I look forward to hearing from you.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

November 20, 1987

BY COURIER

Mr. Jim Bissell,
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Mr. Bissell:

I refer to our conversation in Sydney. We would like to be able to have Inspector Wardrup as a witness at the commencement of the Halifax hearings on January 11, 1988.

I would appreciate it if you would get in touch with him and make the necessary arrangements.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 20, 1987

BY COURIER

Mr. Jim Bissell,
Director, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Mr. Bissell:

We would appreciate the opportunity of interviewing Ronald Fainstein of the Federal Department of Justice. We would appreciate it if this interview could be arranged shortly.

I will wait to hear from you.

Kind regards.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER
BY HAND

November 20, 1987

Dr. Richard Apostle
Dept. of Sociology & Anthropology
Dalhousie University
Corner Seymour & South Streets
Halifax, Nova Scotia

Dear Richard:

Re: The Police Study

I now attach for your information, copies of the following documentation:

1. Atlantic Police Academy Study by Alan Grant
2. Dartmouth Police Study by Alan Grant
3. Report of the Commission to Review the Police Act and Regulations by Judge Nathan Green
4. Municipal Police Governance and Accountability in Canada: An Empirical Study, by Hann, Stenning, et al

We are now preparing a volume of testimony before the public hearings from various police officers. I hope to be able to forward that material to you shortly. In the meantime, if you require anything further, please do not hesitate to let me know. Thank you. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 20, 1987

Philip C. Stenning, Esq.
Senior Research Associate
Centre of Criminology
University of Toronto
Room 8001, 8th Floor, Robarts Library
130 St. George St.
Toronto, Ontario M5S 1A1

Dear Philip:

Re: The Police Study

I now attach copies of the following documents:

1. Atlantic Police Academy Study by Alan Grant
2. The Dartmouth Police Study by Alan Grant
3. Report of the Commission to Review the Police Act and Regulations by Judge Nathan Green

I am having copies of the transcripts of testimony of various police officers prepared for you. When the material is ready I will ship it out. In the meantime, if I can provide you with any further material, please do not hesitate to let me know. Thank you. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, J..., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

PERSONAL AND CONFIDENTIAL

BY COURIER

November 16, 1987

Dr. Peter Markeskteyn
Chief Medical Examiner
Province of Manitoba
Room 120-770 Bannatyne
Winnipeg, Manitoba R3E 0W3

Dear Dr. Markeskteyn:

Further to our telephone conversation of Friday, November 13, 1987, this will serve to confirm my request that you provide the Royal Commission with your opinion on the matters set out below.

Please advise the Royal Commission in general terms as to the value of conducting a forensic post mortem in situations of violent deaths, the information likely to be obtained from such a post mortem and the minimum standards which ought to be applied when conducting a forensic examination, (e.g. the standards set by the National Association of Medical Examiners).

In addition, I would ask you to review the enclosed medical records relating to the late Sandy Seale, the transcript of evidence of Dr. Naqvi who was Sandy Seale's attending physician, and then advise as to the kind of information which might have been obtained had a forensic post mortem been conducted on Sandy Seale.

As I indicated during our telephone conversation, it is likely that you would be asked to attend before the Royal Commission in Halifax at some point in order to provide evidence with respect to the matters referred to above. You have indicated your willingness to do so.

Dr. Markesteyn
Page 2
November 16, 1987

I enclose the following documentation:

1. Operative reports and progress notes of Dr. Naqvi re Sandy Seale in May, 1971. (If you wish the entire medical record, kindly advise.)
2. Transcripts of testimony of Dr. Naqvi:
 - (a) Preliminary Inquiry, July, 1971
 - (b) Trial, November 1971
 - (c) Ebsary Preliminary, August, 1983
 - (d) Ebsary Trial 1, September 1983; Trial 2, November 1983; Trial 3, January 1985
 - (e) Before Royal Commission, October 6, 1987
3. Fatal Injuries Act, RSNS,

Following your suggestion, I spoke with Dr. David Jannigan with whom I happened to be meeting this morning on a totally unrelated matter. (We are co-chairmen of a conference to be held in March.) Dr. Jannigan has offered to assist as appropriate.

Perhaps when you have received my letter and had an opportunity to review the enclosed documentation, you might contact me and advise if there are any points concerning which you require clarification. As the Commission will appreciate receiving your opinion at your earliest convenience, please let me know if you anticipate a lengthy delay.

I trust you find this in order. Thank you for your co-operation. I remain,

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

DELIVERED BY HAND

November 17, 1987

Mr. Clayton Ruby
Ruby & Edwardh
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Mr. Ruby:

Further to your suggestion that the Royal Commission consider conducting jury simulation research, I have reviewed some of the literature on the subject and discussed the matter with our own research consultants as well as Dr. Tony Doob of the Criminology Centre, University of Toronto.

As I am sure you are aware, there is considerable debate amongst social scientists as to the application of this type of research and its ultimate value. For example, Bray and Kerr state in "Use of the Simulation Method in the Study of Jury Behaviour" (Law and Human Behaviour, vol. 3, nos. 1/2, 1979 at p. 115):

"With very few exceptions....., most of those who have analyzed and evaluated the typical jury simulation methodology have been highly critical of it.... Several common themes emerge from this criticism: (a) the artificiality of most experimental jury research renders it of limited or no value in describing or understanding actual jury behavior because (1) experimental treatments sometimes fail to recognize legal realities or (2) the independent variable is often more prominent in the simulation than in actual trials; (b) different ways of choosing a problem and conducting research are considered appropriate for applied topics, like the study of jury behavior, than are appropriate for more basic research, and (c) increasing the realism of jury research (and hence its cost) is well worth a decrease in the amount of research being conducted in this area."

Mr. C. Ruby
Page 2
November 17, 1987

The criticisms of simulation research have been formulated in various ways, but the common theme seems to be its inadequacy methodologically and in other ways as well as the criticism that as basic research it simply is not very good. My discussions with our own research consultants as well as Tony Doob, who as you know, has some experience in this field, have only reinforced by original reservations about embarking on this additional research.

In the context of competing priorities and limited resources, the Royal Commission is not prepared to undertake research which would appear to be likely to generate at best very questionable results. When we last spoke on this subject, you indicated that in the event the Commission was not prepared to undertake the research you would do so yourself. Clearly, you are free to do so but I would be remiss if I did not advise you that the Royal Commission is not prepared to pay for any such research which you may decide to undertake.

If you should have any questions concerning this matter, please do not hesitate to contact me at your earliest convenience.
Thank you. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

*cc: George MacDonald
Susan Ashley*

November 16, 1987

Professor C. Stanley Jones
Linguistics Department
Carleton University
Ottawa, Ontario
K1S 5B6

Dear Stan:

I just wanted to drop you a note to thank you for getting me Ron Scollen's address in Alaska. I have spoken to him on the telephone and he has sent me along some articles concerning communication difficulties between whites and native speakers.

Since receiving the material from Scollen, we have interviewed a number of Micmac witnesses and have had some evidence at the hearings concerning language communication problems. Junior Marshall himself was a terrible witness at his own Trial and was not much better when he was a witness at the Ebsary Trials or at his own re-hearing in 1982. How much of that is attributable to communication problems is difficult to say but at least it bears thinking about.

Anyway, thanks very much for the help and I hope that everything is well with you.

Kind regards,

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/mm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

PERSONAL AND CONFIDENTIAL

BY COURIER

November 16, 1987

Dr. Richard Apostle
Dept. of Sociology & Anthropology
Dalhousie University
Corner Seymour & South Streets
Halifax, Nova Scotia

Dear Richard:

Re: The Police Study

Further to our telephone conversation this morning, I have written to Philip Stenning to suggest that he might consider December 4th as a reasonable point at which to meet again as a group. I don't wish to stampede any of you into the next meeting simply to meet my agenda. However, I am concerned that we not lose momentum and would suggest that if we can usefully meet prior to December 4th, we do so. I will leave that decision for you, Don and Philip to work out.

I think it worth repeating that the object of this exercise is ultimately to provide the Commissioners with the necessary background information and research for the formulation of practical policy recommendations. Commission counsel have expressed very clearly to me their concerns that this study not be simply an academic exercise. Based on our discussions last week, I am confident that you and your colleagues share that same concern.

Another concern which Commission counsel have expressed to me is that the police study focus on current police procedures for the investigation of a serious crime (e.g. murder) in such a way that we can compare what would happen today as against what happened in 1971 in Sydney.

Page 2
November 16, 1987

I intend to speak to Chief Justice Hickman on Tuesday/Wednesday of this week with respect to the matter of a letter of introduction for the police study and its researchers. Please let me know as soon as possible the names of the various organizations and their chief executives with whom Chief Justice Hickman should correspond.

I look forward to meeting with you on Friday, November 20, 1987 at 11:00 a.m. at Commission offices. If I have forgotten anything or you require any assistance, please do not hesitate to give me a call. Thank you for your co-operation. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "J.E.S. Briggs", written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

PERSONAL AND CONFIDENTIAL

BY COURIER

November 16, 1987

Philip C. Stenning, Esq.
Senior Research Associate
Centre of Criminology
University of Toronto
Room 8001, 8th Floor, Robarts Library
130 St. George St.
Toronto, Ontario M5S 1A1

Dear Philip:

This is simply to confirm our discussion of Friday, November 13, 1987 with respect to your status as a special Research Consultant to the Royal Commission, with particular reference to our Study on Policing in Nova Scotia.

It is agreed that you will be engaged on an ad hoc basis at a per diem rate of \$350. in the event that the total number of days is less than 15, but at a per diem rate of \$250. in the event that the total number of days exceeds 15 in which case the \$250. per diem will apply for all days commencing with the first day. In addition to the foregoing, you will of course be reimbursed on a cost-recovery basis for travel and related expenses. Generally, Commission staff will attempt to arrange your travel and accommodation so that these items will be billed directly to the Commission.

