

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

January 26, 1990

The Honourable Arthur Donahoe
Speaker of the House
7th Floor
One Government Place
1700 Granville Street
HALIFAX, Nova Scotia
B3J 2Y3

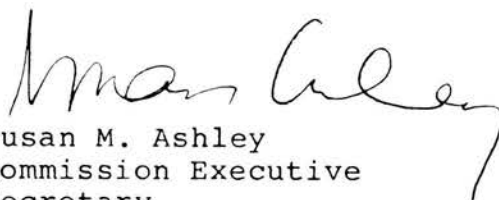
Dear Mr. Donahoe:

The Report of the Commissioners has now been handed over to Government.

We anticipate that it will take two weeks to dismantle the office and dispose of the documents. The office of the Royal Commission will be closed as of Friday, February 9, 1990.

Thank you for your cooperation over the past three years.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/bjs

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 17, 1990

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

Dear Mr. Pink:


I acknowledge receipt of your letter of January 17, 1990, which was delivered by hand.

The Commissioners are pleased to comply with the suggestions contained in that letter relating to delivery of the Report to Government. The Commissioners will formally deliver their Report to the Premier and the Executive Council at 10:00 a.m. on Friday, January 26th, and will be available for a confidential briefing to Executive Council on the Report. We presume that there will be no media involvement until after the briefing is concluded. In any event, no comment will be made on the contents of the Report by the Commissioners, staff or counsel after it is presented to Government.

I will be in touch with you concerning delivery of copies of the Report on January 26, and distribution. Will you please advise me of the time when the Report can be considered to be a public document, so that it can be distributed to counsel and others who will be receiving complimentary copies.

Thank you for your continuing co-operation in these matters.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/1

*Filed to
Jan
Comments
Jan 17/90*

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 16, 1990

Mr. Douglas Keefe
Department of Attorney General
5151 George Street
10th Floor
Halifax, Nova Scotia B3J 1M5

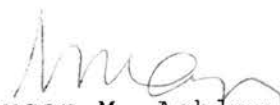
Dear Doug:

Here is a draft letter to be sent out to those who will be receiving complimentary copies of the Report. It should not be sent to counsel for parties appearing before the Inquiry. I propose to send a separate letter to them indicating that they can pick up their copies at the Commission offices at the moment it is made public. (I'm awaiting advice from you as to when that might be!)

On second thought, perhaps this draft letter should go out under Spurway's signature; in that way, address changes could be processed in a more orderly fashion through Government channels.

Please advise.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure

FAXED
JAN 16-90
424-4550

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

D R A F T

January , 1990

Dear :

The Report of the Royal Commission on the Donald Marshall, Jr., Prosecution will be presented to Government in the near future, and shortly thereafter will be made public. A complimentary copy of the Report will be mailed to you at that time. Will you please advise us immediately whether we have your correct address for delivery.

Thank you for your interest in the work of the Royal Commission.

Yours truly,

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 4, 1990

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

Dear Mr. Pink:

Re: Estimated Costs of Publication of Report

Attached please find a memo to me from Lloyd McQueen at the Department of Government Services. In that memo, he estimates the unit cost of each volume of the Report, based on publishing costs of McCurdy's to date of \$174,978.00. I should state at the beginning that the Commission has received no bills from McCurdy's at all to date, and that I am relying on Mr. McQueen's figures for the publishing costs. I should also add that I have no idea how Mr. McQueen came up with the unit cost as indicated in his memo. If, for example, you divide the total cost of publication by the number of pages in each volume, you do not arrive at the number he suggests as the unit cost. I have tried to seek clarification from Mr. McQueen on how he arrived at this number, but he is out of the office until Monday. In any event, I have accepted his unit cost as accurate, and if it is not accurate, he must take responsibility for it.

As I indicated to you on the telephone, the numbers in McQueen's memo relate only to costs of publication, i.e., the cost of actually printing the volumes. They do not include the cost of layout and design. I can advise you that to date we have been billed \$60,478.08 in relation to design and layout for Volumes 1 to 7. I am expecting one more bill, but it should not be a terribly substantial one. To arrive at a unit cost based on the publication as well as design cost, I have added the total publication cost of \$174,978.00 and the total design cost to date of \$60,478.08, to provide a total cost to date of \$235,456.08. If one divides this amount by the total number of pages, which is 3,682,800, the total cost per page is .06¢.

Mr. Darrel I. Pink

January 4, 1990

Based on a .06¢ per page figure, the estimated actual unit cost per volume is as follows:

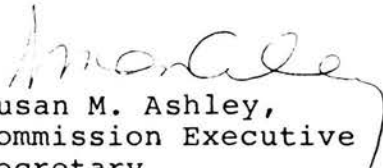
<u>Volume #</u>	<u># of Pages</u>	<u>Unit Cost</u>
1	416	\$24.96
2	300	18.00
3	128	7.68
4	200	12.00
5	204	12.24
6	234	14.04
7	148	8.88
		<u>\$97.80 Total.</u>

I suggest that if we charge \$15.00 each for Volumes 2 - 7 and \$10.00 for Volume 1, the total amount recovered will exceed the actual unit cost. There are, of course, other ways that the prices could be set so that costs could be recovered. I do feel strongly that the price of Volume 1 should be kept low enough so that it is accessible to the public, and that its price should be subsidized in some way - either by raising the price of the other volumes or in some other way - to ensure that the price is reasonable.

Once again, I must add that I am somewhat mystified by the way in which Mr. McQueen arrived at the unit cost in his memo. Since I wasn't able to figure it out without his assistance, I calculated the total costs (printing plus design) in the way I indicated above. I am satisfied that they are fairly realistic figures.

