

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

PERSONAL & CONFIDENTIAL
BY COURIER

March 31, 1988

Prof. Fred Wien
Maritime School of Social Work
Dalhousie University
Halifax, Nova Scotia

Dear Professor Wien:

Re: Dr. Scott Clark's Study - Native People and the Nova Scotia
Criminal Justice System

This is to confirm our telephone conversation of today's date during which it was agreed that you would act as a reviewer of Dr. Clark's Study.

The review process consists essentially of two stages namely: (a) peer review by three outside reviewers each of whom will be required to provide a written critique of the research report; (b) an all day workshop/seminar at which the report will be thoroughly discussed with the participation of the reviewers, researchers, Commissioners, Commission Counsel, Commission staff and other invited participants. This event will not be public. The intention of the workshop/seminar is that there be a frank, informed and wide-ranging discussion of the research and all of the relevant issues that flow from it. This event is scheduled for Thursday, June 16, 1988.

I expect to receive Dr. Clark's draft report by mid-April and would forward it to you very shortly thereafter. You can expect that we will require a quick turnaround with respect to the submission of your written critique, i.e. two to three weeks. As I am sure you can appreciate, you will be required to maintain the confidentiality of the contents of Dr. Clark's report and the discussions arising during the workshop/seminar.

Page 2
March 31, 1988

In consideration of your services as outlined above, including participation at the workshop/seminar, the Commission is prepared to offer you an honorarium of \$1,000.

If you are agreeable to this proposal I would ask you to initial a copy of the enclosed letter and return it to my attention at your earliest convenience.

If you should have any questions please do not hesitate to contact me accordingly. Thank you for your co-operation.

I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

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PERSONAL & CONFIDENTIAL
BY COURIER

March 31, 1988

Mr. Stephen Aronson, Esq.
Barrister at Law
31 Wallford Way
Napean, Ontario
K2E 6B1

Dear Mr. Aronson:

Re: Dr. Scott Clark's Study - Native People and the Nova Scotia
Criminal Justice System

This is to confirm our telephone discussion of today's date during which you indicated your willingness to act as a reviewer of Dr. Clark's Study.

The review process will consist of essentially two stages namely:
(a) peer review by three outside reviewers each of whom will be required to provide a written critique of the research report;
(b) an all day workshop/seminar at which the report will be thoroughly discussed with the participation of the reviewers, researchers, Commissioners, Commission Counsel, Commission staff and other invited participants. This event will not be public. The intention of the workshop/seminar is that there be a frank, informed and wide-ranging discussion of the research and all of the relevant issues that flow from it.

I expect to receive Dr. Clark's report by mid-April and would forward it to you very shortly thereafter. You can expect that we will require a quick turnaround with respect to the submission of your written critique, i.e. two to three weeks. As I am sure you can appreciate, you will be required to maintain the confidentiality of the contents of Dr. Clark's report and the discussions arising during the workshop/seminar.

Page 2
March 31, 1988

In consideration of your services as outlined above, including your participation at the workshop/seminar (scheduled for Thursday, June 16, 1988), the Commission is prepared to offer you an honorarium of \$1,000. In addition, your necessary travel and related expenses will be reimbursed by the Commission.

If you are agreeable to the foregoing proposal please be good enough to initial the enclosed copy of this letter and return it to my attention at your earliest convenience.

If you should have any questions or concerns please do not hesitate to contact me accordingly. Thank you for your co-operation.

I remain,

Yours very truly,



for John E.S. Briggs
Director of Research

JESB:jrc

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PERSONAL & CONFIDENTIAL
BY COURIER

March 31, 1988

Dr. Carol LaPrairie, Ph.D.
18 Ralph Street
Ottawa, Ontario

Dear Carol:

Re: Dr. Scott Clark's Study - Native People and the Nova Scotia
Criminal Justice System

This is to confirm our telephone conversation of today's date during which it was agreed that you would act as a reviewer of Dr. Clark's Study and a participant at a subsequent all-day workshop/seminar scheduled for Thursday, June 16, 1988.

The review process consists essentially of two stages as follows:
(a) peer review by three outside reviewers each of whom will be required to provide a written critique of the research report;
(b) an all day workshop/seminar at which the report will be thoroughly discussed with the participation of the reviewers, researchers, Commissioners, Commission Counsel, Commission staff and other invited participants. It is our intention that there be a full, frank, informed and wide-ranging discussion of the research and all of the relevant issues that flow from it during the workshop/seminar. It will not, however, be a public event and as I am sure you can appreciate, you will be required to maintain the confidentiality of Dr. Clark's report and the discussions flowing from the review process.

I expect to receive Dr. Clark's draft report by mid-April. I would anticipate forwarding it to you very shortly thereafter. In any event, you can expect that we will require a quick turnaround time on submission of your written critique, i.e. two to three weeks.

Page 2
March 31, 1988


In consideration of your services as outlined above, including attendance at the workshop/seminar, the Commission is prepared to offer an honorarium of \$1,000. In addition, your travel and related expenses will be paid.

If you are agreeable to the foregoing proposal I would ask you to initial a copy of the enclosed letter and return it to my attention. I trust you will find this in order but needless to say if you should have any questions, I would be happy, as always, to hear from you.

Thank you. I remain,

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. Briggs".

 John E.S. Briggs
Director of Research

JESB:jrc

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PERSONAL & CONFIDENTIAL
BY COURIER

March 31, 1988

Mr. Bruce Wildsmith
Barrister & Solicitor
Room 307, Weldon Law Bldg.
Dalhousie University
Halifax, Nova Scotia B3J 1G6


Dear Bruce:

Re: Dr. Scott Clark's Study - The Review Process

Further to our recent telephone conversation I am pleased to say that the reviewers identified in my letter of March 23, 1988 have all indicated their willingness to participate.

I have carefully noted your suggestions with respect to possible workshop participants and I shall speak to you further on this upon my return to the office the week commencing April 11, 1988. In the meantime I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier
Personal & Confidential

April 5, 1988

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

Dear Tony:


Re: Dr. Wilson Head's Study - The Review Process

Further to my letter of March 23, 1988, and my subsequent unsuccessful attempts to speak with you by telephone, please forward your comments and suggestions now.

As is the case in nautical circles, the ship will sail shortly whether you are on board or not! Incidentally, as I mentioned to you during the public hearings, there's a typographical error under Possible Workshop Participants - Don Oliver should read Dan Oliver.

I look forward to hearing from you very shortly. 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

MEMORANDUM

DATE

Kerry Oliver

April 5/88

Documents re James
MacPherson. We want him
to argue the Application
re Subpoena of Appeal
Court Judges.

Please put item on
Agenda for Qualifications
Committee on Thursday.

George



CERTIFICATE OF STANDING

THIS IS TO CERTIFY THAT JAMES CURRY MacPHERSON, of the city of Halifax, in the Province of Nova Scotia, was on the 19th day of July, A.D. 1982, duly enrolled on the roll of barristers and solicitors of the Province of Saskatchewan kept by the Law Society of Saskatchewan, and that his name still continues on such roll in good standing.

That prior to his being enrolled he was admitted as a Student-at-Law in the Province of Saskatchewan and completed the regular course of studies and examinations required to be completed by persons who have not previously been called to the Bar elsewhere.

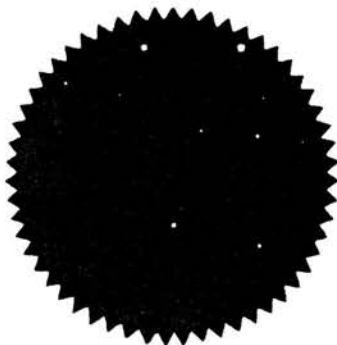
That since being enrolled as aforesaid he has not at any time been struck off the roll or suspended from practicing, or otherwise disciplined by reason of his being found guilty of conduct unbecoming a barrister and solicitor, and that no charges in respect of conduct unbecoming a barrister and solicitor are pending against him.

That he is not in arrears in respect of any fees or other monies payable by him to the Law Society of Saskatchewan.

That the Law Society of Saskatchewan upon compliance with its rules and upon payment of an application fee of \$25.00 and an enrollment fee of \$500.00 will enroll as a barrister and solicitor of Saskatchewan any barrister and solicitor who is in good standing in any other jurisdiction in Canada and who at the time of application has been engaged in active practice for three or more years next preceding the application without examination provided that barristers and solicitors of Saskatchewan in good standing are admitted to practice in such other jurisdiction without examination upon complying with the rules of such other jurisdiction.

IN WITNESS WHEREOF the official seal of the Law Society of Saskatchewan has hereto been affixed attested by the hand of its secretary at the City of Regina, in the Province of Saskatchewan, this 23rd day of March, A.D. 1988.

Iain A. Mentiplay
Iain A. Mentiplay
Secretary of the Law
Society of Saskatchewan



CURRICULUM VITAE

NAME: MACPHERSON, James Curry

ADDRESS: 69 Kenora Street,
Ottawa, Ontario. K1Y 3K9

DATE OF BIRTH: June 11, 1950

PLACE OF BIRTH: Yarmouth, Nova Scotia

CITIZENSHIP: Canadian

CURRENT EMPLOYMENT: Dean, Osgoode Hall Law School, York University

Previous: Executive Legal Officer,
Supreme Court of Canada,
Ottawa, Ontario. K1A 0J1

DUTIES AND RESPONSIBILITIES:

To act as the legal and administrative assistant to the Chief Justice of Canada and the Chairman of the Canadian Judicial Council, the Rt. Honourable Brian Dickson.

LANGUAGE PROFICIENCY:

English

French (passed federal public service examinations, July 1985)

PROFESSIONAL QUALIFICATIONS:

Member of the Bar of Saskatchewan (since July 1982)

EMPLOYMENT HISTORY:

1. Executive Legal Officer, Supreme Court of Canada (May 1985-current)
2. Director, Constitutional Branch, Department of Justice, Government of Saskatchewan (September 1982 - April 1985)
3. Co-ordinator, Constitutional Branch, Department of Justice, Government of Saskatchewan (July 1981 - September 1982)
4. Sessional Lecturer, College of Law, University of Saskatchewan (1981 - 1985)

5. Law Professor, Faculty of Law, University of Victoria (1976 - 1981)
6. Visiting Law Professor, Osgoode Hall Law School, York University, Toronto (1979 - 1980)
7. Articled Clerk, Kitz, Matheson, Green and MacIsaac, Barristers and Solicitors, Halifax, Nova Scotia (1973 - 1974)
8. Research Assistant for Federal Law Reform Commission, Family Law Project (1972 - 1973)
9. Various consulting contracts, primarily in constitutional law, for the Government of British Columbia, the Government of Saskatchewan, the Pepin-Robarts Committee on National Unity, and the Canadian Bar Association (1977 - 1984)
10. Chairman and member of various human rights tribunals (1977 - 1984)

EDUCATION:

Degree or Diploma	Field	Institution	Granted
B.A.	Political Science	Acadia University	1971
LL.B.	Law	Dalhousie University	1974
LL.M.	Law (First Class Honours)	Cambridge University United Kingdom	1976
Diploma in Comparative Law Studies*	Law	Cambridge University United Kingdom	1977

*Thesis: The effect of Judicial Role Perception on Judicial Performance in Constitutional cases in Canada and Australia.

PUBLICATIONS:

1. Book Review of The Role of the Supreme Court in American Government by Archibald Cox, (1977) 54 Can.Bar.Rev. 773-778.
2. Recent Developments in Constitutional Law, published by U.B.C. Continuing Legal Education (1978), 127 pp.

3. Co-editor (with W.A.W. Neilson) of the Legislative Process in Canada, published by the Institute for Research on Public Policy (1978), 328 pp.

Co-author (with W.A.W. Neilson) of a chapter (Executive Summary) in this book, 18 pp.
4. Human Rights and School Administration, published by the Faculty of Education, University of Victoria (1978), 10 pp.
5. Book Review of Towards A New Canada by the Committee on the Constitution of the Canadian Bar Association, (1979) 56 Can.Bar.Rev. 576-586.
6. The Constitutionality of the Compensation and Restitution Provisions of the *Criminal Code* - The Picture After *Regina v. Zelensky*, (1979) 11 Ottawa L.R. 713-732.
7. Sex Discrimination in Canada: Taking Stock at the Start of a New Decade, (1980), 1 Canadian Human Rights Reporter, 6 pp.
8. Developments in Constitutional Law: The 1978-79 Term, (1980) 1 Supreme Court L.R. 77-135.
9. Economic Regulation and the *British North America Act*: Labatt Breweries and Other Constitutional Imbroglios, (1981) 5 Can.Bus.Law J. 172-220.
10. Developments in Constitutional Law: The 1979-80 Term, (1981) 2 Supreme Court L.R. 49-123.
11. The Patriation Debate and the Canadian Courts in The Cambridge Lectures 1981 (Eastham and Krivy, eds.), pp. 195-207.
12. The Potential Implications of Constitutional Reform for the Supreme Court of Canada in Canada and the New Constitution: The Unfinished Agenda (Beck and Bernier, eds., 1982), pp. 161-223.
13. Book Review of Canadian Charter of Rights and Freedoms: Commentary by Walter Tarnopolsky and Gerald Beaudoin in Canadian Human Rights Yearbook (1983), pp. 297-300.
14. The Charter: General Considerations, Analysis of Specific Sections, Early Litigation, 37 pp. (Superior Court Judges Seminar 1984; revised and expanded 1985).
15. Litigating Equality Rights in Righting the Balance: Canada's New Equality Rights (Smith et al., eds., 1986), pp. 231-241.

16. The Case for the Defendant Government in *Charter* Litigation in Litigating the Values of a Nation: The Canadian Charter of Rights and Freedoms (Weiler and Elliott, eds., 1986), pp. 378-384.

OTHER WRITINGS:

1. Various papers delivered at professional conferences in Canada, the United States, the United Kingdom and Belgium.
2. Preparation of approximately 30 major factums for the Governments of British Columbia and Saskatchewan (appearance before Supreme Court of Canada as counsel for Government of Saskatchewan in 12 cases; appearance as counsel before all Saskatchewan courts in scores of cases).
3. Preparation of approximately 20 constitutional position papers for Governments of British Columbia and Saskatchewan.
4. Preparation of over 100 opinions (mostly constitutional) for Governments of British Columbia and Saskatchewan and for private parties.
5. Judgments in 2 human rights cases.
6. Several Newspaper Articles (Op-ed page).
7. Teaching Materials for many courses at the University of Victoria and Osgoode Hall Law School.

SCHOLARSHIP AND AWARDS:

Acadia University

- | | |
|---|---------------------------|
| (a) Dean's List | 1968-69, 1969-70, 1970-71 |
| (b) Margaret M. Reid Entrance Scholarship | 1968-69 |
| (c) Special University Scholarship | 1969-70 |
| (d) Thomas M. Dadson Memorial Scholarship | 1970-71 |
| (e) Rhodes Scholar Nominee | 1970 |
| (f) University Bronze Medal in Political Science (Awarded for a straight A average in Political Science; the first such medal awarded by the Acadia Political Science Department) | 1971 |

Dalhousie University

- | | |
|--|------------------|
| (a) Sir James Dunn Scholarship in Law (\$2,500) | 1971-72, 1973-74 |
| (b) Sir Richard B. Hanson Prize for Highest Mark in Constitutional Law | 1973 |

(c)	Alistair Fraser Scholarship	1973
(d)	Prize for Highest Mark in Legislation	1973
(e)	Prize for Highest Mark in Conflict of Laws	1974
(f)	Smith Shield Participant (Moot Court Finalist)	1973
(g)	Rhodes Scholar Nominee	1972

Cambridge University

(a)	Commonwealth Scholarship	1974-75, 1975-76
(b)	Sir Evan Lewis Thomas Scholarship	1975-76
(c)	Tripes Prize for Attaining First Class Honours Results in the LL.B. Examinations	1975

PROFESSIONAL MEMBERSHIPS

1. Law Society of Saskatchewan - Admitted to the Saskatchewan Bar in July 1982
2. Canadian Bar Association (1977 - 1987)
3. Canadian Association of Law Teachers (1976 - 1981).
4. National Executive Council, Canadian Human Rights Foundation (1979 - 1986).