I spoke with Richard Apostle this morning and he is following up on last Friday's meeting with the objective of further refining the focus of the study. I suggested that we should meet again shortly as a group and he suggested tentatively Friday, December 4th. It seems to me that that would allow Richard and Professor Clairmont sufficient time to advance the project. However, if you think we should get together sooner please advise as I will push Richard for an earlier meeting date.

Page 2
November 16, 1987

I will be speaking with Chief Justice Hickman on Tuesday/Wednesday with regard to his providing the appropriate 'letter of introduction'. My own thought with respect to the letter is that it should simply stress the importance which the Commissioners place upon the research, the necessity of obtaining co-operation from the various police organizations and forces and their request for that assistance and the expectation on the part of the Commissioners that it will be forthcoming. Really, a general letter setting the overall tone and leaving details to be communicated at a lower level. However, it would probably be advantageous to provide the recipient of the letters with some idea of the nature of the research to be undertaken. I would appreciate your comments/suggestions on this subject, particularly given the importance which you have attached to it.

I understand that you will be writing to Richard and Don along the lines, and covering the matters, which you and I discussed following last Friday's meeting.

I very much appreciate your willingness to become involved in this project and your very co-operative approach. Feel free to give me a call at any time, particularly if I've forgotten anything or you imagine I have! I look forward to our next meeting. In the meantime, thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

P.S.: I hope you got your stand-by flight?

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 13, 1987

Chief Terrance J. Paul
and Council
Membertou Reservation
Sydney, Nova Scotia

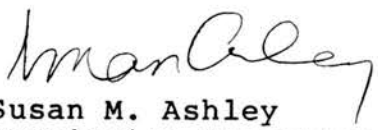
Dear Chief Paul,

On behalf of the members of the Royal Commission on the Donald Marshall, Jr., Prosecution, I would like to thank you for your kind invitation to attend the Remembrance Day ceremonies at Membertou. We were very pleased to share with you the tribute paid to the Membertou war dead, and also to have the opportunity to meet you and other Reserve members at the more informal luncheon. We regret not being able to spend more time there, but as you know, we had other commitments on Wednesday afternoon.

We were all most impressed by the community spirit apparent at Membertou and by the generosity extended to us on Wednesday.

Thank you again.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 6, 1987

Mr. Richard Hubley
Director, Prosecutions
Department of Justice
Court House, 108 Central Street
Summerside, P.E.I. C1N 3L4

Dear Mr. Hubley:

Re: Prosecutors' Manual

I refer to my letter of August 31, 1987, a copy of which I enclose for your ready reference.

It is my understanding that in the province of Prince Edward Island, there is no Crown Prosecutors' Manual nor any ad hoc policy or practice guidelines/directives issued to Crown Attorneys. I would appreciate receiving confirmation from you that this is indeed the case or alternatively if not, perhaps you would be good enough to forward a copy of your Crown Prosecutors' Manual or copies of ad hoc directives/guidelines which are issued to prosecutors. Where these are not matters of public record we have accepted them from other provinces on a confidential basis. I look forward to hearing from you at your earliest convenience. Thank you for your co-operation.

I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 9, 1987

Mr. Steve MacEachern
Keltic Lodge
P. O. Box 70
Ingonish Beach, Nova Scotia
B0C 1L0

Dear Mr. MacEachern:

RE: Royal Commission on the Donald
Marshall, Jr., Prosecution

This is to confirm your telephone conversation with Laurie Burnett wherein she requested you to reserve five 2 bedroom cottages, as well as the conference room, for the period commencing Wednesday, June 1st, 1988 to June 7th, 1988. We will check out on Wednesday, June 8th, 1988. We would like the Modified American Plan.

Would you kindly forward to me a schedule of your rates.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 12, 1987

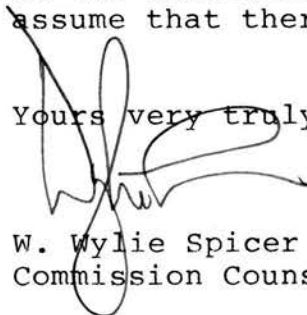
TO ALL COUNSEL

Following the testimony of Dr. Mian and the request by Mr. Pugsley to call Dr. Binnie, I have spoken with Dr. Binnie. I attach a note of my conversation with Dr. Binnie.

I would propose to submit this note to the Commission assuming that all counsel will agree to it. Dr. Binnie has indicated that he is quite prepared to talk to any counsel who wishes to call him concerning John Pratico.

If I do not hear any objections to the submission of the attached note by December 7th, I will assume that there are no such objections.

Yours very truly,



W. Wylie Spicer
Commission Counsel

WWS:jrc

attach.

NOTE

I spoke with Dr. Binnie on Thursday, October 15, 1987. He has now had an opportunity to review John Pratico's medical records (both Cape Breton Hospital and Nova Scotia Hospital). These records do not refresh his memory at all about John Pratico.

I did ask him however whether based on the records which he has reviewed, John Pratico would have made a reliable witness in 1971. Dr. Binnie indicated that any testimony that would have been given by John Pratico should have been verified from other sources and that to that extent he would have been unreliable. I also asked Dr. Binnie whether or not in his view John Pratico would have been the kind of person to make up or embellish a story. Dr. Binnie indicated that Pratico had very few resources of his own and would, in all likelihood, be the type of person who would respond to suggestions from the police by agreeing with them.

Dr. Binnie is quite prepared to talk to any other counsel who wish to call him in connection with these views.

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

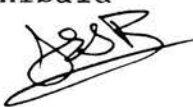
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CHIEF JUSTICE T. ALEXANDER HICKMAN
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

M E M O R A N D U M

TO: Prof. Bruce P. Archibald
FROM: John E.S. Briggs 
DATE: November 6, 1987
RE: PROVINCIAL CROWN ATTORNEYS' HANDBOOKS

As I have previously advised you we have received Crown Attorneys' Handbooks from a number of provinces as follows:

1. Nova Scotia - "Advice to Prosecuting Officers" (2 volumes) - received on a confidential basis.
2. New Brunswick - "Public Prosecutions Operations Manual" - public document.
3. P.E.I. - Apparently nothing exists - confirmation/clarification sought.
4. Quebec - "Ad Hoc Directives" - received on a confidential basis.
5. Ontario - "Materials on Disclosure".
6. Manitoba - "Criminal Prosecutions Guidelines" - received on a confidential basis.
7. Saskatchewan - "Policy Manual" - not yet received, currently under substantial review; request for manual as it now exists made by letter dated September 14 and reiterated by letter dated November 6, 1987.
8. Alberta - "Crown Prosecutors' Manual" - a public document.
9. B.C. - "Policy and Procedure Manual for ad hoc Crown Counsel" - not certain whether this is a matter of public record or not.

B. Archibald
Page 2
November 6, 1987

10. Newfoundland - "Crown Attorneys' Handbook" - a public document.

The province of Quebec has provided us with some examples of the ad hoc directives which they issue from time to time. I have written to them to ask them to forward to us any directives which they have relating to such subjects as disclosure by the Crown, disposition agreements between the Crown and defence counsel (plea bargaining) and authority/responsibility for laying of criminal charges.

Hitherto, the province of Ontario has followed the same pattern as Quebec with the issuance of a myriad of ad hoc directives. I spoke today with Michael Martin, Director of Crown Attorneys and he advises that as a result of the soon to be proclaimed Freedom of Information Act in Ontario, they have put together a handbook containing all of the current/operative directives to Crown Attorneys. Mr. Martin has undertaken to forward to us a copy of that handbook along with some specific directives which they have on the subject of disclosure. These materials will be forwarded on a confidential basis at least until the new Freedom of Information Act is proclaimed, which is expected to happen in January, 1988.

I think that we have a pretty good range of materials on hand for purposes of carrying out a comparative evaluation with respect to this subject. I expect that we will be able to fill in the few remaining holes shortly.

By the way, I spoke today by telephone with Bill Corbett, Director of Criminal Prosecutions, Federal Department of Justice (Ottawa), and he advises me that there is no federal crown prosecutors' manual. There are some directives with respect to different subjects such as, for example, when to proceed by way of indictment. Apparently, there is no directive per se on the subject of disclosure and the practice of federal prosecutors is to follow the Ontario guidelines on this subject. According to Corbett, they would like to have a manual, but to-date seem to have been unable to dedicate the resources and time required to put one together. They essentially rely on experienced management rather than directives.

B. Archibald
Page 3
November 6, 1987

In the event should you have any questions, concerns, suggestions, requests, etc., on the foregoing subject, please do not hesitate to let me know at your earliest convenience. I have attached for your information, a copy of Marc Schiffer's draft paper prepared for the Law Reform Commission and entitled, "Plea Bargaining", which was passed on to me by Mr. Justice Linden when I was in Ottawa last week. As this paper is still in the draft or working paper stage, perhaps you'd be good enough to treat it as confidential unless you hear otherwise.

George MacDonald advises me that he wrote to Jamie Saunders last week with respect to the matter of access to the Attorney General's personnel. I will keep you informed of developments on that front. Let's get together soon, perhaps with Rob Baine in attendance, to discuss where we are at with your project and any immediate assistance you require from myself, Commission counsel or other staff.

JESB:jrc

ROYAL COMMISS. ON THE DONALD MARSHALL JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 6, 1987

Mr. C. Richard Quinney, Q.C.
Director of Prosecutors
Saskatchewan Justice Department
8th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7

Dear Mr. Quinney:

Re: Crown Prosecutors' Manual

I refer to your letter of September 2, 1987 and my reply thereto dated September 14, 1987, a copy of which I enclose for your ready reference.

I wonder if you have had an opportunity to reconsider the matter of forwarding a copy of the Prosecutors' Manual as it now stands? I would appreciate hearing from you at your earliest convenience. Thank you for your co-operation.

I remain,

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 6, 1987

R.H. Davie, Q.C.
Director, General Prosecutions
General Prosecutions Branch
Office of the Attorney General
9833-109 Street
Edmonton, Alberta T5K 2E8

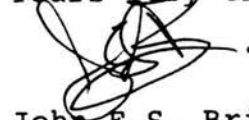
Dear Mr. Davie:

Re: Crown Prosecutors' Manual

Thank you very much for your detailed letter of September 11, 1987 along with the enclosed Prosecutors' Manual. I apologize for the lengthy delay in replying to you.