If there is any further information you need, please give me a call. I hope that the price of the Report can be fixed in such a way as to be satisfactory to both the Commission and the Government.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb
Enclosure

Nova Scotia



Department of
Government Services

Information Services Division

PO Box 54
Halifax, Nova Scotia
B3J 2L4

902 424-2700
TWX: 810-271-8917
Telex: 019-22734

Our file no:

MEMORANDUM

TO: Susan Ashley, Royal Commission
on the Marshall Inquiry

FROM: *LMQ* Lloyd MacQueen

DATE: January 2, 1990

SUBJECT: Publication of Report
Re: Price per Volume

64 per page

<u>Quantity</u>	<u>Volume No.</u>	<u>No. of Pages</u>	<u>Unit Cost</u>	<u>Total Cost</u>	
3600	Vol. 1	416	24.96	\$19.76	\$71,136.00
1800	Vol. 2	300	18.00	\$14.25	\$25,650.00
1800	Vol. 3	128	7.68	\$ 6.08	\$10,944.00
1800	Vol. 4	200	12.00	\$ 9.50	\$17,100.00
1800	Vol. 5	204	12.24	\$ 9.69	\$17,442.00
1800	Vol. 6	234	14.04	\$11.14	\$20,052.00
1800	Vol. 7	148	8.88	\$ 7.03	\$12,654.00
Total					\$174,978.00

The above prices include all printing, flatting, film, packaging, binding and service charges. It does not include federal sales tax or provincial sales tax. Please note that Volume I has a print quantity of 3600 while all other volumes required a print quantity of 1800 copies each.

I hope that this is of some assistance to you and if you require any further information please do not hesitate to contact me.

LMacQ/as

John G. H. J.
General
Del

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

December 18, 1989


Mr. Ronald N. Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
Halifax, Nova Scotia B3J 2X2

Dear Mr. Pugsley:

As instructed by George MacDonald, I am enclosing copies of the submissions made by George on behalf of the Commission, and Jamie Saunders and Darrel Pink on behalf of the Attorney General's Department.

If you need anything further, please do not hesitate to contact me.

Yours very truly,


Laurie J. Burnett
Secretary to the Chairman

/ljb

Enclosures

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 18, 1989

The Honourable Mr. Justice Ian M. MacKeigan
Supreme Court of Nova Scotia
Appeal Division
Law Courts
1815 Upper Water Street
P. O. Box 2314
Halifax, Nova Scotia B3J 3C8

Dear Mr. Justice MacKeigan:

I acknowledge receipt of your letter dated December 5th, 1989. I thought that I should write to you and point out that I am presently a member of the Nova Scotia Bar, having been granted a temporary certificate for the purposes of the Commission.

Yours very truly,



David B. Orsborn,
Commission Counsel

DBO/ljb

PAVED TO WYHE
DEC 18-89
425-6350

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 15, 1989

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

Dear Mr. Pink:

Enclosed is a copy of the research report, Public Policing in Nova Scotia, prepared for the Royal Commission. I am sorry for the delay in forwarding this on to you but, we just received it ourselves.

Seasons greetings.

Very truly yours,

Bau B. Smith

for Susan M. Ashley,
Commission Executive
Secretary

SMA/bjs

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

December 7, 1989

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

Dear Mr. Pink:

I am writing to express my concerns about the comments of Peter Spurway in today's Chronicle-Herald. Mr. Spurway indicated that a procedure had not been adopted for release of the Report, the implication being that it may or may not be made public.

These comments contradict the assurances I received from you, as counsel for the Attorney General, that the Report would be made public within 7 days of its delivery to Government by the Commissioners. Naturally, we have been proceeding on the strength of your undertaking.

This is not a matter which I have as yet raised with the Commissioners, but I will do so if I don't receive further assurances that the Report will be made public according to your earlier advice. Needless to say, this is an urgent concern.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb



Nova Scotia Barristers' Society

P.O. Box 368, 159 George Street, New Glasgow, Nova Scotia B2H 5E5
(902) 752-8441 Fax (902) 752-7810

Office of: The President

November 21, 1989

Royal Commission on the Donald Marshall, Jr., Prosecution,
Maritime Centre, Suite 1026,
1505 Barrington Street,
HALIFAX, Nova Scotia
B3J 3K5

Attention: W. Wylie Spicer,
Commission Counsel

Dear Wylie:

I acknowledge yours of November 7th, 1989.

The deliberations of the ad hoc advisors who have been conferring with me have largely revolved around the broader issues of access to justice in Nova Scotia and the specific role that the Bar Society should be playing with respect to the accessibility of both the Law School and the Bar Society to members of minority groups. There are lessons to be learned independent of the formal findings of the Royal Commission. The consultative process which has been ongoing these last several months has not attempted to prejudge the recommendations that will be contained in the Report.

To the contrary, we have been developing recommendations with respect to sensitizing our members to the requirements of minority groups; access to Dalhousie Law School for minorities; support and mentor systems for students of the Indigenous Black and Micmac Program at Dalhousie, and the like. In my view, the contributions from yourself and other counsel on such issues would not compromise your responsibilities to your clients, nor leave you open to criticism that you have attempted to improperly influence the position of the Bar Society.

However, having explained my perspective, I will, of course, respect your wishes.