MEMBERSHIPS:

1. First United Church (Ottawa, Ontario)

REFERENCES:

Available upon request.

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 5, 1988

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

Dear Bruce:

Would you please let me know if you still feel that you need to receive copies of the transcript of the Public Hearings. As you know, we are on a 7-week break and will reconvene on May 16th. These transcripts are very expensive to produce and I am trying to keep the costs down as much as possible. If you feel that you would only like to have the evidence of certain witnesses, we could provide that rather than the full transcript. Will you please give this matter some thought and get back to me before we reconvene in May.

Best wishes.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 5, 1988

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

Dear Chuck:

Would you please let me know if you still feel that you need to receive copies of the transcript of the Public Hearings. As you know, we are on a 7-week break and will reconvene on May 16th. These transcripts are very expensive to produce and I am trying to keep the costs down as much as possible. If you feel that you would only like to have the evidence of certain witnesses, we could provide that rather than the full transcript. Will you please give this matter some thought and get back to me before we reconvene in May.

Best wishes.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
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April 5, 1988

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

Dear Mick:

Would you please let me know if you still feel that you need to receive copies of the transcript of the Public Hearings. As you know, we are on a 7-week break and will reconvene on May 16th. These transcripts are very expensive to produce and I am trying to keep the costs down as much as possible. If you feel that you would only like to have the evidence of certain witnesses, we could provide that rather than the full transcript. Will you please give this matter some thought and get back to me before we reconvene in May.

Best wishes.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 5, 1988

Mr. Chris Murphy
Senior Research Officer
Police Systems Research
Solicitor General of Canada
340 Laurier Avenue West
Ottawa, Ontario K1A 0P8

Dear Chris:

My apologies for the delay in replying to your letter of March 2, 1988.

I understand that congratulations may be in order and I am not referring to either nuptials or pregnancy.

I shall be out of the office for the next week, but upon my return will contact you with respect to your possible participation in a workshop-seminar which we have tentatively scheduled for early June, 1988.

Thank you for your interest. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 31, 1988

Professor Joseph F. Fletcher
Department of Political Science
University of Toronto
100 St. George Street
Toronto, Ontario M5S 1A1

Dear Joe:

RE: Charter of Rights Project

My apologies for the delay in responding to your letter of March 8, 1988.

I appreciate very much your assistance and the contribution to the work of the Royal Commission. As you know, the analysis of the Charter of Rights data is of relevance to four of our research projects, and I expect that we will be able to draw upon it in a number useful ways.

I understand that Richard Apostle has discussed with you some modest additional requirements which you will be able to provide within the \$3,000.00 figure previously discussed. I have forwarded your account for payment which you can expect to receive within a few weeks. I trust that you find this satisfactory.

Thank you for your co-operation. I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

cc: Dr. Richard Apostle

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March 31, 1988

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

Dear Mr. Bissell:

Re: The Police Study - Data Collection

Thank you for your letter of March 24, 1988.

The concern raised by Deputy Commission Moffat to the effect that the "Detachment I.C. Indepth Interview" deals with issues for which the local N.C.O. has no responsibility is a point well taken. Consequently, I can advise that Dr. Apostle will arrange to meet with Chief Superintendent C. J. Reid next week in order to pursue those questions concerning which the division perspective is more appropriate.

However, there are questions concerning which the detachment level perspective is essential. Simply by way of example, the relationship between a particular R.C.M.P. detachment and the local municipal police force is an issue which, if it is to be addressed meaningfully, can only be done at the detachment level. The same can be said inter alia with respect to the issue of relations with, and problems concerning, visible minorities within the jurisdiction of a local R.C.M.P. detachment. Obviously, these are matters also of concern at the divisional headquarters level and, no doubt, there are policies and a perspective concerning same at that level.

By way of background, it had been agreed during our discussions in Ottawa that it would not be necessary for us to administer to the R.C.M.P. detachments the "1987 Nova Scotia Police Survey" - which was sent to all municipal police forces in the Province - because we would have the opportunity to have detachment level interviews. That has been our understanding to date and the basis on which we have proceeded thus far. I take this opportunity to emphasize that from our perspective it is essential that we be afforded the opportunity to carry out

Mr. James D. Bissell

March 31, 1988

detachment level interviews. As indicated above, we have no hesitation in agreeing that there may be some issues concerning which division level input is more appropriate. In addition, I must also emphasize in the strongest terms that there are two potential consequences which I believe could reflect very negatively upon the Force, if the opportunity to hold detachment level interviews is foreclosed. Firstly, there will be a lack of "balance" in the final report. Interviews with municipal police forces have generated comments, sometimes critical, concerning R.C.M.P. policing and the relationship with the R.C.M.P. Such comments and viewpoints will remain unanswered unless there is an opportunity to raise them at the local detachment level.

Secondly, I believe that a refusal to allow our researchers the opportunity to interview N.C.O.s in charge of local detachments, will in and of itself create a very negative impression with respect to the Force's attitude towards the work of the Royal Commission and the issues which it is attempting to address.

In short, I foresee the very real likelihood that we wind up with a report which is incomplete, unbalanced, reflecting unanswered criticism of the R.C.M.P., and leaving a negative impression of the Force's attitude and spirit of co-operation. I am sure that this is not a desired or intended result on the part of your client.

I would, therefore, hope, in light of the foregoing considerations, that your client will authorize Dr. Apostle to carry forward with detachment level interviews. I would add that it would be our intention that both yourself and your client have the opportunity to review our draft report and make your comments and criticisms thereon known to us in advance of a final draft being prepared for the Commissioners. I believe that this and other procedures would provide ample opportunity to your client to make known its concerns regarding either possible factual inaccuracies or misunderstandings as to policy.

May I hear from you in response at your very earliest convenience. Needless to say, Dr. Apostle and myself are happy to meet with you at any mutually satisfactory time.

Mr. James D. Bissell

March 31, 1988

Thank you for your co-operation. I remain,

Very truly yours,

A handwritten signature in dark ink, appearing to read 'JESB', with a long horizontal flourish extending to the right.

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Dr. Richard Apostle
Dr. Philip Stenning

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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

March 30, 1988

Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Questionnaire to Prosecuting Officers

Further to the Deputy Attorney General's memorandum to all prosecuting officers dated February 23, 1988, I regret to report that there has been a very disappointing response rate.

To date, only 32 of the 69 prosecuting officers in the Province have responded. I think that we all appreciate that for the most part prosecutors have tremendous demands made upon their time. However, I am very concerned that firstly, this disappointing rate of return will qualitatively affect the overall value of the whole questionnaire exercise, and secondly, that it will be interpreted as reflecting very negatively upon the attitude of prosecutors to not only their work, but to that of the Royal Commission as well.

I would, therefore, ask that you bring this matter to the attention of Mr. MacDonald with the request that he consider a follow-up to his previous memorandum.

Thank you for your co-operation. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Professor Bruce Archibald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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March 30, 1988

Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: The Police Study - Dr. Philip Stenning

I understand from Dr. Stenning that you are actively seeking copies of the documentation requested in my letter of March 11, 1988.

In addition, I would request copies of the following documentation:

1. The Department of the Attorney General's "standing directive" with respect to the investigation of serious offences (e.g., murder and sexual assault), and the various file materials pre-dating the revision of that directive which apparently took place in 1983 following the amendments to the Criminal Code abolishing the offence of rape. We are particularly interested in any R.C.M.P. reports or memoranda with respect to the policy issues underlying this directive and correspondence with the municipalities.
2. Minutes/notes/summaries/memoranda relating to a meeting held at the Chateau-Halifax between Messrs. Coles, Gale, Porter et al to discuss proposed amendments to the Police Act prior to its introduction in 1985.

Depending on how voluminous the file materials are with respect the "standing directive" referred to above, it may be more efficient if we were provided the opportunity to examine the materials and identify those documents which we consider relevant.

Darrel I. Pink

March 30, 1988

I understand that Fran Robertson of the Department of Municipal Affairs has undertaken to provide to Dr. Stenning by April 13th, 1988 copies of the existing municipal by-laws establishing municipal police boards in Nova Scotia.

If at all possible, I would ask that you make available to Dr. Stenning all of the requested information by April 13th.

Finally, I would ask you to arrange meetings for Dr. Stenning with Mr. Gordon Coles and Mr. Ron MacDonald, who I understand was the Attorney General's representative in respect of federal-provincial negotiations on the R.C.M.P. contracts. Dr. Stenning will be available for meetings at any time Wednesday afternoon, April 13th, or all day on April 14th or 15th.

Thank you for your co-operation. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Dr. Philip Stenning

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 30, 1988

Patterson, Kit
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

ATTENTION: Ms. Catherine M. Hicks,
Legal Assistant to Darrel Pink

Dear Ms. Hicks:

RE: Scott Clark's Research - Your File #9201/1

Further to my telephone discussion with Darrel Pink of March 29th, 1988, and your letter of the same date, I now return herewith the required subpoena. As discussed, the list of files identified on the "numeric control list" is being held in your office and will be attached to the enclosed subpoena. I trust you will find this in order.

Thank you. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

Enclosure

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

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: WILLIAM F. KAULBACK, Q.C.,
Chief Prosecuting Officer
County of Colchester
P. O. Box 1155
Truro, Nova Scotia B2N 5H1

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 ^{provide access} ~~deliver~~ to Commission Counsel/within 5 ^{Research staff}
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:

Those files listed on the attached list and identified by blue, yellow and green
colour codes, said files to be reviewed in the Prosecutor's Office in Truro without
copies thereof being made.

Files of the Colchester County Prosecutor's Office.

WITNESS the Chairman of the Marshall Inquiry this

30th day of March, A.D., 1988.


CHAIRMAN

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

March 29, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia
B3J 2N9

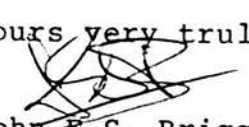
Dear Darrel:

Thank you for your letter of March 28, 1988.

As I indicated during our telephone conversation a similar review process will be followed in respect of each of the research reports. Bruce Archibald's report is scheduled for Wednesday, June 15, 1988. I look forward to receiving shortly your suggestions regarding participants for the seminar.

Thank you for your co-operation.

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

March 29, 1988

Ms. Anne S. Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
5516 Spring Garden Road
Suite 205, Sovereign Bldg.
Halifax, Nova Scotia B3J 1G6

Dear Anne:

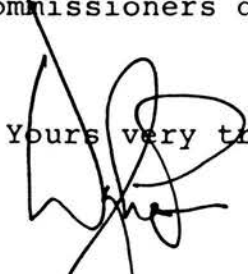
I have given some thought to your requests concerning Junior Marshall.

It would only be possible for us to consider Junior's testimony being taken in the absence of the cameras if we were presented with sufficient independent medical opinion to the effect that the presence of the tv cameras would seriously affect the quality of his testimony. At this point, we have received no such opinions.

As to your request to conduct the direct examination of Junior Marshall yourself, I am not satisfied that his testimony will come out any better through you than through myself. Junior may be a difficult witness regardless of the source of the questioning. As I mentioned to you, we have turned down other requests by counsel to conduct the direct examination of their witnesses themselves. If you wish to pursue the matter, you may, of course, make an application to the Commissioners directly.

Kind regards.

Yours very truly,



W. Wylie Spicer,
Commission Counsel

WWS/ljb

cc: Ms. Marlys Edwardh

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 29, 1988

Justice Alexander B. Campbell
Supreme Court of Prince Edward Island
108 Central Street
Summerside, P.E.I. C1N 3L4

My Lord:

I am replying to your letter of February 1, 1988. I apologize for the delay.

In connection with your earlier letter of December 28th, 1987, it is the position of the Marshall Commission that the means by which compensation was achieved is within our mandate. We have already questioned several witnesses from the Attorney General's Department in respect of this issue and no objection has been taken to this line of questioning.

I note from your February correspondence that you are out of the Country until May 7th. I would like to have a look at the compensation files, and would suggest that myself or a member of our staff come to your offices on Tuesday, May 10th for that purpose. At that time, I would like to take copies of anything which we consider to be relevant.

We have been re-thinking our witness list and at the moment, we are not certain whether it will be necessary to call either yourself or Mr. MacIntosh. Hopefully, I will have a better idea of this by May.

I would appreciate it if your office could confirm the date of May 10th for review of the files.

Yours very truly,

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

March 29, 1988

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

Dear Jim:

We have received a request from Bruce Wildsmith in connection with some questioning he would like to do of the representatives of the National Parole Service. Rather than paraphrase Bruce's request, I quote it verbatim:

" On the subject of the National Parole Board and the attendance in May(?) of a representative (McConkey) to speak of behalf of the Board, I enclose two 1987 press clippings suggesting particular problems, indeed discrimination, experienced by native people before the Board. This general issue is of concern to my client and may well be relevant to the treatment of Jr. Marshall by the Board. While I know the involvement and cooperation of entities under federal jurisdiction is limited, I ask that you put this issue to the National Parole Board. I believe it will be of assistance to the Commissioners to hear of the experience of one official actor in the criminal justice system with the concept of 'systematic negative discrimination', and of what programs have been thought helpful to 'fight the problem'. This should not be construed as an attack on the Parole Board. I see it as simply collaboration from one actor in the system that unintentional discrimination has been and can be a reality, and that something can and should be done about it. The National Parole Board seems to be unusually open and candid on

Mr. James Bissell

March 29, 1988


these points and should be able to help us all understand how actors in the criminal justice system, including those within the mandate of the Commission, can unwittingly contribute to discrimination.

If you are in agreement, perhaps you could request the statistics referred to and other reports or studies that the National Parole Board has on these issues."

I also enclose the newspaper articles which Bruce forwarded to me. Before replying to Bruce, I would like to get your comments as to whether or not your clients have any objection to this line of questioning.

Kinds regards.

Very truly yours,



W. Wyllie Spicer,
Commission Counsel

WWS/ljb

Enclosures

National Parole Board plans to combat discrimination against native prisoners

By DON MACDONALD

WINNIPEG/ The Canadian Press

The National Parole Board is discriminating against native prisoners and will bring in programs to fight the problem, the board's chairman said yesterday.

"There seems to be, in general, a systematic negative discrimination," Ole Ingstrup said.

"It's obvious that the situation as it stands is unacceptable," Ingstrup told native prison liaison workers at a conference in Winnipeg.

He said department statistics show natives waive their right to appear before parole hearings more often than other federal prisoners.

When they do appear, they are

more likely to be denied parole and if they are released they have a better chance of having their parole revoked, Ingstrup said.

Prisoners are eligible for a parole hearing after serving a sixth of their sentence but last year full parole was granted to only 85 of 372 eligible natives.

Ingstrup said the board is giving

a high priority to increasing the parole rate of native prisoners.

He said that a native advisory council will be established within the board to advise him on developments in native issues and the board will continue to support "culturally sensitive" programs to assist natives prepare for release.

One of the problems may be that natives are confused about what is required of them in parole hearings, Ingstrup said, adding natives may be intimidated by process.