I appreciate your offer to assist the Commission in the event that we should have further inquiries. In this regard, I should mention that we are carrying out a study of the role of the local crown prosecutor in the province of Nova Scotia and in consequence thereof, I would expect that our principal researcher, Professor Bruce Archibald of Dalhousie Law School, may well wish to contact your department at some point during the course of his research. Your co-operation and assistance is much appreciated. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHAL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 9, 1987

Monsieur Remi Bouchard
Le Sous Ministere Associe
Gouvernement de la Justice
Direction generale des Affaires
Criminelles et penales
1200, route de l'Eglise
Sainte-Foy, Quebec G1V 4M1

Dear M. Bouchard:

Re: Crown Prosecutors' Manuel

Thank you for your letter of September 16, 1987 which we received on September 28th. I apologize for the lengthy delay in replying to you.

The examples of policy directives which you forwarded to us on a confidential basis are instructive. I wonder, however, if you would be good enough to provide us with a copy of any policy directives you might have on the following subjects:

1. Disclosure by the Crown
2. Disposition agreements between the Crown and Defence (plea bargaining)
3. Responsibility/authority for the laying of charges as between, for example, the Crown and the police

If any of these directives are available in English, it would be helpful to receive them in that language. In any event, I look forward to hearing from you at your earliest convenience. Thank you for your co-operation and assistance to-date. I remain,

Yours very truly,



for John E.S. Briggs
Director of Research

JESB:jrc

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November 9, 1987

PERSONAL AND CONFIDENTIAL

Mr. Albert Bremner
Barrister at Law
c/o Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia B3J 1K6

Dear Albert:

This will confirm our telephone conversation of yesterday, in which I advised you that research consultants engaged by the Royal Commission wish to meet with Legal Aid lawyers in various areas. In order to place this request in perspective, it may be instructive to refer to the Royal Commission's Terms of Reference, wherein you will note that the Commission is charged with:

"... power to inquire into, report your findings, and make recommendations to the Governor in Council respecting the investigation of the death of Sanford William Seale on the 28th-29th of May, A.D., 1971; the charging and prosecution of Donald Marshall, Jr., with that death; the subsequent conviction and sentencing of Donald Marshall, Jr., for the non-capital murder of Sandford William Seale for which he was subsequently found to be not guilty; and such other related matters which the Commissioners consider relevant to the Inquiry;" (emphasis added)

It is also instructive to note the interpretation which the Commissioners have placed upon their Terms of Reference:

"In order to make meaningful recommendations to the Government, the Commission must, of necessity, review the actual circumstances of the Donald Marshall case. ... Bringing out the facts will give the Commission an understanding of what

Mr. Albert Bremner

November 6, 1987

happened. But that is only a beginning. It is not enough to examine minutely one incident, and from that to expect to suggest changes within a complex system of administration of justice. In order to develop meaningful recommendations, the most important part of our mandate, all contributing or potential contributing factors must be carefully reviewed within the context of the current state of the administration of justice in Nova Scotia. It will be necessary to examine the role of the Attorney General as a member of Cabinet in criminal prosecutions, the relationship between prosecutors, defence counsel and the police (both Provincial and R.C.M.P.), who makes decisions to prosecute and how and on what basis these decisions are made, the organization of police forces in Nova Scotia and how they interact with the communities they police.

...racism and discrimination ... must be investigated and examined to determine if these factors play any part in the administration of justice in Nova Scotia. It should be apparent, therefore, that the activities of individual people, and of various authorities are to be reviewed and questioned, and that extremely important public issues will be considered by the Commission.

On the basis of understanding what happened to Donald Marshall, Jr., and after having analyzed the present functioning of the criminal justice system in Nova Scotia, we will make recommendations for the future which are designed to increase the confidence of all Nova Scotians in the system of administration of justice."
(emphasis added)

As I indicated to you during our conversation, the Royal Commission is undertaking research relating to discrimination against both blacks and Indians in the context of the criminal justice system in Nova Scotia. Dr. Wilson Head of Toronto, currently President of the Urban Alliance on Race Relations and a professor of sociology at York University, is undertaking the research with respect to blacks and discrimination.

Mr. Albert Bremner

November 6, 1987

Dr. Scott Clark, of G. S. Clark and Associates Ltd. in Ottawa, is a social anthropologist and is conducting the study relating to Indians and discrimination. Dr. Clark has very extensive experience relating to issues arising from Indians' involvement with the criminal justice system. For example, he recently completed a study for the Federal Department of Justice entitled "Natives in the Criminal Justice System in New Brunswick".

In any event, both these researchers wish to meet with Legal Aid lawyers in order to discuss questions relating to discrimination against blacks and Indians. The Terms of Reference for both of these research projects envisage a determination not only of the perceptions of Indians and blacks of possible differential treatment by the justice system, but more importantly, a determination of actual experiences which provide the basis for any such perceptions. Legal Aid lawyers obviously have considerable experience representing socio-economically marginal persons in our society and any study which failed to obtain input from the Legal Aid community would, in my view, be deficient.

I should perhaps indicate that there is certainly no intention on the part of the Royal Commission, or its researchers, to critically examine the workings of the Legal Aid system in Nova Scotia. However, this is not to say that problems facing the Legal Aid system will not be identified, whether from the viewpoint of the client or the lawyer. Indeed, it seems to me that any such focus on problems confronting your Organization can only be potentially beneficial to both yourselves and your clients.

Quite aside from assisting our researchers to carry out their work, it occurs to me that your Organization may be particularly well equipped to provide some useful input to the work of the Commission. I am sure that many of the issues with which we are now concerned are matters of mutual interest. Perhaps we could meet and discuss this subject further on an informal basis over lunch.

I hope that your Organization will have no difficulty with affording our researchers access to your staff lawyers. Personally, I am unable to envisage a basis for an objection to this request, but I felt as a matter of courtesy that I ought to approach the 'head office', as it were, rather than having our

Mr. Albert Bremner

November 6, 1987

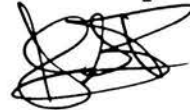
researchers contact individual Legal Aid lawyers on an ad hoc basis in different areas of the Province.

I look forward to hearing from you shortly. Thank you for your attention to this matter.

I remain,

warm regards,

Yours very truly,

A handwritten signature in black ink, appearing to be "JESB", written over a circular scribble.

John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 6, 1987

Stanley A. Cohen, Esquire,
Coordinator
Criminal Procedure Project
Law Reform Commission of Canada
130 Albert Street
Ottawa, Ontario K1A 0L6

Dear Mr. Cohen:

Thank you very much for your letter of October 27, 1987 and the enclosed Draft Working Paper on Powers of the Attorney General.

I enjoyed our brief meeting in Ottawa last week and look forward to availing myself of your kind offer to provide further assistance as required.

I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 6, 1987

The Honourable Mr. Justice Allen M. Linden,
President
Law Reform Commission of Canada
130 Albert Street
Ottawa, Ontario K1A 0L6

Dear Sir:

I appreciated your taking the time to meet with me when I was in Ottawa last week. In particular, I enjoyed the opportunity to discuss subjects of mutual interest.

I have since received a number of publications from both your library staff and Stan Cohen. I will certainly take advantage of the Commission's offer to provide further assistance to us as required. In the meantime, thank you again for your co-operation and assistance.

I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 5, 1987

H.N. Yacowar, Director
Policy & Support Services
Criminal Justice Branch
Province of British Columbia
3rd Floor, Harbour Square
910 Government Street
Victoria, B.C. V8V 1X4

Dear Sir/Madam:


Re: Crown Prosecutors' Manual

Thank you for your letter dated September 22, 1987 along with the enclosed policy and procedure manual for ad hoc Crown Counsel, all of which arrived on October 5, 1987. I apologize for the delay in acknowledging same.

I appreciate your offer to forward copies of the procedure manual and the policy manual for Crown Counsel when these publications are complete. I am most anxious to receive copies of these publications as soon as they become available, and in this regard, I wonder if you are able to advise at this time as to when they might become available?

I look forward to hearing from you. Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 5, 1987

Mr. John P. Guy, Q.C.
Assistant Deputy Attorney General
Province of Manitoba
5th Floor, Woodsworth Building
405 Broadway
Winnipeg, Manitoba R3C 3L6

Dear Mr. Guy:

Re: Crown Attorneys' Handbook

Thank you very much for your letter of October 19, 1987 along with the enclosed up-dated Crown Attorneys' Handbook, all of which arrived on October 30, 1987.

I acknowledge that the Handbook is forwarded to us on a confidential basis. Your co-operation in this matter is greatly appreciated.

I remain,

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 4, 1987

Professor John Ll.J. Edwards
University of Toronto
Faculty of Law
78 Queen's Park Crescent
Toronto, Ontario M5S 1A6

Dear Professor Edwards:

RE: Attorney General's Files - Thornhill/MacLean

I would hope by now that you have received, under separate cover, a complete package of the correspondence between Commission counsel and counsel for the A.G.'s Department with respect to the above, covering the period August 6, 1987, prior to the first subpoena, to and including October 28, 1987 which is the date of the second and current subpoena.

I also attach for your information and records, a copy of my memorandum to Commission counsel, dated September 25, 1987 along with a memo to file, dated September 17, 1987.

I look forward to meeting with you shortly to discuss these and related matters.

I remain,

Yours very truly,

Warm regards 

John E.S. Briggs
Director of Research

JESB:jrc

P.S.: I also enclose a paper by Carl Baar, "Judicial Independence and the Administration of Courts in Canada" which was recently delivered at the National Seminar on Justice: Independence and Accountability in Montreal, October 15, 1987. I thought it might be of some passing interest.

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COMMISSIONER

November 4, 1987

Mr. Cliff Bilyea
WLC Telecollege Productions, Inc.
Wilfred Laurier University
75 University Avenue, West
Waterloo, Ontario N2L 3C5

Dear Mr. Bilyea:

This letter is in reference to our telephone conversation about purchasing the tape, "The Courts: Is Justice Blind".