Yours truly,

MACINTOSH, MACDONNELL & MACDONALD

Bruce T. MacIntosh
/jet

NOV - 9 1989

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 7, 1989

Mr. Bruce T. MacIntosh
MacIntosh, MacDonnell & MacDonald
P. O. Box 368
New Glasgow, Nova Scotia
B2H 5E5

Dear Bruce:

Re: Marshall Inquiry Report

After having turned down Gail Salsbury's request for me to attend a meeting of your Committee on Monday evening, the 6th, I have been thinking about whether it is appropriate for Commission Counsel to be involved in any way with the Bar Society's deliberations concerning the Marshall Inquiry Report.

I have concluded that it is not appropriate for Commission Counsel to participate in your Committee and must accordingly therefore withdraw my offer of assistance. On reflection, my view is that the Bar Society must, like any other group which will respond to the Report, do so on its own without the assistance of any of the counsel who have represented either the Commission or, for that matter, any of the parties who appeared before it.

I trust you will understand my position.

Kind regards,

Yours very truly,

W. Wylie Spicer
Commission Counsel

BCC Mr. George W. MacDonald, Q.C.
Mr. David B. Orsborn
Commission Office

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 7, 1989

Mr. Doug McCallum
McCurdys Printing and Typesetting Ltd.
P.O. Box 1102
3825 Dutch Village Road
HALIFAX, Nova Scotia
B3J 2X1

*copy: Susan
gave original
to Karen*

Dear Mr. McCallum:

This letter is to confirm and authorize receipt in this office of one perfect-bound copy of volumes 3,4,5 and 6 of the Marshall Inquiry publications.

Yours very truly,

Susan M. Ashley
Commission Executive
Secretary

SMA/bjs

November 7, 1989

Doug McCallum
McCurdys Printing & Typesetting Ltd.
PO Box 1102
3825 Dutch Village Road
Halifax, NS
B3J 2X1

Dear Mr. McCallum;

This letter is to confirm and authorize receipt in this office of one perfect-bound copy of volumes 3, 4, 5 and 6 of the Marshall Inquiry publications.

Sincerely,

Susan Ashley
Commission Executive Secretary

ROYAL COMMISSION ON THE DONALD MARSHALL R., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

September 8, 1989

Mr. Steve Kimber
2533 Beech Street
HALIFAX, Nova Scotia
B3L 2X9

Dear Steve:

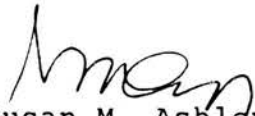
Enclosed are my master copies of volume 1, parts 1 and 2. I have left all of my memos, letters and notes in the volumes, and I trust you will guard them with your life. As I mentioned on the telephone, Brenda has gone over all of references to the transcripts and exhibits contained in the body of draft 5, and checked them against the originals. Her comments are in green ink. The original transcripts and exhibits are in a pile at the beginning of each volume, in the order that they appear in draft 5.

If you find that making these editorial changes takes more time than you thought, please let me know so that we can think of some other plan. I would like to have my copy back as soon as possible.

I also look forward to receiving the revised police chapter. (I feel like such a nag.)

See you soon.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

September 7, 1989

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
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Mr. Darrel I. Pink
Patterson, Kitz
Barristers and Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
P.O. Box 247
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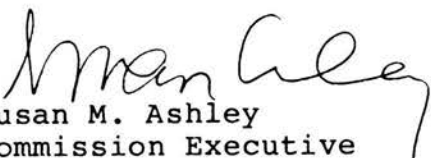
Dear Mr. Pink:

I have discussed the contents of your letter to me of August 10, 1989 with Chief Justice Hickman. In that letter you suggest that the Government might agree that they will make the Report of the Royal Commission public within approximately seven days of receipt of the Report by the Commissioners. This suggestion is agreeable to us.

I have also discussed with Chief Justice Hickman your suggestion that "final proof" copies of the Research Reports (Volumes 2 to 7) be made available to members of the committee that will be preparing the Government response to the Report. We have no difficulty with this in principle, but would like you to confirm that any copies that are given to you will not be photocopied or distributed beyond the committee. It is important to us that the Research Reports be made public at the same time as the findings and recommendations of the Commissioners. We do not want these reports "leaked" to the media, the Bar, or the public prior to the release of the full Report. So long as you can ease my fears about confidentiality, we will make these reports available to you.

Thank you for your cooperation in these matters.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/bjs

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COMMISSIONER

September 1, 1989

Professor John Ll.J. Edwards
University of Toronto
Faculty of Law
78 Queens Park Crescent
Room 319
Toronto, Ontario M5S 2C5

Dear John:

Further to your letters of October 22, 1988 and January 9, 1989 I now return the following:

1. Annual Report of the Office of the Director of Public Prosecutions - Victoria - June 30, 1987
2. Director of Public Prosecutions, Annual Report, 1984/85; 85/86; 86/87; 87/88 (Canberra)
3. Office of the Special Prosecutor, Annual Report, 1982-83; 83/84
4. Office of the Director of Public Prosecutions - Victoria - Annual Report, 1987/88.

The foregoing represent all of the items previously forwarded to me under your covering letters as noted above. I also enclose your copy of Mr. Justice Laycraft's Report on the Royal American Shows Inc. Thank you for the use of these materials.

Yours very truly,



John E.S. Briggs
Director of Research

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

July 5, 1989

BY COURIER

Mr. Bob Atkinson
Pagecraft Design Centre
Suite 200
1649 Barrington Street
Halifax, Nova Scotia

Dear Mr. Atkinson:

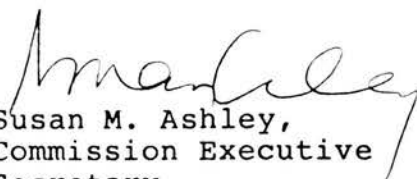
As per our telephone conversation with your office today, I am enclosing another floppy 5¼ disk for you to convert. This floppy is in Wordperfect 4.2 and we would like it converted to MICROSOFT WORD (MacIntosh) - 3½ Double-sided disk.