"It's of concern to me that so many natives simply don't want to see us," he said in an interview. "If it's something that can

be rectified then it's incredibly important to rectify it."

One reason that has been offered for the high numbers of natives who are being denied parole — natives had a 17-per-cent higher rejection rate in 1985 than non-natives in Prairie prisons — is that more natives are doing time for violent crimes.

Parole data for natives cited

Canadian Press

EDMONTON

Natives are denied parole more often than non-natives, in part because of a lack of parole supervisors in rural areas, a National Parole Board spokesman said yesterday. In Alberta, from Jan. 1, 1979, to Dec. 31, 1985, full parole was granted to 43 per cent of non-natives, but to only 20 per cent of natives. The problem, said a native counselling group, is partly that the board does not recognize reliable members of the community can supervise parolees.

E. & M.
June 11/87

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

March 28, 1988

Mr. Kevin Crossley
Chief Accountant/
Assistant Manager
The Pines Resort Hotel
P.O. Box 70
Digby, Nova Scotia B0V 1A0

Dear Mr. Crossley:

I am writing to confirm the Royal Commission's requirements as laid out in your telephone conversation of March 22, 1988 with Ms. Cook. Specifically, we require the following for August 28, 1988 to August 31, 1988:


3 - 3 Bedroom Cottages, with Breakfast and Dinner included.

1 Meeting Room for 10 people for August 29, 30 and 31.

I am unable, at this time to give you the exact number of people in this party, however, I anticipate having that information shortly and will provide you with same when it becomes available.

Thank you for your prompt attention to this matter.

Yours very truly,


Susan M. Ashley
Commission Executive
Secretary

SMA:jrc

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

March 28/88

TO: Dr. R. Apostle
Dr. P. Stenning
Prof. D. Clairmont

FROM: John E.S. Briggs

RE: POLICE STUDY - DATA COLLECTION

Attached for your information a copy
of Jim Bissell's letter of March 24/88.

/jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 28, 1988

Ms. Madine VanderPlaat
Director
The Survey Centre
Gorsebrook Research Institute
'The Oaks'
5920 Gorsebrook Avenue
Halifax, Nova Scotia B3H 3C3

Dear Ms. VanderPlaat:

Re: Prof. Bruce Archibald - Survey of Defence Counsel

Further to your memorandum of March 22, 1988, I return herewith 100 copies of Professor Archibald's pre-coded questionnaire.

I have made some additional copies for Professor Archibald. I trust you will find this in order.

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. B. Archibald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 28, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

RE: Your File #9201/1 - Winston Barnwell's Research

Further to my letter of March 1, 1988 I now enclose another subpoena covering the third batch of 49 cases.

Your co-operation in expediting the transmittal of the list of files to the Halifax Crown Prosecutor's Office will be greatly appreciated. Thank you. I remain,

Yours very truly,

John E. S. Briggs
Director of Research

WWS/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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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: DARREL I. PINK
Patterson, Kitz
Barristers & Solicitors
5151 George Street, Suite 1600
Halifax, Nova Scotia

-and-

DAVID THOMAS, Crown Prosecutor
Crown Prosecutor's Office
5151 George Street, 11th Floor
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:

- provide access Research Staff
1. Produce and ~~deliver~~ to Commission Counsel/within 5 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:

Those files listed and identified on the attached "Computer Coding Forms" (case numbers 87-135), said files to be reviewed in the Prosecutor's Office in Halifax without copies thereof being made.

Files of the Halifax County Prosecutor's Office. (See attached list)

WITNESS the Chairman of the Marshall Inquiry this

28th day of March, A.D., 1988.


CHAIRMAN

a copy is
attached list
is in 852
for Barrister
file

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
BY COURIER

March 24, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia
B3J 2N9

Dear Darrel:


Re: Your File #9201/1 - Dr. Philip Stenning

Further to yours of March 14, 1988, I would think that the Department of the Attorney General has the authority to requisition, examine, or authorize the release of "Assesments and Evaluations of Municipal Police Forces undertaken by the Nova Scotia Police Commission". If I am correct, could we not obtain access through your good offices rather than issuing subpoenas to various municipal police forces?

I also note that in your letter of March 14th you take umbrage at the fact that Dr. Stenning contacted Mr. Graham Walker, Legislative Counsel. Dr. Stenning was interested in the debates surrounding the introduction of the new Police Act in 1985 and in particular whether or not any proceedings were kept by the Legislative Law Amendments Committee. Such debates and proceedings are public. Any records kept are also a matter of public record. Any person is entitled to make these enquiries and obtain the information if it exists. I do not consider that any research of this sort undertaken by Dr. Stenning, or others, is subject to the "protocol" to which you refer. If so, it would seem to me by extension that it would be necessary to touch base with you in advance of for example, acquiring a publication from a Nova Scotia Government Bookstore. If you take particular exception with this viewpoint let me know and we will discuss.

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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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 23, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia
B3J 2N9

Dear Darrel:

Re: Your File #9201/1 - The Auditor General's File

I acknowledge receipt of your letter dated March 21, 1988 along with the enclosures referred to therein.

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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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER
PERSONAL & CONFIDENTIAL

March 24, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia
B3J 2N9

Dear Darrel:

Re: Professor Archibald's Study: "The Role of the Local Crown
Prosecutor in the Administration of Justice in Nova Scotia"
- The Review Process

Further to our correspondence of February 9th and 12th, 1988,
please be advised that we are adopting the following review
process with respect to Professor Archibald's Report:

- (a) The first stage will consist of peer review of the draft report by three outside reviewers who will be required to provide a written critique. (You will also be provided with a copy of the draft report at this stage and your comments and those of your client will be invited.)
- (b) The second stage will consist of a workshop/seminar, tentatively scheduled for mid June, at which the report will be thoroughly discussed with the participation of the reviewers, researchers, Commissioners, Commission Counsel and staff, and other invited participants.

The objective of the workshop is to have a frank, informed, and wide-ranging discussion of the research and all the relevant issues which flow from it. In addition, your own participation at this stage would be welcome although in keeping with the object of this exercise not as legal counsel per se. Your client will be welcome to designate an officer of the Department to attend the workshop as a participant.

Mr. Darrel I. Pink
Page 2
March 23, 1988

I believe that the foregoing procedure will allow your client ample opportunity to comment upon the research and make their views known prior to the finalization of Professor Archibald's Report. I have attached a list of the proposed outside reviewers and some of the possible workshop participants. I would welcome any comments you may have with respect to the persons designated on the attached list as well as any suggestions you may wish to make regarding workshop participants. Please note that these persons have not as yet been approached and indeed in some cases may not be available. Please be good enough to communicate any comments or suggestions you have by early next week.

I look forward to hearing from you very shortly. Thank you. 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

attachment

"The Role of the Local Crown Prosecutor
in the Administration of Justice in Nova Scotia"
- Professor Bruce Archibald

(a) Outside Reviewers

1. Marc Rosenberg, Greenspan, Rosenberg, Toronto
2. Ken Chasse, Director of Research, Ontario Legal Aid Plan
3. Gordon Gregory, former Deputy Minister of Justice, Deputy A.G., New Brunswick

(b) Possible Participants

1. Bob Hyslop, Director of Public Prosecutions, Newfoundland
2. Dr. Philip Stenning
3. Professor John Edwards
4. Representation from N.S. Legal Aid
5. Representation from Dept. of A.G.
6. Representation from local Defence Bar

ROYAL COMMISSION ON THE DONALD MARSH, JR., PROSECUTION

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

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier
Personal & Confidential

March 23, 1988

Bruce H. Wildsmith, Esq.
Barrister
Room 307, Weldon Law Bldg.
Dalhousie Law School
Halifax, Nova Scotia B3J 1G6

Dear Bruce:

Re: "Adverse Effects for Native People Through Involvement in
the Nova Scotia Criminal Justice System" - The Review Process

Further to our recent discussions, please be advised that we are
adopting the following review process in connection with Dr.
Clark's Study:

(a) The first stage will consist of peer review by three outside
reviewers who will be required to provide a written critique of
the research report. (You will also have the opportunity to
review Dr. Clark's report at this stage and provide your written
comments.)

(b) The second stage will consist of a workshop/seminar at which
the report will be thoroughly discussed with the participation of
the reviewers, researchers, Commissioners, Commission Counsel,
Commission staff, and other invited participants.

The workshop/seminar will not be a public event. However, we
would invite the participation of yourself at this second stage
of the process along with representation from the Union of Nova
Scotia Indians. As I am sure you can appreciate the intention of
the workshop/seminar is that there be a frank, informed, and
wide-ranging discussion of the research and all of the relevant
issues that flow from it. In the interests of facilitating that
kind of discussion, your participation would not be in your
capacity as legal counsel per se.

Mr. Bruce Wildsmith
Page 2
March 23, 1988

I have attached a list of the proposed reviewers as well as some of the possible participants at the workshop/seminar. I would ask you to review the attached list and advise if you take particular exception to any of the persons designated. Please keep in mind that the individuals on the attached list have not yet been approached and in fact may in some cases not be available. I would welcome your suggestions as to alternative names or additions to those already identified.

I shall require your comments and suggestions by the end of this week. I look forward to hearing from you very shortly. Thank you. I remain,

Yours truly,

A handwritten signature in black ink, appearing to read "JESB", with a horizontal line extending to the right.

John E.S. Briggs
Director of Research

JESB:jrc

attachment

LIST OF PROPOSED REVIEWERS/WORKSHOP PARTICIPANTS
FOR DR. CLARK'S STUDY: "ADVERSE EFFECTS FOR NATIVE PEOPLE
THROUGH INVOLVEMENT IN THE NOVA SCOTIA CRIMINAL JUSTICE SYSTEM"

(a) Reviewers

1. Dr. Carol LaPrairie, Ph.D. (Criminology), Senior Policy Analyst, Department of Justice (Ottawa).
2. Mr. Stephen Aronson, Legal Counsel, Dept. of Justice, Ottawa.
3. Professor Fred Wien, Sociologist, Dalhousie University, Halifax (former Director, School of Social Work).

(b) Workshop Participants:

1. Professor Bruce Wildsmith
2. Graydon Nicholas
3. Sister Dorothy Moore
4. Catherine Martin
5. Noel Knockwood
6. Professor Jim Hathaway, Osgoode Law School
7. The Reviewers noted above

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 & Confidential

March 23, 1988

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

Dear Tony:

Re: "Discrimination Against Blacks in Nova Scotia and the
Criminal Justice System" - The Review Process

Further to our recent discussions, please be advised that we are adopting the following review process in connection with Dr. Head's Study:

(a) The first stage will consist of peer review by three outside reviewers who will be required to provide a written critique of the research report. (You will also have the opportunity to review Dr. Head's report at this stage and provide your written comments.)

(b) The second stage will consist of a workshop/seminar at which the report will be thoroughly discussed with the participation of the reviewers, researchers, Commissioners, Commission Counsel, Commission staff, and other invited participants.

The workshop/seminar will not be a public event. However, we would invite the participation of yourself at this second stage of the process along with representation from the Black United Front. As I am sure you can appreciate the intention of the workshop/seminar is that there be a frank, informed, and wide-ranging discussion of the research and all of the relevant issues that flow from it. In the interests of facilitating that kind of discussion, your participation would not be in your capacity as legal counsel per se.

Mr. E. Anthony Ross
Page 2
March 23, 1988

I have attached a list of the proposed reviewers as well as some of the possible participants at the workshop/seminar. I would ask you to review the attached list and advise if you take particular exception to any of the persons designated. Please keep in mind that the individuals on the attached list have not yet been approached and in fact may in some cases not be available. I would welcome your suggestions as to alternative names or additions to those already identified.

I shall require your comments and suggestions by the end of this week. I look forward to hearing from you very shortly. Thank you. I remain,

Yours truly,

A handwritten signature in dark ink, appearing to read 'JESB', with a horizontal line drawn through the middle of the letters.

John E.S. Briggs
Director of Research

JESB:jrc

attachment

List of Proposed Reviewers and Workshop Participants
for Dr. Wilson Head's Study:
"Discrimination Against Blacks in Nova Scotia and
the Criminal Justice System"

(a) Reviewers

1. Dean Jim Morrison, Arts and Science, St. Mary's University, Halifax (former head of St. Mary's University International and Multicultural Centre).
2. Professor Lew Watson, Sociologist, University of Prince Edward Island (author of recent book entitled: Black Societies in the New World).
3. Dr. Tony Johnston, Chairman, Nova Scotia Human Rights Commission.

(b) Possible Workshop Participants

1. Tony Ross
2. Judge Connie Sparks
3. Rocky Jones
4. Don Oliver
5. Representation from BUF
6. The Reviewers noted above

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

By Courier

March 21, 1988

Prof. Bruce Archibald
Dalhousie University Law School
Weldon Law Building
University Avenue
Halifax, N.S.

Dear Bruce:

I note you received a copy of Stanley Schiff's letter to me of March 1, 1988. As requested by Mr. Schiff, I have put his letter and enclosures before the Commissioners.

If you have any further comments you would like to have considered by the Commissioners in light of Mr. Schiff's comments, please provide them to me.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/jm

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

March 21, 1988

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

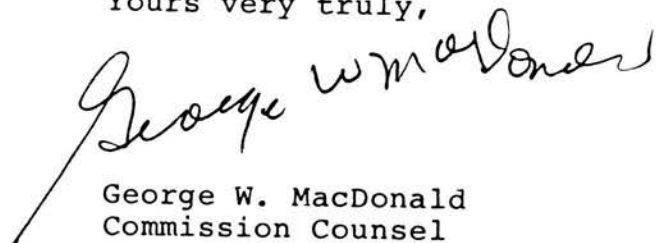
Prof. Stanley Schiff
Faculty of Law
University of Toronto
78 Queen's Park
Toronto, Ontario M5S 2C5

Dear Professor Schiff,

Thank you very much for your letter of March 1, 1988 and the enclosures. I have provided a copy of your letter and the enclosures to the Commissioners.

On behalf of the Commissioners, may I take this opportunity to thank you for taking the time to let us have the benefit of your views which will be given full consideration.

Yours very truly,


George W. MacDonald
Commission Counsel

GWMacD/jm

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

March 21, 1988

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

Dear Jamie:

RE: Related Cases

On a couple of occasions, we have discussed with representatives of the Sydney Police Department the prosecution in the murder case known as the Mombourquette case. Apparently, the murder took place on or about December 24, 1985 or 1986. At the first trial, the jury had been charged and had left the courtroom when two elderly women in the courtroom publicly stated that the evidence had not been properly presented, with the result that the jury was discharged and a new trial ordered. There was some suggestion that there had been less than complete disclosure of police information to the prosecutor. I understand there was a review by the R.C.M.P. and meetings involving the Attorney General's office, possibly Martin Herschorn, and the Prosecutor, Frank Edwards. We would like to have the opportunity to review the Attorney General files with respect to this case.

On another matter, we were advised that a shooting occurred in the Ashby district of Sydney in 1985 or 1986 involving a James Doran. We are advised by Sydney Police officials that they wish to have prosecution taken against Mr. Doran but Frank Edwards "refused to lay charges". We would also be interested in reviewing any files in the Department of the Attorney General concerning this matter.

As we have advised in the past, we are interested in reviewing cases which, on the surface, appear to have taken a direction which is other than normal. I am prepared to review

Mr. Jamie Saunders

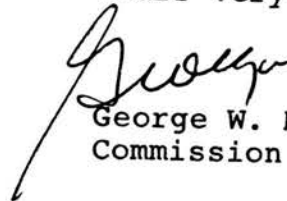
-2-

March 21, 1988

these files on a confidential basis and only in the event that I consider there is something of note to be developed. I have not made any request of the R.C.M.P. to have their files on these particular matters.