Would you be so kind as to forward us a synopsis of the tape. We are reluctant to spend \$175.00 without being confident that the content will be useful to our purpose. Also, may I ask you to reconsider renting us the tape for two weeks?

Thank you for your assistance in this matter.

Yours truly,

Brenda McGilvray.

Brenda McGilvray
Librarian

BMcG:jrc

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COMMISSIONER

October 30, 1987

Mr. Albert Cooke
General Manager
Keddy's Hotels and Inns
King's Road
Sydney, Nova Scotia

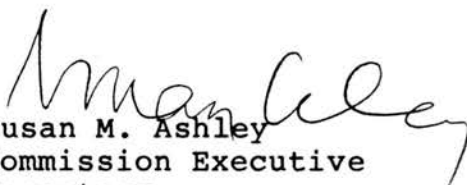
Dear Mr. Cooke:

Thank you for your letter of October 21st.

I believe my predecessor in this position investigated several Sydney hotels before concluding that we should stay at the Holiday Inn during our Sydney Hearings. This decision was reached for a variety of reasons. I'm sure you can understand that it could be extremely inconvenient for us to change hotels midway through our stay in Sydney or even to have our staff staying in different hotels. We are now quite settled at the Holiday Inn, and barring something unforeseen, we will probably stay there until we leave in late November or December.

However, I do agree that we should be exploring your dining room more regularly. We have tended to get into a "pattern", frequenting the same restaurants. I will make a point of having our group visit Keddy's to investigate the rumour to which you referred.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/jm

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 30, 1987

Mr. Gordon Fairweather
Chair-designate, Immigration
and Refugee Board
c/o Department of Employment
and Immigration
Ottawa, Canada

Dear Mr. Fairweather,

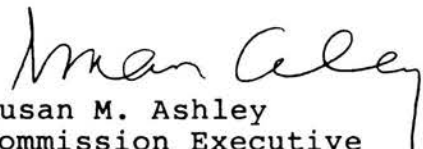
I was pleased to read of your recent appointment and am writing not only to offer my congratulations but also to thank you on behalf of, I'm sure many others, for your years of service to the Human Rights Commission.

I'm sure you'll find the immigration work a great challenge. It gives me confidence to know that you'll be bringing your own mix of pragmatism and compassion to bear on these particularly complex issues.

As you can see, I'm now the Executive Secretary of the "Marshall Inquiry" which is quite an experience! Russell Juriansz was here last week giving us some advice on how to deal with racial issues in the Hearings and it was good to see him again. He seems to be thriving in practice, and in Toronto. While I'm pleased for both of you in your new positions, I am a bit concerned about the fate of the Human Rights Commission, with its two brightest lights gone!

Once again, I wish you well. If you're ever in this end of the country, I'd love to treat you to lunch.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/jm

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

10/30/87

TO: Prof. John Edwards
FROM: John E.S. Briggs

As discussed today, herewith a copy of the Police Study terms of reference - there are several items not now included but which will be incorporated in the study such as: examination of local police commissions, and a comparison of developments, innovations, etc., in other jurisdictions relating to the various problematic areas under study.

Your package of goodies re "A.G.'s" files to follow.

Cheers!

JESB:jrc

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 28, 1987

DELIVERED

Dr. Roland Perry
Chief Medical Examiner
Province of Nova Scotia
5788 University Avenue
Halifax, Nova Scotia

Dear Dr. Perry:

Re: Donald Marshall, Jr., Commission

As we discussed, I think it would be useful for the Commission to hear evidence from you as Chief Medical Examiner for the Province. I am enclosing a transcript of the evidence given by Dr. Naqvi and you will see from this evidence the questioning which took place concerning the requirement for performance of a post-mortem. Obviously the view of some counsel is that such a post-mortem should be performed in all cases of violent death and for the purposes of obtaining information in addition to determining the cause of death.

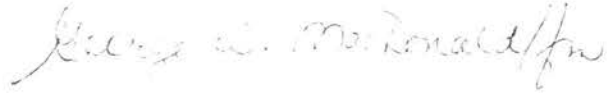
Your views on this topic will be of considerable interest to the Commission. I understand from our discussions that you do not share the opinion that autopsies should be used for purposes other than determining a cause of death. It may be that the Commission will want to hear evidence from a pathologist from another jurisdiction who is experienced in performing post-mortems and obtaining evidence therefrom which is of assistance in subsequent investigations and prosecutions.

The present schedule for the Commission would allow evidence such as I described to be heard in Sydney in early December. Alternatively, we could arrange to take the evidence in Halifax when the Hearings commence

...../2

there sometime early in the New Year. Please let me know your preference.

Yours very truly,

A handwritten signature in cursive script, appearing to read "George W. MacDonald/fm".

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 28, 1987

Mr. Jamie W. S. Saunders
c/o Holiday Inn
King's Road
Sydney, Nova Scotia

Dear Jamie:

I acknowledge your letter of October 26, 1987.

Prior to October 21, 1987, we discussed on several occasions the possible methods of dealing with issues which the Commission considered to be within its mandate while, at the same time, attempting to avoid the appearance of dealing unfairly with various individuals. We considered an "interim" solution would be to accept the files of such individuals on a "confidential" basis and agree not to make the materials public without giving you 28 days notice of our intention to do so.

The purpose of adopting this "interim" solution was to postpone a possible public confrontation concerning the right of the Commission to have access to files dealing with matters other than the Donald Marshall, Jr. affair. On several occasions the Commission has publicly interpreted its mandate to include the requirement to investigate the administration of justice in Nova Scotia. From our various discussions, and as confirmed in your October 26th letter, it is obvious your client does not accept that interpretation absolutely, although it was prepared to proceed on that basis for the time being. We have determined that the Commission cannot adequately perform its task if its right to obtain access to files dealing with matters other than the Donald Marshall, Jr. case is in doubt, and nothing can be gained by postponing a determination of this fundamental issue.

I do not consider we are disregarding the "statutory rights afforded to individuals for protection and privacy". I understand you have already contacted the individuals in question to determine if they wish to rely on any statutory defences which may be available to them. The 28 days notice which has been given to you will enable such a determination to be made. My

Mr. Jamie W. S. Saunders

October 28, 1987

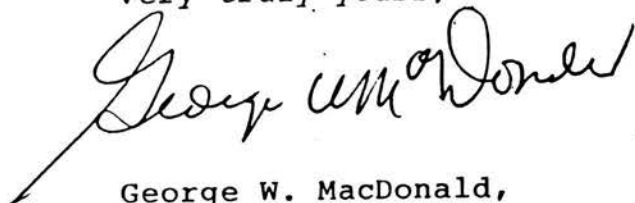
request for release of documents does not prevent such individuals, or your client, from raising legitimate defences based on statutory rights or otherwise.

I take strong exception to your questioning of our integrity and the suggestion that there was some ulterior motive underlying our request for unfettered access to certain documents. I am very conscious that persons' privacy may be invaded and their reputations tarnished as a result of the proceedings of the Commission, and every effort will be made to avoid such a result, if at all possible. I consider it fundamentally important, however, that the integrity of the Commission not be opened to question in any way.

The materials in the files which we have requested, and which we have viewed in confidence, raise some questions concerning the process which was followed and which impact on the administration of justice in Nova Scotia. It is difficult to conceive how the questions could be answered and tested other than through some public inquiry process. Further, it is unlikely the Commission could make any recommendations which would be considered credible without having carried out a full examination of the matters which gave rise to the recommendations. The extent of the "public" hearing required, and the process which must be followed to obtain answers, will be decided by the Commission. Since your client apparently questions the right of the Commission to deal with these matters in any manner which it considers appropriate, it is necessary, therefore, to have that issue determined at the earliest possible time, and thus, the requirement for the issuance of the subpoena.

As requested, I am enclosing the original and a copy of the subpoena which is directed to Mr. Coles and I would ask that you acknowledge receipt of the document.

Very truly yours,

A handwritten signature in dark ink, appearing to read "George W. MacDonald", with a long, sweeping underline that extends to the left.

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosures

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

IN THE MATTER of the Public Inquiries Act,
R.S.N.S. 1967 c. 250

- and -

IN THE MATTER of a Commission appointed
by Order-in-Council the
28th day of October, 1986,
to inquire in and report to the
Governor in Council with respect
to all matters related to the
death of Sandford William Seale
and the criminal prosecution of
Donald Marshall, Jr. (The
Marshall Inquiry)

TO: **Mr. Gordon F. Coles, Q.C., Deputy Attorney General**
5151 George Street, 10th Floor, Bank of Montreal Building
Halifax, Nova Scotia

BY VIRTUE of the powers vested in me by the Public Inquiries Act and by Order-in-Council dated October 28, 1986, I do hereby order that you:

1. Produce and deliver the documents listed on the attached list to the Commission at the Hearings of the Commission to be held in Sydney, Nova Scotia at St. Andrews's United Church, 40 Bentinck Street, Sydney, Nova Scotia on **November 19th, 1987 at 9:30 o'clock in the forenoon.**

The Thornhill and MacLean Files (See Attached List)

WITNESS the Chairman of the Marshall Inquiry this 28th day
of October, A.D., 1987.


CHAIRMAN

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 27, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers and Solicitors
P. O. Box 997
Halifax, Nova Scotia
B3J 2X2

Dear Ron:

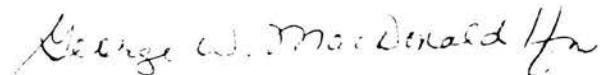
Re: Donald Marshall, Jr., Commission

Thank you for your letter of October 21, 1987.

I do not agree it would be appropriate to call Mr. MacIntyre at the end of the evidence called in Halifax. At the present time our intention is to re-call Sydney Police witnesses in Sydney following the conclusion of the evidence by Mr. MacIntyre. What I indicated in my earlier letter was that I would adduce to Mr. MacIntyre evidence of any changes introduced in the police system in Sydney during his tenure as Chief.