Would you kindly convert this disk as soon as possible and send the converted disk and your invoice back to this office. Again, we are in a rush for this.

The content of this disk is highly confidential and should be held in the strictest of confidence.

If you need anything further, please do not hesitate to contact me.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure (1 floppy disk)

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

June 27, 1989

BY COURIER

Professor John L. J. Edwards
University of Toronto
Faculty of Law
78 Queen's Park Crescent
TORONTO, Ontario
M5S 2C5

Dear Professor Edwards:

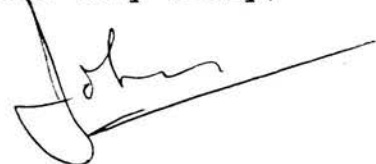
Re: Walking the Tightrope of Justice

I now enclose a copy of your series of opinion papers.

This is the third proof and hopefully by now the typos etc. have been cleaned up. (The second proof was actually pretty clean.) I shall be proofing this draft later in the week.

I am not aware of any changes of substance or other matters that ought to be drawn to your attention. We have discussed several points as we went along and you will note that there are a few of your comments referring to previous work which were removed from the text and placed in footnotes. In my view this was a justifiable editorial decision. Otherwise, the papers are as you have written them. If you should have any questions or concerns, please do not hesitate to give me a call. Thank you, I remain.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'John', followed by a long, sweeping horizontal line that extends to the right.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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

June 27, 1989

BY COURIER

Mr. Bob Atkinson
Pagecraft Design Centre
Suite 200
1649 Barrington Street
Halifax, Nova Scotia

Dear Mr. Atkinson:


As per our telephone conversation with your office yesterday, I am enclosing another floppy 5¼ disk for you to convert. This floppy is in Wordperfect 4.2 and we would like it converted to MICROSOFT WORD (MacIntosh) - 3½ Double-sided disk.

Would you kindly convert this disk as soon as possible and send the converted disk and your invoice back to this office. Again, we are in a rush for this.

The content of this disk is highly confidential and should be held in the strictest of confidence.

If you need anything further, please do not hesitate to contact me.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure (1 floppy disk)

ROYAL COMMISSION ON THE DONALD MARSHALL, J. 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

June 5, 1989

BY COURIER

Mr. Bob Atkinson
Pagecraft Design Centre
Suite 200
1649 Barrington Street
HALIFAX, Nova Scotia

Dear Mr. Atkinson:

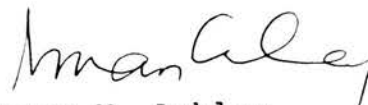
As per your telephone conversation of today with this office, I am enclosing a floppy 5 $\frac{1}{4}$ disk in Writer III external files which we need converted to MICROSOFT WORD - 3 $\frac{1}{2}$ Double-sided disk - 800k.

Would you kindly convert this disk as soon as possible and send the disks and your invoice for same to this office.

The content of this disk is highly confidential and should be held in the strictest of confidence.

If you need anything further, please do not hesitate to contact me.

Very truly yours,



Susan M. Ashley
Commission Executive
Secretary

SMA/bjs
Enclosure (1 floppy disk)

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 19, 1989

Mr. Perry Shulman
Counsel
Aboriginal Justice Inquiry
Room 808
444 St. Mary Avenue
WINNIPEG, Manitoba
R3C 3T1

Dear Mr. Shulman:

Further to our conversation, I enclose a copy of Serge Kujawa's address, presented to the Royal Commission on the Donald Marshall, Jr., Prosecution at the Commission's November, 1988 Consultation in Halifax.

Yours truly,

B Shanks per

David B. Orsborn
Commission Counsel

DBO/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

May 16, 1989

Mr. Myles Rector,
Director of Administration
Office of the Speaker
1 Government Place, 7th Floor
Halifax, Nova Scotia

Dear Mr Rector:

As requested, enclosed herein please find up-dated
explanation for the Minister's book.

If you require any further information, please advise.

Yours truly,

Susan Ashley

Susan M. Ashley
Commission Executive
Secretary

SMA/ljb
Enclosure

The Royal Commission on the Donald Marshall, Jr., Prosecution was established by Order-in-Council dated October 28th, 1986. The Terms of Reference of the Inquiry are to:

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

The Royal Commission has granted full standing to nineteen parties and observer status to a further two groups. In May of 1987 the Commissioners held hearings on the question of funding of counsel for parties with standing before the Inquiry and recommended to Government that legal costs incurred by Donald Marshall, Jr., John MacIntyre, William Urquhart, the Union of Nova Scotia Indians, the Black United Front, Oscar Seale, and the Estate of the late Donald C. MacNeil, Q.C. be paid, subject to taxation by the Commission. The Government accepted this recommendation and has paid the legal fees for these parties.

The Royal Commission has undertaken extensive Public Hearings in order to determine the circumstances surrounding Donald Marshall, Jr.'s wrongful conviction, and also to examine institutional factors in the justice system to ensure that such a situation could not happen again.

The Inquiry has undertaken research on certain issues which are relevant to its mandate, which are more appropriately dealt with in a forum other than public hearings. Five primary areas have been identified for in-depth research: discrimination against Black and Native Nova Scotians in the criminal justice system in Nova Scotia, local crown prosecutors, aspects of the role of the Attorney General, and policing in Nova Scotia. A forum on Natives and Blacks in the justice system, and the role of the Attorney General was held in late November, 1988. A number of experts on these issues were invited to share their views with the Commissioners in this Consultative Conference.