Please let me have your early advice.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/jm

cc: Darrel Pink

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 18, 1988

Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel,

I refer you to the news item which appeared on the first page of the Globe and Mail Friday, March 18, 1988 entitled: "Wrongly Convicted To Receive Recompense Up To \$100,000".

The article refers to a new policy adopted by the Federal and Provincial Justice Ministers during their meeting in Saskatoon. There is specific reference to "guidelines" which were apparently adopted by the Ministers on the first day of their two-day meeting. I would appreciate it if you would be good enough to have a copy of the guidelines forwarded to my attention, along with any related material, at your earliest convenience.

Thank you for your attention to this matter.

I remain,

Yours very truly,



John Briggs
Director of Research

JB/jm

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 16, 1988

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: The Police Study - Data Collection

Thank you for your letter of March 16, 1988 in reply to mine of the 15th.

I appreciate your prompt attention to this matter and look forward to its early resolution.

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Richard Apostle

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 16, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Marshall Inquiry, Your File #9201/1 - Dr. Philip Stenning

Thank you for your letter of March 14, 1988.

I appreciate the difficulties which you have mentioned in arranging meetings for Dr. Stenning on such short notice. Further to our conversation this morning, I will check with Dr. Stenning regarding his availability during the period commencing the week following the week of March 21st - that is when the Commissioners are not sitting. More on that shortly. Thank you.

I remain,

Yours very truly



John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 16, 1988

Philip C. Stenning, Esq.
Centre for Criminology
University of Toronto
Room 8001, Robarts Library
130 St. George Street
Toronto, Ontario M5S 1A1

Dear Philip:

Re: The Police Study

I attach for your information copies of the following correspondence:

1. Letter dated March 11, 1988 - Briggs to Pink
2. Letter dated March 14, 1988 - Pink to Briggs
3. Letter dated March 16, 1988 - Briggs to Pink

In addition, I am also attaching copies of the following correspondence which relates to problems we have encountered in executing the data collection strategy with the RCMP:

1. Letter dated March 15, 1988 - Briggs to Bissell
2. Letter dated March 16, 1988 - Bissell to Briggs
3. Letter dated March 16, 1988 - Briggs to Bissell

I should be in touch with you in a few days when you have returned from your ski trip in order to discuss the problems reflected in the attached correspondence. Thank you.

Yours and aye,



John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

BY HAND

March 15, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Mr. Pink:

Further to your letter to Mr. MacDonald of March 14, 1988, I have today examined in your offices a binder of materials entitled, "Copies of Working Papers and Correspondence relating to William J. MacLean". I understand that these materials include all that is available from the Office of the Auditor General relevant to the MacLean Case.

I would now request on behalf of Commission Counsel that copies of the documentation set out on the attached list be provided at your earliest convenience. Thank you for your co-operation.

I remain,

Yours very truly



John E.S. Briggs
Director of Research

JESB:jrc

cc: Commission Counsel

LIST OF DOCUMENTATION/MATERIALS REQUESTED
FROM FILE BINDER ENTITLED "COPIES OF WORKING PAPERS
AND CORRESPONDENCE RELATING TO WILLIAM J. MACLEAN"
FROM OFFICE OF AUDITOR GENERAL

1. Index - Correspondence (and some notes) - Section 1
2. Letter dated January 8, 1985 - Auditor General (Cormier) to Speaker (Donahoe)
3. Letter dated January 4, 1985 - Speaker (Donahoe) to Auditor General (Cormier)
4. Two pages of typewritten notes entitled, "Overall Point of View" prepared by "OPC for his meeting with Attorney General and Speaker November 20/84"
5. One page legal size handwritten notes with first heading: "Purposes"
6. Typewritten legal size sheet of notes, the first heading of which is "Purpose"
7. Legal size typewritten notes entitled precis May -September, '83 et seq.
8. Legal size typewritten notes entitled "Meetings - Office of Auditor General"
9. Two pages, legal size, handwritten notes with first heading "A Report"
10. Letter dated April 18, 1984 - Attorney General (Giffin) to Donahoe
11. Memorandum dated January 13, 1984 - Speaker (Donahoe) to Deputy A.G. (Coles)
12. Letter dated November 25, 1983 - Deputy Auditor General (Cormier) to Gale
13. Letter dated November 14, 1983 - Deputy Auditor General (Cormier) to Coles
14. An index entitled "Summaries and Work Papers - Section 2)
15. A three-page extract re Mr. MacLean from Auditor General's report to Speaker - November 29, 1983
16. Seven-page summary - expense claims - June 5/82-Sept. 5/83

17. Six-page preliminary summaries from Audit file prior to finalization of November 29/83 report
18. "General Regulations Made Pursuant to Section 43 of the House of Assembly Act" - January - December 1983; August - December 1982; and January - August 1982.
19. An index - the last one in the binder re Mr. MacLean's travel claims/vouchers.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 15, 1988

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: The Police Study - Data Collection

This is to reiterate the concerns which I have expressed to you regarding the delay which we have been experiencing in carrying out the data collection aspect of the Police Study.

As you know, during our meeting with Deputy Commissioner Moffat and legal counsel in Ottawa in January, it had been agreed that Chief Superintendent Docker would be the officer with whom we would liaise throughout the study. On February 12, 1988 we forwarded by courier to Chief Docker's attention a complete package of documentation setting out the data collection strategy and necessary instruments. Within a few days, Chief Docker responded and advised that we could go ahead with the data collection. Accordingly, on February 16th the same comprehensive package of data collection materials was forwarded to Chief Superintendent Reid. Since that time we have been unable to move.

I appreciate that some of the delay which the project has experienced was occasioned by unforeseen circumstances. However, based upon our telephone conversation of last Thursday, I understood that your client had two concerns, namely: that we were going to survey all members of the Force in Nova Scotia rather than only those engaged in contract policing for the province, and secondly that we sought information at the Detachment level with respect to policies pertaining to the

Page 2
BISSELL.LTR
March 15, 1988

recruitment, etc., of visible minority groups. With respect to the first concern, we have advised that our survey is designed to cover only those members of the Force engaged in provincial contract policing. With regard to the second concern, we are quite prepared to pursue that at Divisional or Headquarters level as directed by your client.

I am unaware of any other concerns which your client may have with regard to the data collection envisaged by this Study. If there are other concerns I would urge you to bring them to my attention at your earliest possible convenience so that Dr. Apostle and I may address them immediately. The time factor is becoming critical because Dr. Apostle has other firm commitments during the month of May and I am very afraid that further delay will jeopardize the timely completion of this Study. Needless to say, Dr. Apostle and I will be happy to meet with you and your client at any time.

Your assistance in expediting this matter will be greatly appreciated. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Richard Apostle

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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March 15, 1988

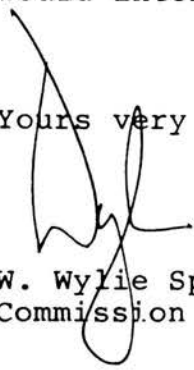
Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel,

I have extracted material from the A.G.'s Native
Courtworker file and Bruce Wildsmith's file.

You will find it all enclosed. I would intend to introduce
it as an exhibit tomorrow or Thursday.

Yours very truly,



W. Wylie Spicer
Commission Counsel

WWS/jm

Enclosure

MAR 14 1988

Margaret E. Graham Discovery Service

298 PORTLAND STREET, DARTMOUTH, N.S. B2Y 1K4

PHONE: 469-5734

March 10, 1988

Ms. S. Ashley
Royal Commission
Suite 1026, Maritime Centre
1505 Barrington St.
Halifax, N.S.
B3J 3K5

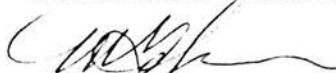
Dear Susan:

When we spoke about the law school conference transcript, you hadn't mentioned a deadline, so I assumed it was to be typed in due course and never opened the envelope until Saturday. As it turned out, we would not have been able to complete it on Friday even if I had opened the envelope because we had several rush jobs going that day. So this long explanation is just to say "Sorry for the delay, hope you understand."

I tried to contact John Briggs to check on voices and spellings, but was never able to reach him. There seemed to be only one voice that wasn't identified though, so I hope you were able to fill that in. I've enclosed an invoice for our work.

Yours truly,

MARGARET E. GRAHAM
DISCOVERY SERVICE



Margaret E. Graham

Encl.

MAR 14 1988

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. MACISAAC, Q.C.
DOUGLAS A. CALDWELL, Q.C.
JAMIE W. S. SAUNDERS
ROBERT M. PURDY
RAYMOND F. LARKIN
S. RAYMOND MORSE
DARREL I. PINK
JACK A. INNES, Q.C.
DIANNE POTHIER
JANET M. CHISHOLM
PETER M. ROGERS

DONALD J. MACDONALD, Q.C.
PAUL M. MURPHY, Q.C.
RICHARD N. RAFUSE, Q.C.
J. RONALD CREIGHTON
J. RONALD CULLEY
NANCY J. BATEMAN
R. MALCOLM MACLEOD
ALAN C. MACLEAN
DENNIS ASHWORTH
WENDY J. JOHNSTON
ROBERT K. DICKSON
FERN M. GREENING

FRED J. DICKSON, Q.C.
DAVID R. HUBLEY, Q.C.
GERALD J. MCCONNELL, Q.C.
RONALD A. PINK
LOGAN E. BARNHILL
JOEL E. FICHAUD
J. MARK MCCREA
D. SUZAN FRAZER
BRUCE A. MARCHAND
RODNEY F. BURGAR
JANICE A. STAIRS
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.
FRANK J. POWELL, Q.C.
CLARENCE A. BECKETT, Q.C.
GEORGE L. WHITE
DAVID R. FEINDEL
A. DOUGLAS TUPPER
DORA L. GORDON
LORNE E. ROZOVSKY, Q.C.
WYMAN W. WEBB
CORDON N. FORSYTH
KIMBERLEY H. W. TURNER

PANK OF MONTREAL TOWER
SUITE 1600, 5151 GEORGE STREET
P.O. BOX 247
HALIFAX, NOVA SCOTIA B3J 2N9
TELEPHONE (902) 429-5050
FAX (902) 129-5215
TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

March 10, 1988

BY HAND

Mr. George W. MacDonald
Commission Counsel
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia

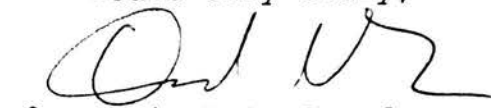
Dear George:

Marshall Inquiry
Billy Joe MacLean
Port Hawkesbury Fire
Our File No. 9201/1

Thank you for your letter dated March 2nd with enclosures which I did not see until March 8th. However, we have talked about it and I understand that you will be available some time tomorrow to review the two files in our office. You need only call Darrel or his secretary, Jane Lohnes to let them know when you are coming and they will make a room available for you.

Your letter also asked the question whether you are free to advise Mr. MacLean of the contents of the documents in these files. This is a new and different request and I cannot agree that these materials be disclosed to Mr. MacLean. In fact the Freedom of Information Act specifically prohibits such disclosure and I don't think we're in a position to waive a statutory prohibition. I would assume that Mr. Bissell shares my view and as a courtesy I am directing a copy of this letter to him.

Yours very truly,


fr Jamie W.S. Saunders

JWSS/cs
c.c. Mr. James Bissell

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

March 11, 1988

Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

I refer to your letter of January 25th, 1988 in connection with our continuing request to meet with Mr. Coles.

Have you gotten any further in setting up a meeting with him?

Yours very truly,



W. Wylie Spicer,
Commission Counsel

WWS/ljb

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1988

Mr. Alan V. Parish
Green Spencer
Barristers & Solicitors
P. O. Box 1134
1301 Purdy's Wharf
Halifax, Nova Scotia B3J 2X1

Dear Alan:

Thank you for your letter of March 9, 1988.

In the event any counsel indicates an intention to apply to the Commission concerning issuance of a subpoena to Mr. Story, we will give you as much advance notice as possible in order that you can make whatever representations are considered appropriate.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1988

Mr. David F. Ratchford
2360 Churchmount Road
Apartment #801
Scarborough, Ontario M1T 2M4

Dear Dave:

I received your letter of March 3, 1988. I also received the request for return of your property which you left at the Holiday Inn when you were in Sydney in November. The video tape has been filed as an exhibit with the Commission and must remain with the Commission until its deliberations are completed. Following that time, I expect we will be returning the original of all documents, and the tape, to their proper owners.

I can assure you that no one has been making copies of that tape from the original which is filed with the Commission.

Your written request for return of your property will be filed in the appropriate location in order that your request will not be overlooked when documents are being returned.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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COMMISSIONER

March 11, 1988

Dr. Roland Perry,
Chief Medical Examiner
Province of Nova Scotia
5788 University Avenue
Dr. D. J. MacKenzie Bldg., West Wing
Halifax, Nova Scotia B3H 1V8

Dear Dr. Perry:

We have been trying to schedule witnesses for the next several weeks of the Hearings. Would it be possible for you to be available to give evidence on March 24th? At this stage, I could not tell you whether it would be in the morning or afternoon, although I would be able to give you that information with more precision as time goes on. Please let me have your advice as quickly as possible.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
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COMMISSIONER

March 10, 1988

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:

Re: Prospective Witnesses

We have given consideration to your request to subpoena Heather Matheson, Alan Story and Michael Harris. We have also considered the comments of other counsel on this topic.

We are not prepared to ask the Commissioners to issue such subpoenas. The only possible reason to have such persons appear would be to test the credibility of Staff Sergeant Wheaton. He has been questioned concerning his discussions with these individuals and has provided his answers.

It is my recollection that Staff Sergeant Wheaton admitted speaking with each of these individuals, but could not recall the details of the discussion. In our opinion, no useful purpose could be served by having these witnesses, assuming they would, testify concerning the details of the discussions held with Wheaton. The issue is collateral so far as we are concerned and we want to make every effort to limit the evidence to be called before the Commission to issues which are directly relevant to the points under consideration.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

cc: To all other counsel

ROYAL COMMISSION ON THE DONALD MARSHAL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 11, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: The Police Study - Dr. Philip Stenning

It would be appreciated if you would make the necessary arrangements for Dr. Stenning to meet with the following people during the week of March 21, 1988:

1. Murray Ritch, Chairman of the Nova Scotia Police Commission
2. Gordon Gale, Director, Criminal
3. Ms. Nadine Cooper-Mont, Deputy Solicitor-General designate
4. Ms. Gerry Masters, Director of Research, Dept. of Municipal Affairs

I am enclosing for your information and assistance a copy of a note prepared by Dr. Stenning and headed, "Matters I Am Initially Interested in Discussing With Representatives of the Nova Scotia Police Commission and/or the Attorney General's Department/Solicitor-General's Department."

I would also request at this time, copies of the following documentation:

1. The existing municipal by-laws establishing municipal police boards in Nova Scotia.
2. The Nova Scotia Police Commission's "Standard Promotional Routine System" and "Standard Municipal Police Compulsory Training Plan" (Reference Page 7 of NSPC's 1986 Annual Report).