In those circumstances can we discuss these points with him in Sydney as I suggested.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

ROYAL COMMISSION ON THE DONALD MARSHALL R., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 27, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers and Solicitors
P. O. Box 997
Halifax, Nova Scotia
B3J 2X2

Dear Ron:

Re: Donald Marshall, Jr., Commission

I acknowledge your letter of October 19, 1987 and the request that we consider calling Heather Matheson and Allan Storey to give evidence for the purpose you indicate.

We will take this matter under advisement. Such evidence would be called during the Halifax phase of the Hearings in any event and when we are giving consideration to the list of witnesses for Halifax, we will review your request and let you have our views at that time.

Yours very truly,

George W. MacDonald/fm

George W. MacDonald
Commission Counsel

GWMacD/fm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 26, 1987

BY COURIER

PERSONAL AND CONFIDENTIAL

Mr. C. M. Rosenblum, Q.C.
Barrister and Solicitor
197 Charlotte Street
Sydney, Nova Scotia
B1P 1C5

Dear Mr. Rosenblum:

Re: Donald Marshall Royal Commission

You may be aware that I am Commission Counsel for this matter. I requested and have obtained an opinion from Bruce Archibald of the Dalhousie Law School concerning the various evidentiary rulings which were made at the Trial and the possible impact those rulings may have had on the outcome. I am enclosing a copy of that opinion.

The opinion has not yet been made available to anyone other than counsel for the Estate of Donald C. MacNeil, Q.C., counsel for Judge Lewis Matheson, Simon Khattar, Q.C. and you. At the present time it is my intention to have Mr. Archibald give evidence at the public hearings of the Commission to be held in Sydney on November 10 and the opinion will be made public at that time.

You will note that the opinion is critical of several rulings which were made and I wanted to give you as much advance notice as possible of the opinion. If you wish to discuss the matter with me, would you please give me a call and I can be reached at the Holiday Inn in Sydney at 539-6750.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 26, 1987

DELIVERED

PERSONAL AND CONFIDENTIAL

The Honourable J. L. Dubinsky
Embassy Towers
5959 Spring Garden Road
Halifax, Nova Scotia
B3H 1Y5

My Lord:

Re: Donald Marshall Royal Commission

You may be aware that I am Commission Counsel for this matter. I requested and have obtained an opinion from Bruce Archibald of the Dalhousie Law School concerning the various evidentiary rulings which were made at the Trial and the possible impact those rulings may have had on the outcome. I am enclosing a copy of that opinion.

The opinion has not yet been made available to anyone other than counsel for the Estate of Donald C. MacNeil, Q.C., counsel for Judge Lewis Matheson and Simon Khattar, Q.C. and C. M. Rosenblum, Q.C. At the present time it is my intention to have Mr. Archibald give evidence at the public hearings of the Commission to be held in Sydney on November 10 and the opinion will be made public at that time.

You will note that the opinion is critical of several rulings which were made and I wanted to give you as much advance notice as possible of the opinion. If you wish to discuss the matter with me, would you please give me a call and I can be reached at the Holiday Inn in Sydney at 539-6750.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 26, 1987

BY COURIER

Ms. Lenore Glaser
Johnson and Somberg
11 Green Street
Jamaica Plain
Massachusetts 02130

Dear Ms. Glaser:

**Re: Royal Commission on the Donald
Marshall, Jr., Prosecution**

I had advised you I would provide you with copies of the relevant portions of our Civil Procedure Rules providing for taking evidence by depositions of a person who reside outside of Canada. I am enclosing copies of our Civil Procedure Rule 32 and the attached forms. In particular, Form 32.01(c) and 32.01(d) would apply.

As you will see, it would be required for me to have our Court order that a letter of request be issued to the proper judicial authority of Massachusetts. I suspect that would be the Superior Court of the State of Massachusetts. I would anticipate your Superior Court would extend a courtesy to our Supreme Court and summon Ms. Ebsary to attend at a time and place appointed by the Court for the purposes of examination.

I am also enclosing copy of a Brief which we had prepared when considering if we could compel the attendance of a witness in British Columbia to give evidence before our Royal Commission. I believe the same authorities would apply in Ms. Ebsary's case.

As I indicated to you, I would like to conduct the examination of Ms. Ebsary by teleconference in Boston preferably on a Monday. I am suggesting November 9

...../2

or November 16. I am advised it is required to give at least two weeks notice to the Telephone Company and accordingly I would ask for your advice at the earliest possible time whether Ms. Ebsary will voluntarily give evidence in this way.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 21, 1987

Ms. Andre MacLean,
Telemarketing Representative
Maritime Tel & Tel
Maritime Center, 1st Floor
P. O. Box 880
Halifax, Nova Scotia B3J 2W3

Dear Andre:

Late yesterday afternoon we received a phone call from the lawyer of the witness that we intended to hear by teleconference on November 2nd. It appears unlikely that we will be able to go ahead with the November 2nd meeting as planned, but it is possible that the teleconference might be able to be rescheduled at some later date.

I am terribly sorry to have to cancel all the arrangements at this point, but there seems to be nothing else that we can do.

I want to thank you very much for your patience in all of this. When we are in a position once again to confirm arrangements for the teleconference, I will keep in mind that we have to give you notice sufficiently far in advance in order to make the arrangements with Boston.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

October 21, 1987

Mr. Frank L. Elman, Q.C.
Elman, Kuna & Hannem
Barristers & Solicitors
327 Charlotte Street
Sydney, Nova Scotia B1P 6G9

Dear Frank:

Some time ago I wrote and listed those witnesses who were to be called in Sydney and who I thought might give evidence which would be of interest to your client. We are becoming concerned that counsel for various parties are present at the Hearings, and presumably will be seeking payment of their fees from the public, during times when evidence is being given by witnesses who do not appear to have any potential impact on that party.

Reviewing the list of witnesses scheduled to give evidence in the upcoming Hearings in Sydney, there are various witnesses whose evidence we consider would not have any possible impact on your client. Specifically, I refer to the evidence proposed to be given by Mrs. Beudah Chant, Lawrence Burke, Wayne Magee, Art Woodburn and David Ratchford. To our knowledge it is unlikely Mrs. Emily Clemens, Barbara Floyd, Sandra Cotie and Donna Ebsary will give any evidence referring in any way to the late Donald C. MacNeil.

I wanted to bring to your attention our thoughts on this matter at an early date. If you wish to discuss the topic with us and show us that our thinking is incorrect, we would be pleased to discuss the matter with you.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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COMMISSIONER

BY COURIER

October 21, 1987

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
Truro, Nova Scotia B2N 5B9

Dear Jamie:

We have spent a considerable period of time discussing the subject of access to various files in the possession of the Attorney General's Department, and in particular, the Thornhill and MacLean files. We have concluded that we must have copies of the various portions of the files which we identified to you earlier and that the copies must be made available to us on an unrestricted basis. In other words, we are not prepared to take the files on a confidential basis, and must have the ability to put those files to whatever use we consider necessary as the Hearings progress.

I would ask, therefore, that you take this letter as notice that we request unrestricted access to those documents we have identified. We have agreed to give you 28 days notice of any such action and this letter constitutes such notice. We will issue a subpoena directed to the Deputy Attorney General and returnable before the Commission on November 19th, 1987. We will not serve the subpoena on you until October 28th and thereby give you one week to obtain instructions from your client as to whether the subpoena must be issued. I assume the issuance of the subpoena on October 28th will give you sufficient time to arrange for any formal proceeding you wish to take, but if you wish to have the subpoena issued earlier, would you please advise and I can arrange to have it issued immediately.

Yours very truly,

George W. MacDoanld,
Commission Counsel

GWMacD/ljb

cc: Mr. Darrel I. Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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BY COURIER

October 19, 1987

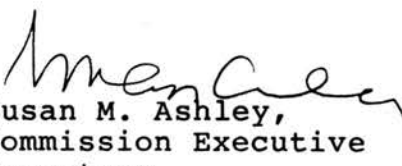
Mr. William L. Ryan
Stewart MacKeen & Covert
Barristers and Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, Nova Scotia B3J 2X2

Dear Mick:

I understand that Laurie Burnett from the Commission office has confirmed that you will not be attending the Public Hearings of the Royal Commission in its Sydney phase of the Hearings unless something unexpected comes up. I am writing this note just to let you know that, on the basis of that information, we will be removing the microphone and the counsel table that were set aside for you. If you do change your mind and decide that you would like to attend, please let us know so that we can have them set up again.

Best regards.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 20, 1987


Mr. Guy LaFosse
Boudreau, Beaton & LaFosse
Barristers & Solicitors
50 Dorchester Street
P. O. Box 755
Sydney, Nova Scotia B1P 6J1

Dear Guy:

I understand that Laurie Burnett from the Commission office has confirmed that you will not be attending the Public Hearings of the Royal Commission in its Sydney phase of the Hearings unless something unexpected comes up. I am writing this note just to let you know that, on the basis of that information, we will be removing the microphone and the counsel table that were set aside for you. If you do change your mind and decide that you would like to attend, please let us know so that we can have them set up again.

Best regards.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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October 20, 1987

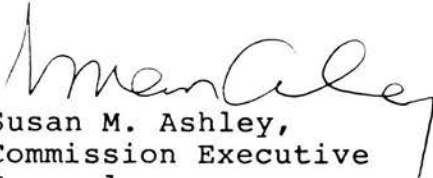
Mr. Bruce S. Outhouse
Blois, Nickerson, Palmeter & Bryson
Barristers & Solicitors
1568 Hollis Street
P. O. Box 2147
Halifax, Nova Scotia B3J 3B7

Dear Bruce:

I understand that Laurie Burnett from the Commission office has spoken to you and that you have advised her that you will only be attending the Royal Commission Hearings in Sydney while John MacIntyre is giving testimony. I just wanted to let you know that, on the basis of this information, we will be removing the counsel table and microphone that had been set aside for you, but we will have them put back in place for both the Urquhart and MacIntyre testimony. If you change your mind and feel that you would like to attend at some other time, please let me know so that I can make the appropriate arrangements.

Best wishes.