After 93 days of Public Hearings, the Royal Commission has now completed the public phase of its work, and is preparing its Report to Government. Subject to receiving a decision from the Supreme Court of Canada which may require that the Hearings

reopen for a short period of time, the Final Report of the Royal Commission is expected in the summer, 1989. It is hoped that the Report of the Royal Commission will provide answers to the questions that have been raised about the treatment of the Marshall case by the criminal justice system in Nova Scotia, and outline key areas for reform in that system which will ensure that a similar situation as happened to Donald Marshall, Jr. will not recur. The Marshall Inquiry has raised expectations that these serious justice issues will be dealt with, and the Government looks forward to receiving their recommendations on these important matters.

Commissioners

The Honourable Mr. Justice T. Alexander Hickman, Chairman
Chief Justice, Trial Division
Supreme Court of Newfoundland

The Honourable Mr. Justice Lawrence A. Poitras
Associate Chief Justice
Supreme Court of Quebec

The Honourable Gregory T. Evans, Q.C.

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

May 3, 1989

His Honour Hiram J. Carver
Provincial Court of Nova Scotia
Judge's Chambers
84 Pleasant Street
Bridgewater, Nova Scotia B4V 1N1

My dear Judge Carver:

Thank you for your letter of April 20, 1989 wherein you enclosed a copy of the brief prepared and presented by Mr. Ronald Pugsley, Q.C.

Very truly yours,



T. Alexander Hickman
Chairman

TAH/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 5, 1989

Mr. R. Gerald Conrad, Q.C.
Executive Director (Legal Services)
Department of Attorney General
P. O. Box 7
Halifax, Nova Scotia B3J 2L6

Dear Mr. Conrad:

Thank you for your letter of March 31, 1989 attaching a letter to the Honourable Terry Donahue from Mr. Alick G. Anderson, dated November 29th, 1988. I am pleased to respond to Mr. Anderson's comments.

1. As you probably now know, the newspaper reports that the dinner held at the Halifax Sheraton in November was attended by lawyers appearing before the Marshall Inquiry and Commission Counsel is inaccurate. They simply were not there. The purpose of the dinner was for the Commissioners to meet with the panelists and speakers who were to participate in the Consultative Conference on racism and the role of the Attorney General which was to begin the next day. The Commissioners thought it important to discuss with the speakers the program for the two-day discussion which was to follow, and to give them an opportunity to meet with the other speakers and discuss issues of common concern. The alternative, I suppose, would have been to ask the speakers to meet with the Commissioners some time prior to the Conference. In our view, this would have been unjustifiably costly. I should add that if we had not all eaten together on Wednesday night, the speakers would have simply billed the Commission for their meal individually, since they would have had to be in town in any event for the Conference which began the next morning at 9:30 a.m.

This function was not a "gala". It was a working dinner attended by the Commissioners, myself, our Director of Research, and speakers at the Conference. These speakers were paid no fee for the time and professional advice which they gave to us in the three days of meetings. They were paid only travel expenses. They were all either well-known representatives of Native and Black organizations across Canada, or experts on the role of the Attorney General. I am sure you will agree that these issues are

R. Gerald Conrad, Q.C.

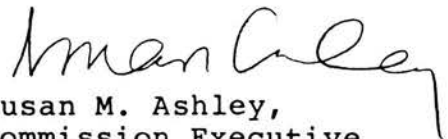
April 5, 1989

of sufficient importance to the work of the Commission and to the administration of justice in Nova Scotia to justify the high level discussion that we sponsored.

2. Mr. Anderson's suggestion that "the same thing took place in Baddeck" is untrue. We did meet in Baddeck one weekend in September, 1987, at a time when we were sitting continuously in Hearings in Sydney. Usually the Commissioners, counsel and myself would go home for the weekend and return on Sunday evening. On this one occasion, we decided that it would be more convenient for the Commissioners (who are not paid for their services and who all live outside the Province) and certainly cheaper to stay in Cape Breton for the weekend. It was essential at that stage of the Public Hearings for the Commissioners to meet with Commission counsel, myself and the Research Director to discuss various matters of relevance to the Inquiry. Once again, these were working meetings. The spouses of some of the Commissioners and counsel joined them in Baddeck, but I emphasize that none of their expenses were paid by the Commission, as was suggested by Mr. Anderson. Expenses incurred by spouses of the Commissioners or counsel were paid by them. For several reasons, the Commissioners felt that we should not stay in Sydney for these meetings over the weekend. In any event, the daily rate for our hotel in Baddeck was less than that charged by the hotel in Sydney.

Thank you for providing me with the opportunity to clarify these matters.

Very truly yours,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Nova Scotia



APR 04 1989

**Department of
Attorney General**

PO Box 7
Halifax, Nova Scotia
B3J 2L6

Fax No: 902-424-4556

Our phone no:

Our file no:
09-89-0058-01

March 31, 1989

*Ms. Susan Ashley
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5*

Dear Ms. Ashley:

*Enclosed is a copy of a letter dated November 29, 1988 from A.G.
Anderson & Associates Limited to the Attorney General.*

*I would appreciate receiving any comments you may wish to make
on that letter. In particular, I ask for your comments on the second
paragraph of Mr. Anderson's letter.*

Yours very truly,

A handwritten signature in cursive script, appearing to read "R. Gerald Conrad".

*R. Gerald Conrad
Executive Director (Legal Services)*

encl.