Page 2
Darrel Pink
March 11, 1988

3. Copies of assessments and evaluations of municipal police forces undertaken by the Nova Scotia Police Commission since 1976 and in particular that relating to the Glace Bay Police Force.
4. The (1980) briefs submitted to the Green Commission (Review of the Police Act and Regulations) by the Chiefs of Police Association of Nova Scotia and the Police Association of Nova Scotia.
5. Any background reports/documents (other than the Green Commission Report, 1981) relating to the 1985 amendments to the Nova Scotia Police Act and Regulations.
6. The 1987 Annual Report of the Nova Scotia Police Commission as soon as it is available.
7. Any written policies issued by the Attorney General or his Department concerning policing by the RCMP in Nova Scotia.
8. Proposals for restructuring/reorganizing the Nova Scotia Police Commission, (circa 1986).

In respect of item number 3 above, it would, I believe, be sufficient if Dr. Stenning were afforded an opportunity to examine the assessments and evaluations on hand at Police Commission offices.

If you have any questions concerning any of the foregoing, please do not hesitate to contact me accordingly. I look forward to hearing from you at your earliest convenience with respect to the requested meetings for Dr. Stenning.

Thank you for your co-operation. I remain,

Yours very truly



John E.S. Briggs
Director of Research

JESB:jrc

P.S. It would be helpful if Dr. Stenning's meetings could be arranged for a 2-3 day period rather than spread over the whole week. Thank you.

MATTERS I AM INITIALLY INTERESTED IN DISCUSSING WITH REPRESENTATIVES OF THE NOVA SCOTIA POLICE COMMISSION AND/OR OF THE ATTORNEY GENERAL'S DEPARTMENT/SOLICITOR GENERAL'S DEPARTMENT:

1. Current funding arrangements for municipal policing in Nova Scotia. Any proposals for change.
2. Uniformity with respect to composition, role and functions of municipal police boards in Nova Scotia.
3. Regionalisation of police services in Nova Scotia: recent and projected initiatives.
4. Proposed changes to the structure, organisation and role of the Nova Scotia Police Commission.
5. Attorney General's standing directive(s) re investigation of serious criminal offences (murder, sexual assault, ?) in municipalities other than Bedford, Bridgewater, Dartmouth, Halifax, Sydney and Truro. Exercise, if any, of Attorney General's powers under Sections 30 and 31 of the Police Act.
6. Proposed role of new Department of the Solicitor General with respect to supervision of policing (and the Nova Scotia Police Commission) in Nova Scotia.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 11, 1988

Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

RE: Auditor General Files

I refer to your letter of March 8, 1988.

As requested, I am enclosing a subpoena directed to the Auditor General for the Province of Nova Scotia, and requiring production to Commission counsel of all materials in his possession relating to the investigation of Billy Joe MacLean. I trust this subpoena is sufficiently precise for your purposes and that you will advise when I will be able to attend to review the materials in those files.

Yours very truly,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

March 9, 1988

Bruce H. Wildsmith
Barrister
Room 307, Weldon Law Bldg.
Dalhousie Law School
Halifax, Nova Scotia B3J 1G6

Dear Bruce:

Further to our discussion this morning I enclose copies of the following articles:

1. The Cultural Effects of Judicial Bias
2. Native Culture on Trial
3. Alternative Approaches in the United States
4. The Evolution of Judicial Attitudes

These articles are extracted from, Quality and Judicial Neutrality by Mahoney and Martin, Carswell, 1987. You will be interested to know that the papers appearing in the book were presented at a conference in Banff, Alberta in May 1986, entitled, "The Socialization of Judges to Equality Issues".

I would suggest that we meet sometime over the next three weeks and discuss your thoughts with respect to the review of Scott Clark's Study. I look forward to hearing from you on this. Thank you. I remain,

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1988

Mr. Allan F. Nicholson
Nova Scotia Legal Aid
P.O. Box 1373
223 Esplanade
Sydney, Nova Scotia
B1P 6K3

Dear Allan:

Re: Lawrence Burton

I was visited today by Mr. and Mrs. Angus Burton and their daughter. They related to me a lengthy story concerning their son Lawrence, commencing with his involvement in a motor vehicle accident in 1984, his difficulties with the law since then and his present incarceration at the Cape Breton County Correctional Centre.

While they have some concerns over the way his personal injury settlement from Judgement Recovery Limited was handled by a succession of lawyers, I gather that their main concern is over Lawrence's physical and mental condition at the present time, and that everything possible be done to see that he receive adequate and continuing medical care.

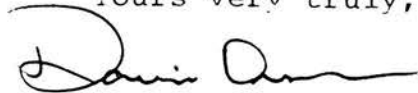
I advised them that I did not believe that Lawrence's case was within the mandate of the the Commission, and that there may well be information to which they are not privy which would explain the present situation. I did however indicate that I would write to you, as they gave me to understand that you are presently representing Lawrence and will be doing so at an upcoming charge involving aggravated assault. If you see fit, I would be more than grateful if you could meet with the Burton family to share with them any information you have concerning past and recent assessments of Lawrence's mental state, including any recent assessment on his fitness to stand trial. If his condition is as serious as the Burtons say that it is, and if his condition is in fact deteriorating, their concern over his fitness to stand trial may be well placed. I understand that

Page 2
A. Nicholson
March 10, 1988

they have been advised by a Dr. Sheard, a psychiatrist now in private practice in Sydney, that Lawrence's condition is indeed serious and that if he is sentenced to Dorchester as a result of a further conviction, he, Dr. Sheard, believes that suicide may be indeed possible.

I realize that you have been acting on Lawrence's behalf for some time and that you may well be in possession of information which the Burtons were not able to pass on to me. However, as I have indicated, anything that you could do both to allay the fears of the Burtons and to see that Lawrence receives all appropriate medical assessment and treatment would be much appreciated.

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 a long, sweeping underline.

David B. Orsborn
Commission Counsel

DB0:jrc

cc: Mr. Angus Burton

'84

Son Hassan Bnter - accident - Dingwall
22 yr / nov 26 - passengers
- no insurance - Grain damage - fault of driver of car
in which he was a passenger
- Hugh Mackdon
Mr. Lynn Melvin - legal aid
George Khattar

- answer & conviction since then
- presently in Lockdown Centre - Sydney

D. Sheard - Psych - Sydney
Lager Bunker Hospital

- April 17/88 aggravated assault charge
to be heard

- Wanda determination
- possible suicide if D.D. sent
- Order by Judge Larkins - 2 rep assessment for men -
Dec 19/87
- assessed Dec 87 - fit to stand trial
- concerns re assessment.

son Hassan Bouter - account - Dingwall '84
22 yr / now 26 - passengers
- no insurance - Brain damage
- fault of driver of car
in which he was a passenger
- Hugh Mackinnon
M. Lynn Melvin - legal aid
George Khattar

- answer & conviction since then

- presently no conviction since - Sydney

D. Sheard - Poyd - Sydney
Lager Bouter Hospital

- April 17/88 aggravated assault charge
to be heard

London determination
- possible suicide if D.D. intent

order by Judge Laker - 2 rep assessed for men -
Dec 19/87

assess Dec 87 - let to start trial
- concern in assessment.

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

March 10, 1988

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

Dear Tony:

I am writing to confirm our conversation of today about the research projects that we have undertaken relating to discrimination against blacks in the criminal justice system of Nova Scotia. It had been my understanding that your client, the Black United Front, was happy with the projects we have undertaken under the direction of Dr. Wilson Head and satisfied that the scope of our research in this area left no major topics uncovered. Following our discussion, I am happy to have it confirmed that my understanding of the situation is correct.

As you know, there has been some public criticism of the terms of reference of these studies, and I wanted to have it confirmed that this criticism is not shared by the Black United Front.

Very truly yours,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

BY COURIER

March 10, 1988

Judge Felix A. Cacchione
c/o County Court Chambers
Law Courts
Upper Water Street
Halifax, Nova Scotia

Dear Felix:

Just a note to confirm your dates for attendance as a witness at the Inquiry. We have set aside Tuesday, May 17th and Wednesday, May 18th, 1988 to hear your testimony.

Very truly yours,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

March 10, 1988

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

Dear Jim:

We have done some rescheduling of witnesses. We would now anticipate calling Inspector Vaughan some time during the week of March 21st and probably on March 23rd. I would appreciate it if you would confirm that this is okay.

Yours very truly,



W. Wylie Spicer,
Commission Counsel

WWS/ljb

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COMMISSIONER

BY COURIER


March 10, 1988

Mr. Bruce H. Wildsmith
Barrister & Solicitor
Room 307, Weldon Law Building
Dalhousie Law School
Halifax, Nova Scotia B3H 4H6

Dear Bruce:

We would now anticipate calling Eva Bernard on March 22nd or 23rd. Perhaps you could let us know if that is satisfactory for her.

Yours very truly,



W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL JR., PROSECUTION

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COMMISSIONER

March 7, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Your File #9201/1 - Dr. Philip Stenning

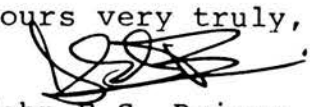
Thank you for your letter of March 2, 1988.

Dr. Stenning is a Special Consultant to the Royal Commission and will be carrying out research for the Police Study with particular reference to police commissions and RCMP contract policing. As you are no doubt aware, Dr. Stenning has written extensively on a variety of policing issues including a lengthy background report on police commissions and boards in Canada which was prepared for the McDonald Inquiry. He has spoken at provincial police commission meetings and is known to Harry Porter.

Dr. Stenning is arriving today from Toronto and will be in Halifax for several days. If at all possible he would like to have a preliminary/introductory meeting with an officer of the Nova Scotia Police Commission and also the person in the A.G.'s/'Solicitor-General's' Department responsible for policing matters. (e.g. RCMP contract and liaison with police commissions)

I appreciate that I have not provided you with much lead time particularly if your own attendance is required. However, as indicated the purpose of these initial meetings is largely introductory. Anything you can do to facilitate these arrangements would be greatly appreciated. Perhaps, you would be good enough to give me a call and let me know what might be possible. Thank you. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHA JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 4, 1988

Mr. Darrel I. Pink
Patterson Kitz
Suite 1600
Bank of Montreal Tower
5151 George Street
Halifax, Nova Scotia


Dear Darrel:

In addition to the documents which I requested some time ago concerning Natives, I would appreciate it if you could forward to us any documents which may exist concerning a Study in 1987 relating to Indians/Natives in criminal justice in Nova Scotia. This apparently was a Study that the Federal Department of Justice was prepared to fund and to carry out with provincial co-operation. We understand that the documents should include correspondence, draft terms of reference and perhaps minutes of a meeting or two.

Thank you for your co-operation.

Yours very truly,



 W. Wylie Spicer
Commission Counsel

WWS:jrc

ROYAL COMMISSION ON THE DONALD MARSHA JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 4, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Eileen Richard

I am enclosing some information concerning the vagrancy conviction of Eileen Richard:

1. Copy of the Information.
2. Copy of Court Docket for October 20, 1971 before Judge J.F. MacDonald indicating sentence of two years.
3. Copy of page from the Sydney Police Book.


Since it seemed unusual that a person would be incarcerated for this period of time on a vagrancy charge, we thought it would be worth following up and since it involves Judge MacDonald, we thought it might be most appropriate for you to follow it up in the first instance.

I'll look forward to any explanation which may be forthcoming concerning the sentence. I should mention that we are advised that Ms. Richard was not the only person who would have received sentences of somewhat protracted length for vagrancy charges.

Kind regards.

Yours very truly,



 W. Wylie Spicer
Commission Counsel

WWS:jrc

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 3, 1988

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

Dear Professor Edwards:

Thank you for your memorandum of February 19th, 1988 and the enclosed opinion on the Office of Director of Public Prosecutions - The English Experience.

I read your opinion with interest and look forward to receiving the remaining sections dealing with this office.

You will recall that I previously asked, by memorandum dated December 10, 1987, that you "provide an estimate of the time/costs entailed in writing your opinion", as requested in my letter of December 7, 1987. This information is required at your earliest convenience and I would appreciate it if you would therefore give me a call upon your return from the Bahamas.

At this point, we expect to receive draft reports from two of the studies by the end of March and reports from the other two studies by the end of April. All of the reports will be submitted for peer review, and it is anticipated that subsequent to the review process, we will conduct an in-house workshop or seminar involving the Commissioners, Commission counsel, the researchers, the reviewers and others, perhaps sometime in June. We would like to be able to subject your work to the same exercise.

In any event, I look forward to hearing from you so that we can discuss this and related matters of interest. I hope that

Prof. John Ll. J. Edwards

March 3, 1988

your research in the Bahamas and Jamaica has proved to be worthwhile.

Kind regards.

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/ljb

MAR 03 1988

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. MACISAAC, Q.C.
DOUGLAS A. CALDWELL, Q.C.
JAMIE W. S. SAUNDERS
ROBERT M. PURDY
RAYMOND F. LARKIN
S. RAYMOND MORSE
DARREL I. PINK
JACK A. INNES, Q.C.
DIANNE POTHIER
JANET M. CHISHOLM
PETER M. ROGERS

DONALD J. MACDONALD, Q.C.
PAUL M. MURPHY, Q.C.
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J. RONALD CREIGHTON
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CLARENCE A. BECKETT, Q.C.
GEORGE L. WHITE
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DORA L. GORDON
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WYMAN W. WEBB
GORDON N. FORSYTH
KIMBERLEY H. W. TURNER

BANK OF MONTREAL TOWER
SUITE 1600, 5151 GEORGE STREET
P.O. BOX 247
HALIFAX, NOVA SCOTIA B3J 2N9
TELEPHONE (902) 429-5050
FAX (902) 429-5215
TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

March 2, 1988

BY HAND

Mr. John Briggs
Director of Research
Royal Commission on the
Donald Marshall, Jr. Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.


Dear Mr. Briggs:

Our File No. 9201/1

I am led to believe that Mr. Philip Stenning will be conducting research into the Nova Scotia Police Commission for the Marshall Inquiry. As with everyone, we wish to cooperate with Mr. Stenning. However, it will be necessary for us to be in attendance if he interviews members of the Commission or the staff. Because of the fact that the Commissioners themselves are part-time and the Commission staff have responsibilities all around the province, as much lead time as possible to arrange for these interviews will be required.

Could you please be in touch with me regarding this or have Dr. Apostle contact me so those arrangements can be made in a way which will be convenient for all concerned.

Yours truly,


for Darrel I. Pink

DIP/jl

c.c. Ms. Nadine Cooper-Mont
Mr. George Smith
Mr. Murray Ritch

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

March 3, 1988

Ms. Margaret E. Graham
Margaret E. Graham Discovery Service
298 Portland Street
Dartmouth, Nova Scotia B2Y 1K4

Dear Margaret:

Enclosed are the tapes that we would like to have transcribed. If you have any difficulty identifying any of the speakers, you could call John Briggs at this office who attended that portion of the Conference, or else merely identify the speakers as A, B and C. If it is at all possible, I would like to have the transcript sometime tomorrow.

Would you please give me a call when it is ready so that I can arrange to have it picked up.

Thank you very much.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb
Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 2, 1988

Ms. Anne S. Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
5516 Spring Garden Road
Suite 205, Sovereign Bldg.
Halifax, Nova Scotia B3J 1G6

Dear Anne:

Thank you for your letter of February 29th, 1988 enclosing the documents in support of your Application to be heard March 10th, 1988. I confirm my previous advice that we will not take any position with respect to the Application and will not attend the Chambers Application.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 2, 1988

Mr. Al Pringle
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Al:

Thank you for your letters of February 17th and 23rd, 1988 enclosing copies of fingerprint forms for Robert Bruce Patterson.

I do not require an affidavit for those forms dated August 13, 1970, February 2, 1971 and March 18, 1971.

Thank you for your assistance in obtaining copies of these documents for me.

Very truly yours,

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 2, 1988

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

Dear Jim:

For your records, I am enclosing a copy of a signed
Release Authorization executed by Mr. MacLean.