Yours very truly,


Susan M. Ashley,
Commission Executive
Counsel

SMA/ljb

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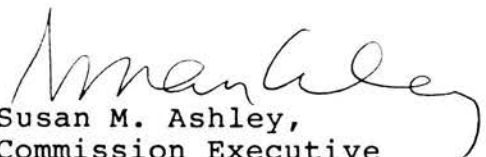
Mr. M. G. Whalley, Q.C.
City Solicitor
City of Sydney
320 Esplanade
P. O. Box 730
Sydney, Nova Scotia B1P 6H7

Dear Mike:

I understand that Laurie Burnett from the Commission office has spoken to you and that you have advised her that you will only be attending the Royal Commission Hearings in Sydney while William Urquhart and John MacIntyre are giving testimony. I just wanted to let you know that, on the basis of this information, we will be removing the counsel table and microphone that had been set aside for you, but we will have them put back in place for both the Urquhart and MacIntyre testimony. If you change your mind and feel that you would like to attend at some other time, please let me know so that I can make the appropriate arrangements.

Best wishes.

Yours very truly,


Susan M. Ashley,
Commission Executive
Counsel

SMA/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 20, 1987

Mr. Andrew Mitchell,
Regional Manager
I.S.T.S./TELAV
100 Ilesley Avenue Unit M-M
Burnside Industrial Park
Dartmouth, Nova Scotia B3B 1L3

Dear Andrew:

This note is to confirm our telephone conversation of
October 19th, 1987.

Starting on October 26th, we will be needing four fewer
table microphones for the counsel tables than we had originally
anticipated. However, two of these microphones will have to be
set up again so that counsel can hear the evidence from the final
two witnesses to be heard in Sydney. I will give Andrew
MacDonald directions as to which microphones should be removed
when we return to Sydney next week.

I trust that the appropriate adjustment will be made in our
bill.

Very truly yours,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 19, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart MacKeen & Covert
Barristers and Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, Nova Scotia B3J 2X2

Dear Ron:

RE: Donald Marshall, Jr. Commission

As you know, with all the witnesses called to date, we have restricted the evidence to matters which occurred in 1971 and indicated witnesses would be called at a later date to discuss changes which may have occurred from that point in time to present.

I do not think it would be wise to follow that procedure with John MacIntyre. When he is called to give evidence, it would be our intention to question him concerning his involvement in the Marshall case from 1971 to the present. In addition, we would question Mr. MacIntyre concerning the practices followed by the police during his tenure as a detective and while he was Chief up to his retirement. In particular, we will be interested to have evidence concerning the various changes in procedures which he may have implemented.

We would like very much to have the opportunity to discuss this aspect of Mr. MacIntyre's evidence with him prior to the time he gives evidence. It may be possible to cover the topic during a couple of evening meetings while the Hearings are in session in Sydney, if that were convenient to you and Mr. MacIntyre. Please let me have your comments.

Yours very truly,



George W. MacDonald,
Commission Counsel

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

October 19, 1987

Mr. Donald C. Murray
Stewart MacKeen & Covert
Barristers and Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, Nova Scotia B3J 2X2

Dear Don:

RE: Donald Marshall, Jr. Commission

When Mr. Urquhart is called to give evidence, it will be our intention to take all of his evidence at one sitting and not recall him at a later stage to deal with changes in procedures which may have taken place after 1971. Thus, we would be asking him questions concerning procedures which were in place in 1971 and any changes that were introduced subsequently until the time of his retirement.

We would like the opportunity to discuss this evidence with Mr. Urquhart prior to his giving evidence. Would it be possible to arrange to meet with you and him during the evenings when the Hearings are in session in Sydney to review the evidence which he will give on these points? Please let me have your comments.

Yours very truly,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

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BY COURIER

October 19, 1987

Mr. William L. Ryan
Stewart MacKeen & Covert
Barristers and Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, Nova Scotia B3J 2X2

Dear Mick:

RE: Donald Marshall, Jr. Commission

During evidence given by Ed McNeill before the Commission on October 7th, he made reference to involvement by Corporal Green in a discussion he had had with Corporal Green at some time. I understand you obtain transcripts of the evidence given each day, but in the event you may have missed this particular point, I wanted to bring it to your attention. When Corporal Green is called to give evidence, we will refer him to this evidence from Mr. McNeill and ask for his comments.

Yours very truly,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

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BY COURIER

October 19, 1987

Mr. M. G. Whalley, Q.C.
City Solicitor
City of Sydney
320 Esplanade
P. O. Box 730
Sydney, Nova Scotia B1P 6H7

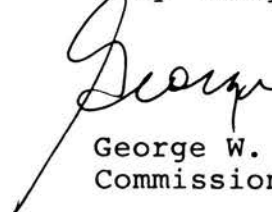
Dear Mike:

RE: Donald Marshall, Jr. Commission

David Orsborn and I met with you a couple of weeks ago and requested certain documents, and I understand you were going to gather them together for us. Specifically, we asked for copies of the collective agreements between the City of Sydney and its Police Force from time to time and the various agreements between the City and the Department respecting the provision of police services on the Reserve.

I would appreciate it if you could advise whether you have been able to assemble that documentation and if we can arrange to pick it up when we are Sydney to resume the Hearings next week.

Very truly yours,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

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BY COURIER

October 19, 1987

PERSONAL & CONFIDENTIAL

Mr. E. Anthony Ross
Smith, Gay, Evans & Ross
Barristers & Solicitors
604 Queen Square
Dartmouth, Nova Scotia B2Y 3Z5

Dear Tony:

RE: Donald Marshall, Jr. Commission

At the time standing was granted to Oscar Seale, and again during the hearing for funding, it was made clear that Mr. Seale's interest in this matter related to the events of the night of May 28, 1971 and the following day. Earlier this year, I wrote to you expressing our view as to the identity of witnesses who we considered may give evidence of interest to Mr. Seale and, therefore, he could legitimately consider it necessary that he have counsel represent his interest during the time those witnesses were giving evidence. All of those witnesses have now appeared, with the exception of William Urquhart, John MacIntyre and Donald Marshall, Jr. I do not believe any of the other witnesses who are scheduled to be called during the Sydney phase of the hearings will give any evidence concerning the events of the night of May 28, 1971 or the day following.

Reviewing the list of witnesses who are scheduled to give evidence when the Hearings resume in Sydney, I suggest that no one could reasonably be expected to advance any evidence which would impact on Sandy Seale. Mrs. Clemens is to speak about an incident involving her daughter and Chief MacIntyre; Barbara Floyd and Sandra Cotie will testify concerning their attempt to advise Counsel for Donald Marshall, Jr. during the trial that Pratico could not possibly have been telling the truth. Mary Csernyik and Catherine Soltesz will testify concerning the giving of statements by them to the Sydney Police and also concerning their experience growing up in Sydney and fraternizing with Indian youths. Obviously, Mrs. Chant, Lawrence Burke and Wayne Magee will be discussing the circumstances surrounding the taking

Mr. Anthony E. Ross

October 19, 1987

of the second statement from Chant in Louisbourg. There then follows a group of Native Indian witnesses who will speak very briefly about the events surrounding the Marshall case and also deal generally with the treatment afforded Indians in Sydney at the relevant times. Simon Khattar will be questioned concerning the conduct of the defence and Lewis Matheson concerning the conduct of the prosecution of this case. Robert Anderson will speak about the events which occurred in November, 1971, as will Eugene Smith and Inspector Marshall. The evidence to be given by the various Ebsarys will relate to the actions of Roy Ebsary on the night of the stabbing and their own involvement in November, 1971 and subsequent to that time.

I wanted you to have plenty of advance notice of my view that Mr. Seale could not reasonably take the position that payment of legal counsel for him to be represented during the evidence to be given by all of these witnesses should be paid by the public of Nova Scotia.

With respect to the Black United Front, I could understand your wish to question Lewis Matheson and Robert Anderson concerning their experiences with Black persons with whom they came in contact in the justice system. I have some difficulty, however, understanding how the Black United Front could reasonably take the position that the public of Nova Scotia should bear the costs of legal counsel being present on behalf of BUF during the time these other witnesses are to give evidence.

To avoid arguments in the future on the points raised in this letter, I would be quite prepared to discuss these comments with you in detail and listen to any points you wish to make to convince me that my assessment is incorrect.

Very truly yours,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 19, 1987

PERSONAL AND CONFIDENTIAL

Mr. Bruce H. Wildsmith
Barrister & Solicitor
33 Walton Drive
Halifax, N.S. B3N 1X6

Dear Bruce:

RE: Donald Marshall, Jr. Commission

Just prior to the commencement of Hearings, you and I discussed the question of whether it would be reasonable for the public of Nova Scotia to pay for you to be in attendance during the entirety of the Hearings. I told you at that time I would alert you if I considered there were periods of time when witnesses were to be called and I would have difficulty understanding why your client required representation.

I have reviewed the list of witnesses proposed to be called during the balance of the Sydney phase of the Hearings. Of those witnesses, I would question the reasonableness of your client taking a position that it should be represented when the following persons give evidence:

Mrs. Beudah Chant
Lawrence Burke
Wayne Magee
Mary Ebsary
Greg Ebsary
Donna Ebsary
David Ratchford
Eugene Smith.

Mr. Bruce S. Wildsmith

October 19, 1987

I wanted to give you plenty of advance notice of my view and I certainly would be prepared to meet with you to discuss the topic and be persuaded that my assessment is incorrect.

Yours very truly,

A handwritten signature in cursive script, appearing to read "George W. MacDonald".

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

PERSONAL AND CONFIDENTIAL

October 19, 1987

H. Archibald Kaiser
Associate Professor of Law
Dalhousie Law School
Halifax, Nova Scotia B3H 4H9

Dear Archie:

Re: Compensation for Wrongful Conviction and Imprisonment

Thank you for your letter of October 16, 1987, and the enclosed outline of your paper.

Your suggestion that we might seek an opinion on the handling of the Marshall compensation claim is interesting. Perhaps, we might discuss that idea and the federal/provincial study over a bowl of soup sometime in the near future.

I look forward to hearing from you in due course. In the meantime, thank you for your interest and co-operation.