A.G. ANDERSON & ASSOCIATES LIMITED

INSURANCE AND FINANCIAL CONSULTANTS

2614 WINDSOR ST., HALIFAX, NOVA SCOTIA B3K 5C8 (902) 454-7338

November 29, 1988

Hon. Terry Donahue
Attorney General
Province of Nova Scotia
5151 George Street
Halifax, NS
B3J 1M5

Dear Terry:

I read an article in The Chronicle Herald about the lawyers of the "Marshall Inquiry" having a gala time at the Halifax Sheraton - at the tax-payer's expense. After all the evidence from the Inquiry showing all the injustices being done to everyone - the message did not even get through to those on the Commission. The tax-payers should not be paying for booze or putting parties on for people who would be the highest paid in the country.

I heard - via the grapevine and I have no proof of its accuracy - that the same thing took place in Baddeck, Nova Scotia; but only the wives of the lawyers attended and that airfare, etc was provided.

Could you please confirm whether this was so? If you cannot - would you please advise who I might write to to obtain that information?

Terry, I am sure that you know the feelings of the general population about lawyers and how little respect the average person has for those of the profession because of these kinds of things. You would think they would know better and pay for the evening themselves - because they certainly made enough of the tax-payer's money already. I usually do not write to many politicians about many issues, believe me - but this matter just gets my goat!

Please find out the answer to my questions. I look forward to hearing from you.

Kindest regards,

Alick G Anderson

AGA:mb



ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 4, 1989

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

My dear Anne:


Thank you so much for your letter of March 21, 1989 wherein you enclosed the paper of Rupert Ross entitled "Dancing With A Ghost: Exploring Indian Reality, 1987". I have submitted copies of the paper to my colleagues and we will read same with a great deal of interest.

I am grateful for your continuing interest and assistance.

I trust things are going well for you as you eagerly await the "blessed event".

With kindest regards,

Yours truly,


Chairman

TAH/ljb

cc: Susan M. Ashley

ROYAL COMMISSION ON THE DONALD MARSHALL, 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

March 21, 1989

Mr. Bernie Boudreau, MLA
Cape Breton, The Lakes
P. O. Box 1617
Sydney, Nova Scotia B3J 2Y3

Dear Mr. Boudreau:

The Chairman of the Royal Commission on the Donald Marshall, Jr., Prosecution has asked that I reply to your letter of March 14th, 1989.

Under the Terms of Reference of the Commission, the Commissioners are obliged to deliver the Report to the Lieutenant-Governor in Council. That represents the normal practice followed in Canada by Royal Commissions. Once the Report of a Royal Commission is delivered to government, a Commission's duties come to an end. The disposition of the Report, or recommendations contained therein, is the exclusive prerogative of government.

I trust that this is the information you require.

Yours truly,

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

March 21 1989

Mr. John Spears
Toronto Star
Suite 429
1657 Barrington Street
Halifax, Nova Scotia B3J 2A1

Dear John:

Enclosed is an unedited transcript of Bromley Armstrong's comments at the Consultative Conference that was held in late November, 1988. I give you these on the understanding that they will be used only for the purpose of clarifying your report which appeared in the Toronto Star, and will not be published.

An edited version of the transcript will be made public as a separate volume to the Report of the Royal Commission, at such time as the entire Report is released.

I hope this will be helpful to you.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure

The Supreme Court of Newfoundland
The Honourable T. Alex Hickman
Chief Justice of the Trial Division



Chief Justice's Chambers
Court House, Duckworth Street
St. John's, Newfoundland A1C 5M3

March 2, 1989

Ms. Peggy Mayo
Justice Co-ordinator
Mohawk Council of Kahnawake
P. O. Box 720
Kahnawake, Quebec
J0L 1B0

Dear Ms. Mayo:

It was a delight to meet you during my recent visit to Kahnawake.

On behalf of the Royal Commission on the Donald Marshall, Jr., Prosecution, I wish to thank you for spending so much time with us.

I was most impressed with the manner in which your court functions and the obvious sympathy and concern expressed for those who appear before the court from time to time.

The hospitality of you and the Mohawk Council was absolutely superb.

I thank you for your many courtesies.

With kindest regards,

Yours sincerely,

T. ALEX HICKMAN,
Chief Justice

TAH:hdh

The Supreme Court of Newfo: and
The Honourable T. Alex Hickman
Chief Justice of the Trial Division



Chief Justice's Chambers
Court House, Duckworth Street
St. John's, Newfoundland A1C 5M3

March 2, 1989

Grand Chief Joseph Norton
Mohawk Council of Kahnawake
P.O. Box 720
Kahnawake, Quebec
J0L 1B0

Dear Grand Chief Norton:

Thank you so much for receiving members of the Royal Commission on the Donald Marshall, Jr., Prosecution. My colleagues and I were most impressed with the programs you have instituted and are very grateful for the many courtesies extended by you and members of your Council.

On behalf of the Royal Commission, I extend to you and members of your Council our very best wishes and thanks for your splendid co-operation.

With kindest regards,

Yours sincerely,

T. ALEX HICKMAN,
Chief Justice

TAH:hdh

ROYAL COMMISSION ON THE DONALD MARSHALL JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 7, 1989

Alan D. Gold, Esq.
Barrister at Law
Gold & Fuerst
210-20 Adelaide Street East
Toronto, Ontario M5C 2T6

Dear Alan:


Thank you very much for your letter of February 29, 1989 along with the excerpts from your earlier work relating to appellate review. Indeed, I have found the material to be useful.

Incidentally, while flipping through Bartlett's the other day I had come across your Goldsmith quote: "Conscience is a coward, and those faults it has not strength enough to prevent, it seldom has justice enough to accuse." I think that deserves a place somewhere in our final report along with perhaps your Frankfurter quote and another which I rather like and I'm sure you're familiar with: "The common law is haunted by the ghost of the innocent man convicted" - Learned Hand, J.