Mr. MacLean has asked me to advise him of the contents
of the documents in the file in order that he may be able to
determine himself the accuracy of the comments made during
testimony by Staff/Sergeant Wheaton. Please advise if you have
any objection to my informing Mr. MacLean of the contents of the
files.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

R E L E A S E A U T H O R I Z A T I O N

TO: The Attorney General for the
Province of Nova Scotia
c/o Mr. Jamie W. S. Saunders

- and -

Royal Canadian Mounted Police
c/o Mr. James Bissell

I hereby consent to the release of any information contained in files in the possession of the Province of Nova Scotia, or any department thereof, and in the Government of Canada or the Royal Canadian Mounted Police relating to an investigation carried out respecting a fire which occurred at a restaurant in Port Hawkesbury, Nova Scotia in January, 1982. In particular, I authorize the release of any reports or other documents referring to any investigations carried out concerning my alleged participation in any activity leading to the fire.

DATED at Port Hawkesbury, Nova Scotia, this 15th day of
February, 1988.


Billy Joe MacLean

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

March 2, 1988

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Mr. John J. Robinette, Q.C.
McCarthy & McCarthy
Barristers & Solicitors
P. O. Box 48
Toronto Dominion Bank Tower
Toronto-Dominion Centre
Toronto, Ontario M5K 1E6

Dear Mr. Robinette:

I thank you very much for your opinion contained in your letter of February 10, 1988.

We are reviewing this matter very carefully, and in due course, will advise you of the decision we have taken in face of the Application to quash the subpoenas which has been launched on behalf of the members of the Appeal Division.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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

March 2, 1988

Mr. E. Anthony Ross
Smith, Gay, Evans & Ross
Barristers & Solicitors
604 Queen Square
P. O. Box 852
Dartmouth, Nova Scotia B2Y 3Z5

Dear Tony:

Sometime ago you asked me to advise when we intended to call Alana Dixon and Karen MacDonald as witnesses.

I had informed you earlier that, to the best of our knowledge, Alana Dixon was in Alberta. We have traced down Karen MacDonald and reviewed with her the statements given by Alana Dixon and Keith Beaver, and she indicated general agreement with these.

We have now had several witnesses give evidence concerning the movements of Sandy Seale from the dance until the time he was discovered wounded. We do not consider it would be justifiable to expend the funds to have Ms. MacDonald attend from Toronto to give evidence which is already before the Commission through the statements of Ms. Dixon and Mr. Beaver and the evidence of Mr. Beaver and Ms. Chernin. Accordingly, we will not be calling evidence from Ms. MacDonald or Alana Dixon.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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

BY COURIER

March 2, 1988

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
P. O. Box 1068
Truro, Nova Scotia B2N 5B9

Dear Jamie:

Re: Billy Joe MacLean - Port Hawkesbury Fire

I enclose copy of a signed Release Authorization for Mr. MacLean. I assume that you will now arrange for me to have access to the files in the possession of the Attorney General which deal with this matter.

Mr. MacLean has asked me to inform him in due course of the contents of the documents in the file. Please confirm that you would have no objection to my providing such information to him.

As requested in your letter of February 24, 1988, I am enclosing a subpoena directed to the Deputy Attorney General and requiring production of all documents in the possession of the Department relating to the fire which occurred in Port Hawkesbury at the Voyageur Restaurant in about January, 1983. I trust that the wording in the subpoena is sufficiently broad for your purposes and that all files relating to the "Billy Joe MacLean fire investigation" will be produced.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

R E L E A S E A U T H O R I Z A T I O N

TO: The Attorney General for the
Province of Nova Scotia
c/o Mr. Jamie W. S. Saunders

- and -

Royal Canadian Mounted Police
c/o Mr. James Bissell

I hereby consent to the release of any information contained in files in the possession of the Province of Nova Scotia, or any department thereof, and in the Government of Canada or the Royal Canadian Mounted Police relating to an investigation carried out respecting a fire which occurred at a restaurant in Port Hawkesbury, Nova Scotia in January, 1982. In particular, I authorize the release of any reports or other documents referring to any investigations carried out concerning my alleged participation in any activity leading to the fire.

DATED at Port Hawkesbury, Nova Scotia, this ^{-el} 15 day of
February, 1988.


Billy Joe MacLean

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 1, 1988

Mr. Robert Murrant
Murrant Brown
Barristers & Solicitors
Suite 404, Purdy's Wharf
P. O. Box 2626
Halifax, Nova Scotia B3J 3P7

Dear Bob:

Enclosed is recent correspondence relating to the possibility of Heather Matheson, Alan Story and Michael Harris appearing as witnesses before the Royal Commission, as you requested.

Yours very truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/ljb

Enclosure

FEB 16 1988

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

J. WILLIAM E. MINGO, O.C.
J. THOMAS MacQUARRIE, O.C.
DONALD H. OLIVER
DONALD H. McDUGALL, O.C.
JOHN S. McFARLANE, O.C.
CARMAN G. McCORMICK
JOHN D. MURPHY
ROBERT P. DEXTER
KARIN A. McCASKILL
R. CAMILLE CAMERON
NANCY I. MURRAY
T. ARTHUR BARRY
JOHN MacL. ROGERS
RICHARD A. HIRSCH
JAMES M. DICKSON

JOHN D. MOORE, O.C.
DAVID A. STEWART, O.C.
G. DAVID N. COVERT, O.C.
J. GERALD GODSOE, O.C.
WILLIAM L. RYAN
DAVID MILLER
JOHN D. PLOWMAN
TIMOTHY C. MATTHEWS
ROBERT G. GRANT
MICHAEL T. PUGSLEY
CHARLES S. REAGH
D. GEOFFREY MACHUM
DONALD C. MURRAY
JAMES B. WOODER
DAVID P. S. FARRAR

RONALD N. PUGSLEY, O.C.
GEORGE A. CAINES, O.C.
JAMES S. COWAN, O.C.
JOEL E. PINK, O.C.
RICHARD K. JONES
DOUGLAS J. MATHEWS
JONATHAN C. K. STOBIE
BARBARA S. PENICK
MARK E. MacDONALD
GLEN V. DEXTER
ELIZABETH M. HALDANE
ERIC L. BURTON
LAWRENCE J. STORDY
R. BLOIS COLPITTS

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

PURDY'S WHARF TOWER ONE
1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P. O. BOX 997
HALIFAX, CANADA B3J 2X2

TELEPHONE (902) 420-3200
TELECOPIER (902) 420-1417
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

RNP
2076-2

February 15, 1988

George W. MacDonald
Commission Counsel
Royal Commission on the
Donald Marshall, Jr., Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. MacDonald:

Heather Matheson, Alan Story, Michael Harris

I have a copy of Mr. Ruby's letter of February 5.

The evidence proposed is relevant as one issue that the Commission is addressing is the manner in which the press were kept informed by police forces during the course of the reinvestigation and while proceedings arising out of the reinvestigation were still ongoing.

It was not my intention to put the press on trial but rather to have evidence adduced that is relevant and probative.

The questioning of certain counsel and the responses of certain witnesses has created a situation where the findings the Commissioners eventually make could have very serious adverse effects for Chief MacIntyre and could result in charges being laid against him. Indeed, certain witnesses have testified that these charges should be laid.

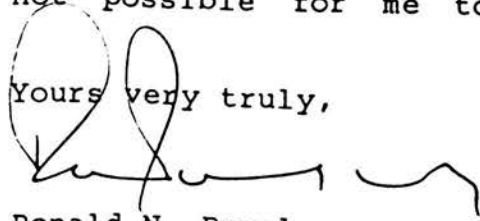
The Commissioners will be faced with a decision of credibility respecting both S/Sgt. Wheaton and Chief MacIntyre. It is a perfectly legitimate technique to test S/Sgt. Wheaton's credibility, and to call that credibility into issue, by adducing

George W. MacDonald
February 15, 1988
Page 2

evidence to refute his statements.

I expect that useful and important evidence from these witnesses will be adduced but I have not talked to any of them concerning their evidence nor would I expect them to discuss their evidence with me. It was accordingly not possible for me to file statements from them.

Yours very truly,


Ronald N. Pugsley

RNP:dk

c: Clayton Ruby
c: Michael G. Whalley
c: Frank L. Elman
c: Jamie W.S. Saunders
c: James D. Bissell
c: Allison R. Pringle
c: Charles Broderick
c: S. Bruce Outhouse
c: Guy LaFosse
c: Bruce H. Wildsmith
c: E. Anthony Ross
c: W. Wylie Spicer

N0181774

FEB 25 1988



Department of Justice
Canada

Ministère de la Justice
Canada

426-7594

4th Floor
Royal Bank Building
5161 George Street
Halifax, Nova Scotia
B3J 1M7

4ième étage
Immeuble Banque Royale
5161 rue George
Halifax, Nouvelle-Écosse
B3J 1M7

Our file
Notre dossier

AR-21,613

Your file
Votre dossier

Mr. George MacDonald, Q.C.
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

February 24, 1988

Dear Mr. MacDonald:

Re: Donald Marshall Inquiry

We are in receipt of copies of Mr. Pugsley's letters to you of February 15, 1988, concerning Cst. Gadet, Heather Matheson, Alan Storey and Michael Harris.

As counsel for the RCM Police we take the position that the matters Mr. Pugsley addresses in such letters are collateral to the Marshall Inquiry.

The question of credibility of witnesses is properly the subject of cross-examination and argument upon all the evidence relevant to the terms of the inquiry.

Yours very truly,

A. R. Pringle
Senior Counsel
Atlantic Region

ARP:mm

FEB 16 1988

SMITH, GAY, EVANS & ROSS
BARRISTERS & SOLICITORS

BRUCE W. EVANS
(Also of the Alberta bar)
JEREMY GAY
E. ANTHONY ROSS, M.Eng., P.Eng.
W. BRIAN SMITH

604 QUEEN SQUARE
P.O. BOX 852
DARTMOUTH, NOVA SCOTIA
B2Y 3Z5
Telephone
(902) 463-8100

February 15, 1988

File #1077-01

Mr. George MacDonald
Commission Counsel
ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,
PROSECUTION
Suite 1026, Maritime Centre
1505 Barrington Street
Halifax, NS
B3J 3K5

Dear Mr. MacDonald:

Re: Prospective Witnesses - Request of Jan. 29/88

I have had an opportunity to review Mr. Pugsley's request of January 29, 1988, the response of Mr. Bissel and the dissertation of Mr. Ruby.

The purpose of this letter is to lend support to the request of Mr. Pugsley in that it would appear that the individuals referred to in Mr. Pugsley's request were privy to a substantial amount of information not only relating to the circumstances of the death of Sandy Seale and the 1971 trial and conviction of Donald Marshall, but further, with respect to the events of late 1981 and 1982 which led eventually to the release of Mr. Marshall.

It would appear that the activities of the press went a long way in clouding the character of Sandy Seale and supporting the "robbery theory" which, upon a closer analysis of Volume 35 of the material before the Commission would suggest as a very probable theory that Donald Marshall himself was unaware of any robbery attempt prior to late 1981, and further, it would appear that disclosure from the RCMP to the solicitors involved in the 1982 review of the evidence leading to the conviction of Donald Marshall back in 1971 was systematically and continually vented (as opposed to leaks) to the press and could have been the basis of Donald Marshall himself becoming aware of a robbery theory which could be used to his own benefit.

.../2

Mr. George MacDonald
Page 2
February 15, 1988
File #1077-01

On behalf of Oscar Seale, we request that the persons named in Mr. Pugsley's letter be called to give evidence before this Commission.

Yours very truly,

SMITH, GAY, EVANS & ROSS

PER:



E. ANTHONY ROSS

EAR/lms

cc: Ronald N. Pugsley, Q.C.
Mr. Don Murray
Mr. Clay Ruby
Mr. Jamie Saunders
Mr. David Barrett
Mr. Bruce Wildsmith
Bruce Outhouse, Q.C.
Mr. Chuck Broderick
Mr. Guy LaFosse

11 Prince Arthur Avenue
Toronto, Ontario
M5R 1B2
Telephone (416) 964-9664

February 5, 1988

Mr. George MacDonald
Commission Counsel
Royal Commission on the Donald
Marshall, Jr., Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. MacDonald:

Mr. Pugsley has requested that three members of the press be called to testify in connection with statements that may or may not have been to them by police officers. I object to the calling of these witnesses as the number of collateral witnesses should be kept to a minimum given the length of the necessary witnesses who will in fact be called.

It is important to remember that this is not a trial of former Chief MacIntyre. He will not be punished by the Commissioners, nor will they make any finding which will have any legal effect against him.

Even if it were a trial, the proposed evidence is collateral. Having gone into the matter of whether or not Sergeant Wheaton, for example, spoke to the press, the answers on that point are collateral and final. Even if it were a trial, he would not be allowed to go farther.

In any event, this is a classic fishing expedition. There is no indication that we will get useful or important evidence from these witnesses. If that were not the case, I would have expected statements to be filed from the witnesses, rather than full cross examination to be undertaken without any expectation that useful evidence would be forthcoming.

It is important to remember that the Royal Commission is not a trial of the press. Putting the press on trial is a useful tactic in many cases. (Who

Clayton Ruby, B.A., LL.B., LL.M. • Marlys Edwardh, B.A., LL.B., LL.M.
Michael Code, B.A., LL.B. • Melvyn Green, B.A., LL.B. • Marcia Matsui, LL.B.

But I see no reason why we should allow Mr. Pugsley to divert the Commission from its central issues in this way.

I acknowledge that his manner of doing so is full of charm and grace, but substantively there is simply no reason why we should accept this invitation to shift the focus of the inquiry to put the press on trial.

Yours very truly,



Clayton C. Ruby

/ms

cc Wylie Spicer
David Orsborn
all other counsel

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

March 1, 1988

Mr. Darrel I. Pink
Patterson Kitz
Suite 1600
Bank of Montreal Tower
5151 George Street
Halifax, Nova Scotia


Dear Darrel:

Re: Your File #9201/1 - Winston Barnwell's Research

Further to my letter of February 24, 1988 I now enclose another subpoena covering the second batch of 45 cases.

Your co-operation in expediting the transmittal of the list of files to the Halifax Crown Prosecutor's Office will be greatly appreciated. Thank you. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

cc: Winston Barnwell

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
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COMMISSIONER

March 1, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

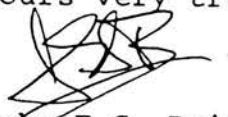
Dear Darrel:

Re: Your File #9201/1

I acknowledge receipt of your letter dated February 16, 1988 along with the enclosed pages for insertion in the Advice to Prosecutors volumes.

Thank you.

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

February 29, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Bruce Archibald's Questionnaire

I have a copy of the Deputy Attorney General's memorandum to
Prosecuting Officers, of February 23, 1988.

Please convey to Mr. MacDonald my appreciation for his assistance
in this matter. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. B. Archibald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 29, 1988

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

Dear Wilson:

Re: The Charter Project

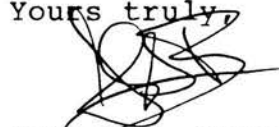
I enclose your copy of Richard Apostle's lengthy memorandum with respect to the data generated by the Charter Project and its implications for the Royal Commission.

As you will note, Richard has prepared the memorandum in order to initiate discussion with you and the other project leaders as to what further analysis of the Charter data can be usefully undertaken.

I suggest that you communicate your thoughts directly to Richard and in this regard you may wish to note that his telephone numbers are as follows: (902) 424-2020 (direct line) and (902) 424-6593 (Department).