I remain,

Yours truly,

John E.S. Briggs
Director of Research

JESB:jrc
encl.

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BY COURIER

PERSONAL AND CONFIDENTIAL

October 19, 1987

Professor Donald H. Clairmont
Department of Sociology
Dalhousie University
Corner Seymour & South Streets
Halifax, Nova Scotia

Dear Don:


Re: Discrimination Against Blacks in Nova Scotia and the
Criminal Justice System

I enclose a copy of a "rough" draft questionnaire prepared by
Wilson Head.

Unfortunately, the original draft was lost in Wilson's
administrative/clerical system in Toronto and he has prepared the
enclosed with some haste, for purposes of discussion. If you
have the time, among your growing list of assignments to review
the questionnaire and pass your comments on to Wilson, I know
that he would be most appreciative. Wilson will be arriving from
Toronto tonight and staying for two or three days.

Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc
encl.

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COMMISSIONER

October 19, 1987

Dr. Wilson Head
c/o The Lord Nelson Hotel
South Park Street
Halifax, Nova Scotia

Dear Wilson:

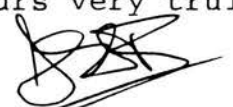
Re: Discrimination Against Blacks in Nova Scotia and the
Criminal Justice System

I enclose a copy of your draft questionnaire along with your original working copy.

I have sent a copy on to Don Clairmont with the suggestion that perhaps he might discuss any of his comments directly with you while you are in Halifax this week. I think it unlikely that we will have an opportunity to discuss this in detail tomorrow, but perhaps we could meet on Wednesday for that purpose.

Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc
encl.

D.S. I am also enclosing a copy of the latest draft forms of reference which we previously discussed by telephone.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 19, 1987

Mr. Ron Scollon
Box 1149
Haines, Alaska 99827

Dear Mr. Scollon:

I refer to our telephone conversation of today's date and I enclose a copy of "Justice Denied" which tells the story of Junior Marshall quite well.

I look forward to receiving any material that you may be able to send us, and as I mentioned to you on the phone, it may well be that either myself or our Research Director will be getting back to you in the near future.

Many thanks for your help.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

October 16, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, Nova Scotia B3J 3B7

Dear Mr. Pugsley:

I am responding to your letter of October 5th, 1987 to George MacDonald.

George's letter to you outlined the position that the Commission is taking regarding payment of expenses for witnesses to attend portions of the Hearings in which they themselves will not be giving evidence. You indicated that if this position stands, you would like the matter to be taken before the Commission.

I have been advised to inform you that the Commissioners are not prepared to make an advance ruling on this matter for your client or for any other parties who might be making similar requests. Furthermore, it is not clear to us that we have authority to approve this type of expense, as it is not a legal bill and we have some difficulty in considering it as a disbursement.

I would suggest that if your client wishes to submit an expense claim for certain portions of the Halifax Hearings, that these should be included as disbursements to your account, which will then be taxed in the normal way. If you are unhappy with the result of the taxation, the account may be referred to one of the Commissioners for a final determination, as permitted by the principles that we have accepted for application in taxing accounts for funded participants before the Inquiry. It is

Mr. Ronald N. Pugsley, Q.C.

October 16, 1987

likely, however, when such an account is submitted, that my position as taxing authority will be the same as that described by George in his letter to you of October 1st, 1987.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

BY COURIER

October 19, 1987

Mr. Jamie W.S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
Truro, Nova Scotia B2N 5B9

Dear Jamie:

I acknowledge your letter of October 7, 1987 concerning the information contained in the Thornhill and MacLean files. You asked if I could provide you with a statement of the use to which we intend to put materials contained in these files.

The Commission is interested in the Thornhill files because of the information those files may contain concerning the process which was followed in coming to the decision not to lay any of the charges recommended by the R.C.M.P. following their initial investigation. The Commission does not intend to second guess that decision, but merely to look at the way in which, and the reasons for which, that decision was made. Mr. Thornhill's relationships with the banks, as such, are of no concern to the Commission, but the knowledge which the banks possessed, and the details of the offers for settlement put forward from time to time on behalf of Mr. Thornhill, are of significance, and obviously must be considered when analyzing the procedures which were adopted.

The Commission is interested in the MacLean files because of the information those files may contain concerning the process which was followed in coming to the initial decision not to prosecute Mr. MacLean, and the subsequent decisions to proceed with the prosecution and then later to drop certain of the charges laid against Mr. MacLean in return for guilty pleas to certain of the other charges. The facts which gave rise to the laying of the charges are not of any interest to the Commission.

I agreed that any information you provide to us from these files will be considered and treated as confidential and will not be released publicly or dealt with publicly unless we have given

Mr. Jamie W. S. Saunders

October 19, 1987

you 28 days advance notice of our intention to have the materials dealt with publicly.

With respect to the Rhodenizer and Allan Sullivan matters, I will be in touch with you at a later date to arrange appropriate times for interviewing representatives in the Attorney General's Department.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

cc: Mr. Darrel I. Pink

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COMMISSIONER

BY COURIER

October 19, 1987

Ms. Lenore Glaser
Johnson & Somberg
Attorneys at Law
Eleven Green Street
Jamaica Plain, Massachusetts 02130

RE: Donna Ebsary

Dear Ms. Glaser:

Thank you for your letter of October 13, 1987.

Reasonably final plans have now been made to take Donna Ebsary's evidence by means of teleconference. We propose taking the evidence on November 2nd, 1987 commencing at 12:00 noon Boston time. I intend to arrive in Boston November 1st. If possible, I would like to meet with Ms. Ebsary, and you if you wish, in advance of her giving evidence to discuss the points to be considered and to allow her the opportunity to review any documents to which I would refer her during the course of taking the evidence.

The teleconferencing facility will be set up at the offices of Liberty Mutual Insurance Company, 175 Berkeley Street, Boston. I will be staying at the Weston Hotel at Copley Plaza and perhaps you could let me know a number where I could reach you on Sunday evening when I arrive to make arrangements for a meeting on Monday.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Johnson & Somberg

Mr. MacDonald

General Counsel

Royal Commission on the Donald

Marshall Prosecution

Maritime Centre, Suite 1026

1505 Barrington Street

Halifax, Nova Scotia B3J3K5

October 10, 1987

Dear Mr. MacDonald:

George W. MacDonald

General Counsel

Royal Commission on the Donald

Marshall Prosecution

Maritime Centre, Suite 1026

1505 Barrington Street

Halifax, Nova Scotia B3J3K5

Dear Mr. MacDonald:

Please be informed that I represent Donna Ebsary. Any communica-

tion, whether telephonically or in writing must go only to me.

Please do not contact my client directly. I left a message with

your secretary and hope that you will contact me soon.

Sincerely,

Lenore Ebsary

Lenore Ebsary, Ltd.

1505 Barrington Street

Halifax, Nova Scotia B3J3K5

cc: Donna Ebsary

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 16, 1987

Dr. John J. Furedy
Professor of Psychology
University of Toronto
100 St. George Street
Sydney Smith Hall, Room 4024
Toronto, Ontario M4Z 3Y2

Dear Doctor Furedy:

I refer to our meeting of Tuesday, October 13, 1987.

I have concluded that since the focus of the Commission's interest in polygraph is in connection with the state of the technology as it existed in 1971 and also with the interrelationship between the polygraph operator and the investigating police officer, that it would be more appropriate for us to call as an expert, Dr. Silverberg, since he can speak to both those issues.

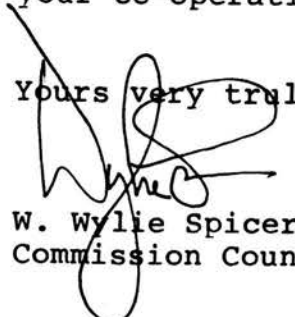
We have concluded that the Commission will not be embarking on an analysis of the reliability of polygraph in 1987, but will rather be concentrating on the testing that was actually done in 1971 to Messrs. MacNeil and Ebsary. If for some reason the Commission does end up as a forum for a debate concerning the current validity and reliability of polygraph it will no doubt be necessary to call you, but for the present, I do not believe it will be necessary.

I would like to thank you very much for the time which you took to see me which was greatly appreciated and certainly the material which you have provided me will be of considerable assistance in preparing for cross-examination of Mr. Smith and the RCMP officer, Al Marshall.

Dr. Furedy
Page 2
October 16, 1987

If you have any further questions at this time, feel free to give me a call. Once again, thank you for your co-operation and help.

Yours very truly,



W. Wyllie Spicer
Commission Counsel

WWS:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 15, 1987

Dr. Ben A. Silverberg
10 Foxbar Road
Toronto, Ontario M4V 2G6

Dear Doctor Silverberg:

I refer to our meeting of Wednesday, October 14, 1987.

The Commission would like to retain your services to give expert testimony at the hearings of the Royal Commission. We anticipate that you would be called at a session of the hearings in Halifax, probably in the week of January 11, 1988.

I will be questioning you in connection with several matters:

1. The state of polygraph in 1971.
2. Its role as an investigative tool.
3. Your views concerning the examination given by Eugene Smith to Roy Ebsary and James MacNeil.

We do not intend to get into recommendations concerning the present effectiveness of polygraph examinations although I would expect some questions will be asked about the present effectiveness of polygraph testing.

As I mentioned to you at our meeting, one of the purposes for which we have retained you is so that you can provide as much information as possible to me so that I may be in a better position to examine Messrs. Smith and Al Marshall. I understand that you are going to try and locate the teaching manual from the Dick Arthur Course and any other material which would be of help to me in preparing for the examination of these two gentlemen. I would also appreciate if you could send me a copy of your C.V. for our files.

Dr. B. Silverberg
Page 2
October 15, 1987

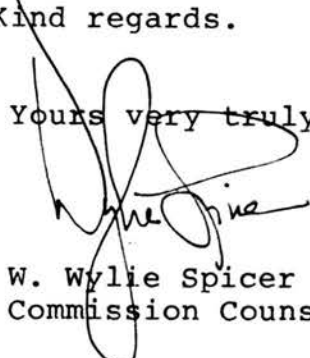
I understand from our meeting that you will be charging the Commission at a rate of \$650.00 per day plus disbursements. As I am sure you will appreciate, your retention by us is on the basis that all information passing between us is treated confidentially by you.

I trust that the above is satisfactory to you and so that we may have a record of your retention at our offices, I would appreciate if you could initial the copy of this letter which I have enclosed and return it to me.

I will be in touch with you shortly. We expect to be examining Smith and Marshall sometime in November.

I look forward to working with you. Kind regards.

Yours very truly,



W. Wylie Spicer
Commission Counsel

WWS:jrc

encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

October 15, 1987

Professor Ronald Delisle
Faculty of Law
Queen's University
Kingston, Ontario K7L 3N6

Dear Professor Delisle:

Thank you for your letter of October 13, 1987 which arrived this morning.

Your comments are very helpful and I have passed them on to Bruce Archibald, who will be reviewing his paper accordingly.

I shall be in touch with you again shortly, but in the meantime, perhaps you would be good enough to forward your account for professional services.

Thank you for your excellent co-operation. I remain,

Your very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier

October 15, 1987

PERSONAL & CONFIDENTIAL

Prof. Bruce Archibald
Dalhousie University Law School
1381 Henry Street
Halifax, N.S. B3H 4H9

Dear Bruce:

Further to our telephone conversation of yesterday, I now enclose a copy of Ron Delisle's letter of October 13, 1987, which I received this morning. I believe the comments are rather helpful.

I would ask that you undertake any amendments to your paper as quickly as possible because I understand Commission counsel wish to circulate the paper very shortly. George MacDonald will, no doubt, wish to discuss those amendments with you, and I would suggest that we attempt to arrange to do so perhaps by the middle of next week. In any event, I shall be in touch.

Thank you for your co-operation. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB/ljb

Enclosure

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COMMISSIONER

October 14, 1987

James R. Hughes, Esquire
c/o James R. Hughes Management
Advisory Services Inc.
1604 Eleventh Avenue N.W.
Calgary, Alberta T2N 1G9

Dear Mr. Hughes:

Thank you for the interest which you have shown in the work of the Royal Commission.

Chief Justice Hickman has referred your letter of October 2, 1987 to me and asked that I review our staffing requirements. Unfortunately at this time we are fully staffed and I would not anticipate any changes in the near future. However it is apparent that you have considerable experience which lends itself to the work of the Royal Commission and should the situation change, it is helpful to know of your interest.

Thank you.

I remain,

Yours sincerely,



John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

October 14, 1987

Ms. Catherine Meery,
Functions and Sales Co-ordinator
Lord Nelson Hotel
1515 South Park Street
Halifax, Nova Scotia B3J 2T3

Dear Catherine:

I have advised the Commission that the hotel is not available for the week of February 29th, and we have decided to hear that week's evidence in the week of February 1st. Our new dates will be as follows:

January	11	12	13	14
	18	19	20	
	25	26	27	28
February	1	2	3	4
March	7	8	9	10
	14	15	16	17
	21	22	23	24

While it is difficult at this time to predict whether the Halifax phase of the Hearings will extend beyond the 27 scheduled days, we would like to reserve some time in May, "just in case". We will be able to confirm these dates once we have an idea of how the Halifax phase is proceeding. Would you please tentatively book us for May 9th, 10th, 11th, 12th, 16th, 17th, 18th, 19th, 23rd, 24th 25th and 26th.

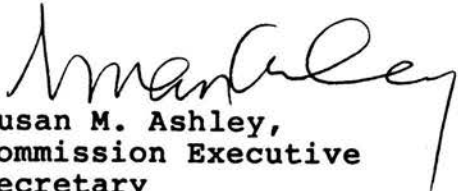
We will likely require Salons 4, 5 and 6, the Imperial Ballroom, the Belleisle Room, and possibly the Vanguard Room. I will be able to give you the final decisions on which rooms we

Ms. Catherine Meery

October 14, 1987

will need on November 2nd. I may be calling on you to show us the space one final time on the morning of November 2nd. I will let you know.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ' THE DONALD MARSHALL, JR PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 14, 1987

Ms. G. Lynn Jones
1-6856 Quinpool Road
Halifax, Nova Scotia B3L 1C4

Dear Lynn:

Thank you for the interest which you have shown in the work of the Royal Commission. I regret that I was unable to offer you a position as Research Assistant, particularly as we were most impressed with your obvious abilities.

I wish you all the best in your future endeavours.

I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be 'JESB', written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION OF THE DONALD MARSHALL, JR. PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 14, 1987

Mr. Robert Roe
3 Edward Laurie Drive
Halifax, Nova Scotia B3M 2C4

Dear Robert:

Thank you for the interest which you have shown in the work of the Royal Commission. I regret that I was unable to offer you a position as Research Assistant, particularly as we were most impressed with your obvious abilities.

I wish you all the best in your future endeavours.

I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

October 14, 1987

Mr. James Kadyampakeni
5515 Sentinal Square
Halifax, Nova Scotia B3K 4A8

Dear James:

Thank you for the interest which you have shown in the work of the Royal Commission. I regret that I was unable to offer you a position as Research Assistant, particularly as we were most impressed with your obvious abilities.

I wish you all the best in your future endeavours.

I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "JESB", with a large, stylized flourish at the end.

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION . . . THE DONALD MARSHALL, JR PROSECUTION

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BY COURIER

PERSONAL AND CONFIDENTIAL

October 14, 1987

Professor Donald H. Clairmont
Department of Sociology
Dalhousie University
Corner Seymour & South Streets
Halifax, Nova Scotia

Dear Don:

Re: Discrimination Against Blacks in Nova Scotia and the
Criminal Justice System

Further to our telephone conversation of this morning, I now
enclose the following:

K. Edward Renner, "The Standard of Social Justice Applied
To An Evaluation of Criminal Cases Appearing Before the
Halifax Courts", (1981, 1 Windsor Yearbook of Access to
Justice)

I have also enclosed a copy of part of Renner's letter to myself
in which he proposes a replication of his 1977 study. I would
appreciate if you would review the enclosed material with a
critical eye and provide me with your comments regarding the
methodology employed and the conclusions derived from the data
generated by the study.

At this stage I can only generalize my concern as a disturbing
sense that there is an insufficient control of variables with the
result that there may be alternate explanations for Renner's
observations than the ones which he has put forth.

Prof. D. Clairmont
Page 2
October 14, 1987

I note that the 305 County Court cases were excluded for purposes of race and appearance which by my account would leave 728 cases upon which he would base any conclusions relating to the race characteristic. Interestingly, "There were no significant differences in the conviction rates for represented and unrepresented defendants who pleaded not guilty to summary charges.", (page 69).

Frankly, I have some difficulty in connecting some of Renner's assertions to the supporting basis for same. For example, he states, "Private lawyers were more 'successful' in obtaining favourable trial verdicts for their clients than Legal Aid lawyers.", and further, "The percentage of Legal Aid clients convicted was higher than for private clients at each of six levels of charge severity.". Are these statements to reflect on the respective forensic skills of private versus Legal Aid lawyers or does it have anything to do with the characteristics of the clientele which gravitates to these two categories of lawyers. Is this a possibility which is or ought to be controlled for?

Of most concern is Renner's assertion that, "Sentencing patterns were significantly associated with the defendant's race, even when restricted to first offenders convicted of summary charges. White defendants received discharges in 23% of these cases, while a black first offender never received a discharge.", (page 72). I would gather that Renner controlled for prior record and nature of offence. However, did he control for employment status, age, plea, and the absence or otherwise of counsel. It would seem that these are factors that would have to be controlled for in order to support the correlation between race and severity of sentencing.

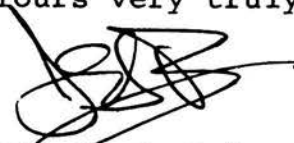
My ultimate concern here is that any studies which are undertaken by the Royal Commission be methodologically sound and produce credible results which can withstand intense critical scrutiny. Obviously, any assertions of institutional discrimination or racism will be subject to just that kind of scrutiny. I would appreciate receiving any relevant comments you may have, at your earliest convenience. Please do not feel limited by the few questions that I have raised in the foregoing. I would also ask you to advise as to the necessity of examining "a minimum of 1000 consecutive cases" in order to conduct a valid replication of Professor Renner's earlier study. Are there alternate ways of going at this?

Prof. D. Clairmont
Page 3
October 14, 1987

I look forward to receiving your comments. Thank you for your co-operation.

I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "JESB", written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

encl.

ROYAL COMMISSION OF THE DONALD MARSHALL, JR. PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 13, 1987

PERSONAL AND CONFIDENTIAL

Dr. Wilson Head
111 Yorkminster Road
Willowdale (North York)
Ontario, M2P 1M5

Dear Wilson:

Re: Research Project - Discrimination Against Blacks in Nova
Scotia and The Criminal Justice System

Further to our telephone conversation yesterday I now enclose a copy of the research outline for the above noted project.

I have also enclosed a copy of Don Clairmont's letter of October 13, 1987 wherein he responds to your invitation to provide his thoughts with respect to sampling procedure. You may wish to pursue that subject directly with Don who normally can be reached at the Department of Sociology, Dalhousie University.

You have indicated your willingness and availability to participate in an in-house seminar which we will be having on Tuesday, October 20, 1987, with respect to the problems of establishing and proving discrimination/racism. As I indicated, Russell Juriansz, formerly General Counsel for the Canadian Human Rights Commission, will be providing his perspective as a practicing lawyer. Scott Clark, of Ottawa, has also agreed to participate and I think that with your participation as well, the seminar should prove to be quite stimulating. I shall discuss this further by telephone later in the week.

Jean will make arrangements for you to fly down on Monday, October 19, with an open return date. I will have her give you a call regarding transportation and accommodation arrangements.

Dr. W. Head
Page 2
October 13, 1987

I trust you will find this in order. Thank you.

I remain,

Yours truly,

A handwritten signature in black ink, appearing to be 'JESB', written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

encl.