I will of course look forward to hearing from you on this subject as well. Thank you. I remain.

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

encl.

cc: Richard Apostle

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

*Same letter sent
out to attached
list - Feb. 29/88*

Chief Robin Clark
Mahone Bay Town Police
Box 450
Mahone Bay, Nova Scotia
B0J 2C0

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.

Page 2
February 16, 1988

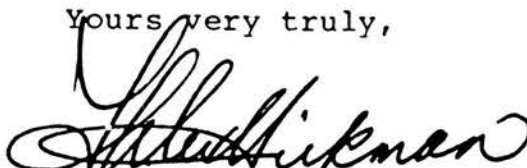
While I am sure the information we are seeking is quite straightforward, our staff does appreciate the need to respect confidentiality in certain circumstances. We will exercise appropriate discretion with respect to the use of material gathered during this study.

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:jrc

MUNICIPAL POLICE FORCES - PROVINCE OF NOVA SCOTIA

<u>POLICE FORCE</u>	<u>POLICE STRENGTH</u>	<u>CHIEF OF POLICE</u>	<u>MAILING ADDRESS</u>	<u>TELEPHONE</u>
Amherst Town Police	19	Johannes Plomp	P.O. Box 251, Amherst, N.S. B4H 3Z2	667-8600
Annapolis Royal Town Police	3	F. Ross Campbell	P.O. Box 310, Annapolis Royal, N.S. B0S 1A0	532-2427
Bedford Town Police	16	Howard A. (Gus) MacKenzie	1405 Bedford Highway, Bedford, N.S. B4A 3C5	835-7196
Berwick Town Police	5	Alan Dewolfe	210 Commercial St., Berwick, N.S. B0P 1E0	538-3666
Bridgewater Town Police	14	David McGinnis	P.O. Box 9, Bridgewater, N.S. B4V 2W7	543-2465
Dartmouth City Police	142	Donald I. Trider	P.O. Box 817, Dartmouth, N.S. B2Y 3Z3	421-2530
Dominion Town Police	5	Bernard Kelly	40 Duggan Street, Dominion, N.S. B0A 1E0	849-4576
Glace Bay Town Police	35	Mark Gardiner	McKeen Street, Glace Bay, N.S. B1A 5B9	849-6500
Halifax City Police	263	Blair D. Jaeken	1075 Gottingen Street, Halifax, N.S. B3J 2H1	421-6654
Hantsport Town Police	3	Delma Crowell	Box 369, Hantsport, N.S. B0P 1P0	684-3538
Kentville Town Police	12	Robert W. Innes	354 Main Street, Kentville, N.S. B4N 1K6	678-3378
(?) Louisbourg Town Police and Lunenburg	3	George Wheeliter	Box 88, Louisbourg, N.S. B0A 1M0	733-2444
Lunenburg Town Police	7	Gilbert Baker	Box 1360, Lunenburg, N.S. B0J 2C0	634-4312
Mahone Bay Town Police	3	Robin Clark	Box 450, Mahone Bay, N.S. B0J 2E0	624-8411
Middleton Town Police	6	Kenneth G. Cook	P.O. Box 340, Middleton, N.S. B0S 1P0	625-4892
New Glasgow Town Police	22	Stephen Kinnaird	182 Dalhousie Street, New Glasgow, N.S. B2H 4M3	752-1941
New Waterford Town Police	14	Douglas Crowe	3345 Plummer Ave., New Waterford, N.S. B1H 1Y5	862-2283
North Sydney Town Police	10	George Brown	P.O. Box 370, North Sydney, N.S. B2A 3M4	794-7271
Spryghill Town Police	9	Samuel Leo MacDonald	P.O. Box 2380, Spryghill, N.S. B0M 1X0	597-3779
Stellarton Town Police	9	W. Whytewood	Box 2200, Stellarton, N.S. B0K 1S0	752-6160
Sydney City Police	67	Richard J. Walsh	P.O. Box 730, Sydney, N.S. B1P 6H4	564-4415
Sydney Mines Town Police	11	Harry Vickers	112 Main Street, Sydney Mines, N.S. B1V 2L6	736-6026
Trenton Town Police	7	Robert White	Town Hall, Trenton, N.S. B0K 1X0	752-1113
Truro Town Police	26	A. Lonnie Murray	695 Prince Street, Truro, N.S. B2N 1G5	895-5351
Westville Town Police	6	Oswald Chalkner	P.O. Box 614, Westville, N.S. B0K 2A0	396-4911
Wolfville Town Police	6	John MacLeod	P.O. Box 1277, Wolfville, N.S. B0P 1X0	542-3817

NOVA SCOTIA POLICE COMMISSION

April 1987

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

February 29, 1988

Mr. Gordon F. Proudfoot
Office of the President
Nova Scotia Branch
Canadian Bar Association
c/o Boyne Clarke
Barristers & Solicitors
33 Alderney Drive
P. O. Box 876
Dartmouth, Nova Scotia B2Y 3Z5


Dear Gordon:

Thank you for your letter of February 12th, 1988.

While we have not yet discussed the timing of final argument, I would expect that submissions from parties granted observer status at the Inquiry would be filed in the same manner as submissions from parties who were granted full standing, that is, at the completion of the Public Hearings of the Royal Commission. At this point, it is hard to anticipate exactly when this might be. However, I can advise you that it is likely that we will be in Hearings until the end of June and it is possible that a further few weeks might be necessary in addition. It is our intention to adjourn for four to six weeks before returning for final argument.

The Commissioners have not yet decided precisely what will be required in terms of final argument by either parties with full standing or parties with observer status. I will advise you of the form and timing of the presentation which will be required as soon as I can.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER


February 29, 1988

Ms. Anne S. Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
5516 Spring Garden Road
Suite 205, Sovereign Bldg.
Halifax, Nova Scotia B3J 1G6

Dear Anne:

I return your clippings relating to Cletus Hallahan.
Fred Horne, one of our investigators, has interviewed the
Hallahans and has concluded that their story should not be
pursued.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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February 29, 1988

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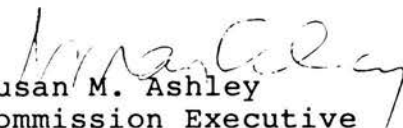
Ms. Susan Allen
Murrant Brown
Barristers & Solicitors
Suite 404, Purdy's Wharf
P. O. Box 2626
Halifax, Nova Scotia B3J 3P7

Dear Susan:

Thank you for your letter advising us that Robert Murrant will be representing Heather Matheson should she be called as a witness before the Inquiry. As I indicated to you on the telephone, at this point the Royal Commission does not intend to call Ms. Matheson as a witness. However, if the situation changes, we will be sure to advise Mr. Murrant immediately.

You asked for a schedule of witnesses who have appeared and will be appearing before the Royal Commission. Attached is a list of all the witnesses who have appeared to date. We will be putting the finishing touches on the witness list to be used in the next three weeks and when it is available, I will send it along to you.

Yours very truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 29, 1988

Ms. Judy Davis
R.R.#4
Tatamagouche, Nova Scotia
B0K 1V0


Dear Ms. Davis:

Thank you very much for sending along the information relating to the Westville Police Department. It has been circulated to Commission counsel, but I am not able to advise you at this point whether we will be able to investigate the allegations contained in the documentation.

As you know, the Royal Commission has a very big job to do and only a limited amount of time in which to do it. In the process of looking into the wrongful conviction of Donald Marshall, Jr., we are looking in more detail at the conduct of policing in Nova Scotia. In the Public Hearings of the Inquiry we have heard evidence from many members of the municipal police forces, as well as the R.C.M.P. We have also commissioned a research study on police practices, organization and training in Nova Scotia. We hope that even if we are not able to investigate all complaints that we have received relating to individual problems, our final recommendations for change in the area of police practices will also affect specific problem areas. We hope also that one of the positive effects of our report and recommendations will be to allow Nova Scotians to believe that their criminal justice system is sound and fair.

Thank you very much for sending along this material.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 29, 1988

Mr. Chris Manning
Barristers & Solicitor
Suite 500
1668 Barrington Street
Halifax, Nova Scotia B3J 2A2

RE: Mr. Harry Wilson

Dear Chris:

Thank you for your letter of February 17th, 1988. I regret that I was not able to respond to it more quickly, but I have been on holiday for the past week.

I appreciate your having provided the Commission with details of Mr. Wilson's situation. We get letters from many people who feel aggrieved from the justice system and it is not always possible to respond in a manner which will help them in any way. While I sympathize with Mr. Wilson's plight, the Royal Commission is not really in a position where it can provide him any remedy.

As you know, the mandate of this Royal Commission is to inquire into all matters relating to the death of Sandy Seale and the wrongful prosecution and conviction of Donald Marshall, Jr. In the course of doing this, we are looking at practices of the police, crown prosecutors and, to a certain extent, judges within the criminal justice system. We are also examining questions related to racism in the course of trying to determine whether the fact that in this case the victim was black and the accused was Indian had any bearing on the treatment of Mr. Marshall. As you may know, we have taken the position that it is impossible to determine whether Mr. Marshall's wrongful conviction was the result of problems within the criminal justice system without looking at certain other cases to determine whether the justice system treats all individuals equally. To that extent, we are looking at other files which might show that treatment by the system might depend on other factors besides guilt or innocence.


I have read your letter carefully and have concluded that it is unlikely that we could assist in opening up Mr.

Mr. Chris Manning

February 29, 1988

Wilson's case. However, I will ensure that your letter is circulated to Commission counsel. Thank you very much for taking the time to write on Mr. Wilson's behalf. I hope that the final results of this Royal Commission will allow him to feel more confident that the criminal justice system in Nova Scotia deals fairly with all individuals.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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 TELECOPIER

February 26, 1988

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 Mr. Bissell:

Enclosed please find the general areas of interest that we expect to cover with Mr. Doug Rutherford. They are not in any particular order, and George MacDonald has not yet reviewed them. Accordingly, he may wish to expand upon them when he returns on Monday, February 29, 1988.

Thank you.

Yours very truly,

J. Cook

for

David B. Orsborn
Commission Counsel

DBO:jrc

enclosure

AREAS OF INTEREST RE DOUGLAS RUTHERFORD TESTIMONY

1. General experience re issue of wrongful conviction
 - Explanation of remedies that are available under the Criminal Code
 - If possible, an explanation of accepted principles in dealing with requests for compensation in cases of wrongful conviction
2. Involvement with Nova Scotia Department of Attorney General in determination of procedure to be followed in Marshall case, including factors pro and con a free pardon and the procedure actually undertaken, and also including details of any communication with the Nova Scotia Court of Appeal and the effect of that communication, if any, on the form of the proceeding and documentation.
3. Whether or not the issue of compensation was raised at any time by the Department of Attorney General officials during the course of considering what procedure to take.
4. Knowledge if any of contacts with Marshall's solicitor in connection with remedies available.
5. Knowledge of compensation arrangements, including federal involvement, if any, in settlement with Marshall, and knowledge if any of later federal contribution to same.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 24, 1988

Halifax County Correctional
Centre
Lower Sackville, Nova Scotia

ATTENTION: Mr. Don Homans

Re: Eileen (Ilene) Richard

Dear Sir:

We understand that Ms. Richard was a resident of your facility from October 20th, 1971 to February 28th, 1973, following a conviction under Section 175 of the Criminal Code for vagrancy.

I would be grateful if you would forward to our investigator, Mr. Fred Horne, access to any files that you may have on Ms. Richard and that you provide him with any other information he may request.

Your co-operation is appreciated.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'David B. Orsborn', with a large, stylized initial 'D'.

David B. Orsborn,
Commission Counsel

DBO/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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February 24, 1988

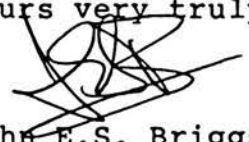
Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Your File #9201/1

Thank you for your letter of February 23, 1988 along with the various enclosures.

Yours very truly,



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

February 24, 1988

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

Dear Dr. Markesteyn:

Thank you for your letter of February 5, 1988 along with
enclosures.

I was particularly interested in your observation that the
Registrar of Vital Statistics appears to have failed to comply
with the provisions of the Vital Statistics Act of Nova Scotia.
I shall be in touch with you again shortly. 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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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 24, 1988

Philip C. Stenning, Esq.
Centre for Criminology
University of Toronto
Room 8001, Robarts Library
130 St. George Street
Toronto, Ontario M5S 1A1

Dear Philip:

Re: RCMP Provincial Policing Agreement - Province of Nova Scotia

I attach for your information a copy of the letter I received from Counsel for the Department of the Attorney General dated February 23, 1988 along with the enclosures referred to therein.

Yours and aye,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Richard Apostle

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
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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

February 24, 1988

Dean James MacPherson
Osgoode Hall Law School
York University
4700 Keele Street
Downsview, Ontario

Dear Jim:

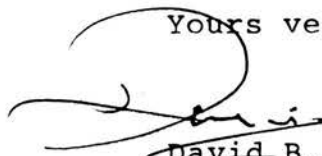
Many thanks for taking the time to meet with me last week and to discuss your providing the Commission with an opinion on the issues surrounding the compellability of the judges of the Nova Scotia Supreme Court.

It was a pleasure to renew acquaintances with you and I look forward to the opportunity of being able to meet with you again sometime in the future.

Again, many thanks for your time and my best wishes in your new and challenging position.

Kindest personal regards.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO:jrc

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

BY COURIER

February 24, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Your File #9201/1 - Winston Barnwell's Research

Further to our telephone conversation of February 23, 1988, I now enclose a subpoena with respect to the Halifax Crown Prosecutor's files.

This subpoena covers the first batch of 40 cases. You will note that the name of the individual whose file we wish to access is identified on the form, left hand upper side under the heading "Name" and adjacent to that entry there is an entry entitled "I.D. Number" under which you will find the individual's police I.D. number.

I understand the information on these forms will be sufficient to allow the Prosecutor's Office to pull the appropriate files.

Your co-operation in expediting the transmittal of the list of files to the Halifax Crown Prosecutor's Office will be greatly appreciated. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Winston Barnwell

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 22, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

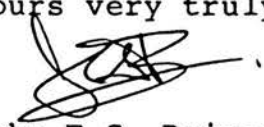
Dear Darrel:

Re: Your File #9201/1

I enclose for your information and records, two copies of the final form of the Questionnaire to Prosecuting Officers.

The Questionnaire will be distributed this week by the Survey Centre of the Gorsebrook Research Institute. If you have any questions or concerns, please do not hesitate to contact me accordingly. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. B. Archibald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

February 17, 1988

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
P. O. Box 1068
Truro, Nova Scotia B2N 5B9

Dear Jamie:

I refer to your letter of December 8th, 1987 in response to mine of December 2nd. As yet, we have not received any documents from files which undoubtedly exist in both the Executive Council and Auditor General's Office. We also suspect notes of some sort must exist in the files of individual members of Cabinet, and in particular, the Speaker and the Premier. We have had the opportunity to review materials provided to us by the R.C.M.P. concerning the two files in question. It is obvious from this review that documents which originated in the Attorney General's Department and which were forwarded to the R.C.M.P. have not been made available to us by the Attorney General's Department in response to our earlier requests. This leads me to conclude that there must be additional files in the Attorney General's Department dealing with these matters. I have asked John Briggs, who has had the opportunity to review the R.C.M.P. materials in detail, to write to you directly outlining in detail the materials which we believe must exist in the various Departments of the Government of the Province of Nova Scotia.

I repeat once again my request that you voluntarily arrange to deliver to us all of the materials referred to in my earlier letters and those that will be outlined in John Briggs' letter. I am going to be out of the Province until March 1st and I would ask that all of these documents be made available prior to my return. If for any reason the documents are not produced,

Mr. Jamie W. S. Saunders

February 17, 1988

we will have no option but to issue a subpoena upon my return and have the matter dealt with before the Commission when the Hearings resume.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

cc: Mr. Darrel I. Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 17, 1988

Ms. Heather Brenton
Dean's Office
Dalhousie Law School
Halifax, Nova Scotia B3H 4H9

Dear Heather:

Enclosed is a registration form for David Orsborn for the "Commissions of Inquiry" conference. I have requisitioned a cheque from the Province to cover the registration fees for myself, John Briggs and David Orsborn, and I will forward it to you as soon as it is received by my office. I had indicated to you that I would not be able to come to the conference on Friday as I do not get back from vacation until Friday night. I have arranged that Brenda McGilvray, the part-time librarian with the Royal Commission, will attend the Thursday night and Friday session in my place. She will not be attending the Friday dinner. I hope this does not present a problem.

I am off to Florida tomorrow morning with the kids and can hardly wait. I am very excited about the good news I received from the Law School yesterday, and I want to thank you for the part you had to play in it.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb Enclosure

REGISTRATION FORM
COMMISSIONS OF INQUIRY

February 25-27, 1988

DALHOUSIE UNIVERSITY

Name David Orsborn

(As you would like it to appear on your name tag)

Firm/Institution

Counsel, Royal Commission on the
Grand National St. Procurement

Address Suite 1026, 1505 Barrington St.

\$200.00

44

Postal Code

B3J 3K5

Phone

424-4800

Please find enclosed ~~\$150.00~~ Conference Fee. Make cheques payable to Dalhousie University.

Conference Fee includes the following meals (Please check if you plan to attend):

☒ Friday luncheon

☐ Saturday luncheon

☐ Friday dinner

☐ With guest

(Additional charge

will apply)

Registration is limited. Please register early.

Please return this form with payment to: Commissions of Inquiry Conference, c/o Dean's Office, Dalhousie Law School, Halifax, N.S. B3H 4H9.

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

February 17, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: "Development and Implementation of Revised Organizational Arrangements" - December, 1981

Further to our review of the above-noted management consultancy report in your offices on Monday, February 15, 1988, please provide copies of the following:

1. Table of Contents
2. Introductory Section
3. Appendix 1 - "Organizational Diagnostic Questionnaire"
4. Exhibit I - "Current Mandate of the Attorney General of Nova Scotia"
5. Pages 3, 4, 5, and 6
6. Exhibit II
7. Page 7 and top of Page 8
8. Exhibit III
9. Page 10 and 11
10. Exhibit IV
11. Exhibit V
12. Exhibit VI
13. Page 12, Page 14
14. Exhibit VIII
15. Pages 16, 17 and 18

In addition to the above, I would also request the following:

1. A copy of the "unit by unit review" relating to criminal prosecutions (reference page 2).
2. A copy of the background paper or study supporting the "September reorganization, 1980" which reorganization envisaged increased departmental direction and control of the prosecution function. (reference page 5)

Page 2
February 17, 1988

3. A definition of the "public offices' function".
4. A copy of "the findings of our review which provided the basis for reaching agreement among the department of the Attorney General and Management Board" with respect to the merits of the necessary organizational changes. (reference page 10)
5. A copy of the background study/paper/memorandum supporting the recommendations put to Management Board on April 14, 1981.

I believe that our requests as outlined above cover the bulk of the management study. Consequently, in order to minimize the possibility of taking any of the contents thereof out of context, I suggest that it would be beneficial to make a copy of the whole report available to us.

Frankly, I assume that the above-noted study was preceeded by an earlier study(s) or an earlier draft report(s). I have concluded this based on what I would describe as a certain quality of incoherence in the way in which the study is written along with various references contained in the study to previous recommendations and the approval of such changes by Management Board. In any event, I would appreciate it if you would advise as to the chronology of relevant events which culminated in the above-noted study. In addition, a copy of the Terms of Reference directed to Curry, Coopers & Lybrand when they commenced their study in November, 1980 would be helpful in understanding their subsequent report.

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

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. B. Archibald

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February 16, 1988

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

Dear Mr. Saunders:

Re: Brenda Thompson - Edmund Morris

The appeal period in this matter having now expired, I would appreciate if you would make available to us any material in the possession of the Attorney General's Department concerning this case. We consider the refusal by the Government to prosecute Morris to be relevant to an analysis of the administration of justice in Nova Scotia.

Yours very truly,



for W. Wylie Spicer
Commission Counsel

WWS:jrc

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COMMISSIONER

February 15, 1988

Mr. Frederick P. Crooks
Cox, Downie & Goodfellow
Barristers & Solicitors
1100 Purdy's Wharf Tower
1959 Upper Water Street
P. O. Box 2380, Station M
Halifax, Nova Scotia B3J 3E5

Dear Mr. Crooks:

Re: MacKeigan et al v. Hickman et al

Enclosed please find the original Originating Notice and
one Affidavit duly endorsed.

Yours very truly,

David B. Orsborn,
Commission Counsel

DBO/ljb

Enclosures

Service accepted this 15th day of February,
1988 on behalf of the Defendants.
David Chen
D.B. DRISBORN


ORIGINATING NOTICE
(Application Inter Partes)

1988

S.H. No. 63241

IN THE SUPREME COURT OF NOVA SCOTIA
TRIAL DIVISION

Between:



IAN M. MACKEIGAN, GORDON L.S. HART,
MALACHI C. JONES, ANGUS L. MACDONALD,
and LEONARD L. PACE,

PLAINTIFFS

- and -

T. ALEXANDER HICKMAN, LAWRENCE A.
POITRAS, and GREGORY THOMAS EVANS,

DEFENDANTS.

TO THE DEFENDANTS:

TAKE NOTICE that an application will be made on behalf of the Plaintiffs ("the Applicants") to the Judge presiding in Chambers at the Court House, 1815 Upper Water Street, Halifax, Nova Scotia, on Thursday, the 7th day of April, 1988, at the hour of 9:30 o'clock in the forenoon, or so soon thereafter as the application can be made and heard:

1. For an Order or Orders providing Declaratory relief and also providing relief in the nature of Certiorari and Prohibition directed

Service was on this 15th day of February,
1988 on behalf of the Defendants.

IN THE MATTER OF An Intended Proceeding
to be Headed as Follows:

D. B. O'Connell
D. B. O'Connell

1988

S.H. No. 63241

IN THE SUPREME COURT OF NOVA SCOTIA
TRIAL DIVISION

Between:

IAN M. MACKEIGAN, GORDON L.S. HART,
MALACHI C. JONES, ANGUS L. MACDONALD,
and LEONARD L. PACE,

PLAINTIFFS

- and -

T. ALEXANDER HICKMAN, LAWRENCE A.
POITRAS, and GREGORY THOMAS EVANS,

DEFENDANTS.

AFFIDAVIT

I, Ronald J. Downie, of Halifax, in the County
of Halifax, Province of Nova Scotia, Barrister, make oath
and say as follows that:

1. I am solicitor for the Plaintiffs ("the Applicants")
in the noted intended Proceeding and, except where
otherwise stated, I have personal knowledge of the
matters hereinafter set forth.
2. By Order in Council dated October 28, 1986, the
Defendants were appointed Commissioners under the
Public Inquiries Act, under the Chairmanship of the
Honourable Mr. Justice T. Alexander Hickman "to inquire

JAN 12 1988

COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

TELEPHONE (902) 421-6262
FACSIMILE (902) 421-3130
TELEX 019-22514

A. WILLIAM COX, O.C.
W.R.E. GOODFELLOW, O.C.
JOHN R. GRANT, O.C.
DANIEL M. CAMPBELL
DOUGLAS C. CAMPBELL
WARREN K. ZIMMER
TERRY L. ROANE
MICHAEL E. DUNPHY
BRIAN W. DOWNIE
ALAN J. DICKSON
D. KEVIN LATIMER
K. MICHAEL TWEEL
RONALD E. PIZZO

RONALD J. DOWNIE, O.C.
DAVID MCD. MANN, O.C.
ROBERT G. MACKEIGAN, O.C.
JOHN ARNOLD
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LORRAINE P. LAFFERTY
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JOCELYN M. CAMPBELL
BRIAN A. TABOR

GEORGE M. MITCHELL, O.C.
JOHN M. BARKER, O.C.
MICHAEL S. RYAN, O.C.
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PETER W. GURNHAM
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JAN MCK. SILLIKER
LES D. DOLL
JONATHAN R. GALE

1100 PURDY'S WHARF TOWER
1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P.O. BOX 2380, STATION M
HALIFAX, NOVA SCOTIA B3J 3E5

OUR FILE: 8118-1

January 12, 1988

Mr. David B. Orsborn
Commission Counsel
Royal Commission on the Donald
Marshall, Jr. Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
HALIFAX, NS

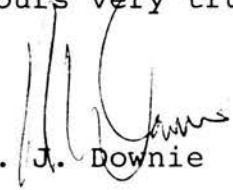
Dear Mr. Orsborn:

Thank you for your letter of January 12 in answer to mine of January 11.

I will be reporting and seeking instructions, but I do agree that it might be useful if we were to meet and discuss the issues raised by this exchange of correspondence.

I am not available today, but suggest early tomorrow afternoon, if that would be convenient.

Yours very truly,


R. J. Downie

RJD:cmg

*Forwarded to Jan Brown
423-6629*

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 12, 1988

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Suite 1600, 5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

Re: Your file number 9201/1

I acknowledge receipt of your letter of February 9, 1988, wherein you formally request on behalf of your client, "....an opportunity to review draft reports prior to their submission to the Commissioners and in adequate time to allow for meaningful input."

I shall bring your request to the attention of Commission Counsel and you can expect to hear from one of us shortly.

In the meantime, I would reiterate that we have always been interested in obtaining meaningful input from the Department of the Attorney General. I believe that your client's continuing co-operation will go a long way toward ensuring both the quality of their input and factual accuracy.

I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

February 12, 1988

Philip C. Stenning, Esq.
c/o University of Oxford
Centre for Criminological Research
12 Bevington Road
Oxford, 2X2 6LH England

Dear Philip:

Thank you for your letter of January 15, 1988 along with enclosures.

I expect that the recipe for spinach cheese crepes will be far more significant to the rest of my life than your rather unanimated, if not pedestrian, article on social control in Disneyworld!

With respect to your latest invoice, I understand that a cheque should be forthcoming in about one week. Apparently, Provincial payroll personnel prepared a cheque payable to the Centre of Criminology, (yet again). Of course this had to be sent back to be reissued in your name. Is it not ever thus?

Further to our telephone conversation of Wednesday last, I am forwarding the following materials to your Toronto office:

1. An opinion paper on "The Office of Solicitor General" by John Edwards.
2. A copy of the current RCMP Provincial Policing Agreement and the two proceeding agreements, covering the period from April 1, 1966 to March 31, 1991.
3. Copy of Index to RCMP Operational Manual.
4. Copy of Index to RCMP Administration Manual.
5. Copy of letter and attachments, from Richard Apostle to myself dated January 26, 1988 describing data collection strategies.

Page 2
February 12, 1988

6. Copy of memorandum from Richard Apostle re Sydney Police Force, 1971.
7. Copy of rough draft by Richard Apostle, entitled, "Police Organization in Nova Scotia: Investigative Capacity and Minority Rights".
8. Copy of Summaries of transcripts from the public hearings, January and February 1988.

Richard's data collection strategy is being pre-tested with the Bedford Town police force. I understand that that exercise will be completed today. Presumably he will make any appropriate adjustments. I will forward copies of any revised questionnaires.

As I mentioned during our telephone conversation, Claire Lewis' Civil Complaints Agency, or, perhaps more accurately the Court of Appeal's decision regarding same, seems to have stirred up an even bigger hornet's nest since you left. The very reaction of the police in the context and circumstances of the case which has given rise to this controversy seems to underscore even more the need for a civilian complaints agency. Wilson Head was one of the persons instrumental in brining about the creation of the Agency in the first place. He continues to maintain an active interest in that issue and you may find it helpful to speak with him when you return to Canada.

I understand that you will be writing those sections of the research report dealing with the following:

1. Police Commissions
2. RCMP Contract Policing
3. Civil Complaints Agency
4. Solicitor General

I would appreciate it if you would provide me with an estimate of the time/fees involved in carrying out the above. I appreciate that there may be additional time involved with respect to general consultation and reviewing other aspects of the research study. However, it would be helpful if you could get a handle on the amount of time that might be involved in writing those aspects of the report which you have assumed primary responsibility for.

Nothing exciting to report at this end. The public hearings resume on March 7th and in the meantime those who can are escaping the February blah's by going skiing or going south!

Page 3
February 12, 1988

I look forward to our next meeting and in the meantime, I hope that the rest of your sojourn at Oxford goes as well as the first part.

Best wishes,

Yours and aye,

A handwritten signature in dark ink, appearing to be 'JESB', with a long horizontal stroke extending to the right.

John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

February 12, 1988

Mr. Doug Kirby,
Senior Librarian
Canadian Broadcasting Corporation
P. O. Box 3000
Halifax, Nova Scotia B3J 3E9

Dear Doug:

Attached is a copy of my letter to Ron Crocker, dated October 1st, 1987. In that letter the Commission agreed to pay for the cost of the video tapes produced from the public hearings. That is the only thing for which we have agreed to pay. At no time, in any of my discussions with Mr. Crocker, was there any mention of us paying indexing or other costs.

On the matter of delivery of the Sydney tapes, I think it would probably be best to have them delivered directly to the archives with access to the Commission. I have just talked to the Provincial archivist in an attempt to make the appropriate arrangements. Once I have finalized the matter with him, I will let you know, so that the tapes may be delivered.

Thank you very much for your help in all of this.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure

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COMMISSIONER

February 10, 1988

Mr. Darrel I. Pink
Patterson Kitz
Suite 1600
Bank of Montreal Tower
5151 George Street
Halifax, Nova Scotia

Dear Darrel:

Re: Questionnaire to Prosecuting Officers

Further to the understanding outlined in the second paragraph of my letter of December 4, 1987, and our subsequent meeting with the Deputy Attorney General, on January 18, 1988, I now enclose for the information of your client, a copy of the above-noted questionnaire.

The distribution, computer tabulation and analysis of the questionnaire will be handled on behalf of the Royal Commission by the Gorsebrook Research Institute. All of the work undertaken by the Institute on our behalf will be on a strictly confidential basis and the anonymity of the respondents to the questionnaire is assured. The Royal Commission's undertaking with respect to anonymity will be reiterated in Professor Archibald's letter of instructions which will accompany the questionnaire when distributed to the prosecuting officers.

You will recall that during our meeting of January 18th, Mr. MacDonald indicated that either he or the Attorney General would send a letter or memorandum to all prosecuting officers directing their co-operation in the completion of the questionnaire. While I would anticipate that most prosecuting officers would be more than willing to co-operate in this endeavour, it is clear that a direction from the Attorney General or his Deputy will greatly facilitate full participation and timely completion of this exercise.

The questionnaire is to be distributed next week.

Page 2
February 10, 1988

I look forward to receiving, in due course, a copy of the Attorney General's letter. I trust you will find the foregoing in order, but should you have any questions, please do not hesitate to advise me accordingly.

Thank you for your co-operation. I remain,

Yours very truly,

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

John E.S. Briggs
Director of Research

JESB:jrc

P.S.: We have decided not to conduct a "pre-test" of the questionnaire.