I enjoyed having the opportunity of chatting with you last week. I have asked that your name be added to the list of those to receive a copy of our final report as soon as it is available (ETA June 30, 1989).

Thank you for your assistance. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB

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 7, 1989

The Honourable W.E.C. Colter
Commissioner
Royal Commission of Inquiry Into
Niagara Regional Police Force
180 Dundas Street West, 22nd Floor
Toronto, Ontario M5G 1Z8

Dear Judge Colter:

Further to your letter of March 2, 1989 which followed upon my recent telephone conversation with Sgt. Ellis of your Commission, I enclose for your information and on a confidential basis a copy of the final draft of the research report on Policing prepared for the Royal Commission by Professors Philip Stenning and Richard Apostle.

Please note that the enclosed draft has not been finally proofed for publication and consequently there are typing and page numbering errors which have not been corrected. I shall forward a clean copy when one becomes available, but in the meantime I thought that the enclosed may be of some assistance to your staff.

Philip Stenning, who I do not think needs any introduction, has provided invaluable assistance to us in respect of all aspects of the Police Study as well as a number of other issues relating to the Crown Prosecution service and the Office of the Attorney General. Professor Richard Apostle is a professor of sociology at Dalhousie University and his expertise has been applied primarily to the fieldwork, data collection, analysis of same and generally the descriptive overview of policing deployment and training in Nova Scotia.

Professor Donald Clairmont, also a professor of sociology at Dalhousie University (and a former Chairman of the Department), has provided very valuable assistance to the Police Study throughout the project. Professor Clairmont has a background knowledge of policing issues particularly in the local context and has carried out some studies of the Halifax Police Department's relatively recent implementation of community-based zone policing.

The Police Study was subjected to an outside (or peer) review process by the following three persons:

1. Professor Chris Murphy of Kings College, Dalhousie University (and formally of the federal Solicitor General's Department in Ottawa)
2. Professor Jean-Paul Brodeur, Directeur Centre Internationale de Criminologie Comparee, Montreal
3. Mr. C.L. Campbell, Director, Atlantic Police Academy (Holland College), Charlottetown, P.E.I.

Originally, I had intended to have Professor Alan Grant of Osgoode Hall Law School review the Study but unfortunately a combination of illness and other commitments precluded him from doing so on a timely basis. I did however consult with Professor Grant on an occasional basis both at the inception of the Police Study project and several times during the course thereof. I am sure that Professor Grant's considerable experience with policing issues will be familiar to both yourself and your staff.

As you may be aware, our Royal Commission has carried out a number of major research projects covering not only policing but the Crown prosecution service and the Department of the Attorney General; the Office of the Attorney General; the involvement of Natives and Blacks with the criminal justice system and any discrimination or other adverse effects resulting therefrom; and finally the question of differential sentencing based upon race. These various research studies were commissioned because it was the belief of our Commissioners that not only would they require a considerable body of well researched information in order to support policy recommendations covering a broad range of issues, but further that the forum of public hearings was not particularly conducive to obtaining the required information in a timely and efficient manner.

In order to subject the results of our various research projects to critical scrutiny we have employed an essentially two-pronged review process, the first part of which I have referred to above, i.e. outside review. The second part of the process consisted of a series of in-house, that is non-public, workshops to which we invited the researchers, the outside reviewers and a number of participants chosen on the basis of their expertise with the issues and the fact that as individuals or agencies they would be affected by any recommendations relating to the subject matter.

Page 3
Hon. W.E.C. Colter

Consequently, when we held a workshop on the Police Study all of the affected agencies and organizations participated having been provided with copies of the research reports well in advance of the workshop. The workshops were not open to the public and the proceedings were not transcribed. Participants were advised in advance that the proceedings would be off-the-record with the hope that participants would express themselves candidly. The three Commissioners, Commission Counsel and other Commission staff such as myself attended all of the workshops and of course made notes of the proceedings.

Generally speaking, we found the workshop process to be very useful in focussing our attention on weaknesses or omissions with respect to our research and providing us with additional information and new insights. The end result in all cases has been, I believe, a much improved and strengthened series of research reports.

I mention the foregoing process because Sgt. Ellis seemed to be intrigued with how we gathered information in those areas which did not readily lend themselves to the public hearing process. Your own mandate strikes me as a difficult one particularly if all information or 'evidence' is obtained by way of viva voce testimony. You may determine that some aspects of your terms of reference can be more cost-effectively addressed by means of a research process somewhat similar to the one which we have found to be very effective.

In any event, if I can be of any assistance to yourself or your staff, please do not hesitate to contact me accordingly.

Thank you. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB

o.c. Philip Stenning

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 7, 1989

Professor Harish C. Jain
Faculty of Business
McMaster University
1280 Main Street West
Hamilton, Ontario L8S 4M4

Dear Professor Jain:

Thank you very much for your letter of February 13, 1989 along with the enclosed materials which I have passed along to our researchers.

I thought that your brief before the Ontario Solicitor General's Task Force on Police Minority Relations to be thoughtful, down to earth and generally helpful.

Your interest in the work of the Royal Commission and your assistance are very much appreciated.

Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB

FEB 16 '89 16:10

CHRC

P01



Canadian Human Rights Commission
Commission canadienne des droits de la personne

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John Briggs
Director of Research
Royal Comm. on the
Donald Marshall Prosecution
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Comments / Observations

FEB 16 '89 16:11

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**Presentation by the Chief Commissioner
of the Canadian Human Rights Commission,
Maxwell Yalden,
to the Ontario Race Relations and Policing Task Force
Wednesday February 15, 1989**

I am pleased to have the opportunity to address this Task Force on Race Relations and Policing. Race relations is an increasingly serious issue in this country and I hope that your hearings and recommendations will prompt rapid and specific measures by which Canada as whole can benefit. The interest of the Canadian Human Rights Commission, apart from expressing our support for your work, is primarily to share with the Task Force the results of our experience with federal policing and racial concerns and, more particularly, to underline the importance of employment equity as an indispensable part of any solution.

The focus of the Task Force underscores the crucial role of the police forces in race relations today. It bears repeating that policing is first and foremost a service to the public; the more it is at odds with the composition and values of that public the less well it works.

The situation of police forces will never be an easy one. We should be wary of the tendency to make the police the scapegoats for society's bad racial conscience. That being said, however, the need for exemplary self-control by the police is only that much greater. Unsubstantiated allegations or inflammatory comments from that source have a particularly detrimental effect on race relations.

Incidents will occur from time to time in which police officers are alleged to have been guilty of unacceptable behaviour. I believe it is important that there be independent commissions to look into any such charges. The credibility and, to that extent, the public usefulness of police forces are ill served by what too often appears to be self-exoneration.

I believe that police training across Canada clearly needs to be improved, not so much in a technical sense, but to better attune our police officers to the multicultural and multiracial communities in which we live. I know that the RCMP, the Canadian Association of Chiefs of Police, and the Canadian police colleges are making such efforts, and that the Canadian Police Association raised similar concerns at their recent conference in Saskatoon.

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Pre-service police training would benefit from intensive cross-cultural and race relations education for new officers, to build better attitudes and create greater awareness of cultural diversity at the beginning of their careers. In-service training is needed to help established officers refine their skills and knowledge as they progress through the ranks. From my own consultations, I would suggest that both pre-service and in-service training should make special efforts to increase police knowledge of the particular needs and sensitivities of our aboriginal and black communities.

It is evident, too, that police education should not stop with the police colleges or with formal pre-service and in-service training. The police should be encouraged to take cues from other social institutions with related interests. The Federation of Canadian Municipalities, for example, would probably be able to offer the police forces useful feedback on successful strategies for enhanced participation by, and consultation with, visible minorities.

Enhanced participation is, we believe, critical to success. The key to genuine participation lies with employment equity legislation and programs. As you will know, the Canadian Human Rights Commission is assessing the employment equity reports of federal sector employers to help bring about more appropriate representation of the visible minorities, native peoples and other designated groups. We believe that this legislation could also prove a powerful tool in eradicating the ill-informed attitudes and systemic biases that perpetuate under-representation based on race, ethnicity, sex or stereotypical assumptions in general.

But, while the reporting of employment data is an important feature of legislated employment equity, real progress depends on identifying and eliminating any discriminatory practices and instituting positive ones, to ensure that the designated groups achieve a degree of representation at least proportionate to their availability in the workforce. There are obviously a number of negative attitudes to be overcome in this regard, not least of which is the reluctance of the white majority establishment to relinquish some of its control.

Valid employment equity targets must be our first objective, but no less important will be the monitoring and accounting processes by which police forces and other organizations are made responsible for their performance in bringing about genuine and impartial multiracial participation in our public institutions. The relevant data on representation, hirings and promotions must therefore be in the public domain and subject to regular scrutiny.

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In addition, the Task Force might examine the manner in which senior police appointments are made and ways of improving it, perhaps through an expanded police board that would include Canadians from minority backgrounds and represent diverse perspectives on Canadian society.

Over the past several months, I have been meeting with corporate and departmental heads in the federally-regulated sector, discussing human rights issues and, in particular, those related to employment equity and the employment of the designated groups. I have found it useful to review the history of all human rights complaints against an employer in the context of the employer's employment equity data, as a first step in a voluntary initiative to correct under-representation.

Although employers sometimes feel that equity programs encourage a kind of "reverse discrimination", I think that they have come to accept that low representation of visible and other minorities constitutes both an injustice and a social waste that is largely based on outmoded and unconsidered ideas. Employment equity does not promote the hiring of unqualified persons; it focuses on the development of short and long term action plans to involve all segments of our society in the work world and to make full use of their potential. Canadians are much given to rhetorical self-congratulation on the cultural richness of our social fabric. It is time we made good on that pronouncement.

A key feature of any employment equity plan is the way in which employers recruit employees: through outreach programs, community networks or publicity targeted to specific groups. An employer's productivity is manifestly enhanced by drawing on the largest and richest labour pool available. But as you might anticipate, the success of employment equity also depends heavily on the serious commitment by senior management and by the example it is prepared to give. Senior management that is remote from race relations issues cannot, I fear, encourage the sort of equity planning that really speaks to the underlying attitudinal problems. The laws and the programs provide a possible structure for social change; they do not compel or construct it. The task remains one of appropriate management and good human resources planning.

There are a great many aspects to the work of the Task Force. I have focussed on some of those with which the Commission is most familiar. Thank you for affording me the opportunity to discuss them with you.

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Présentation de Maxwell Yalden, président
de la Commission canadienne des droits de la personne,
auprès du Groupe de travail sur les relations
interraciales et les services de police de l'Ontario
Le mercredi 15 février 1989

C'est avec grand plaisir que j'ai accepté l'invitation de
m'adresser à ce groupe de travail.

Les rapports interraciaux constituent une question dont
l'importance va sans cesse augmentant au pays; j'espère donc que
vos audiences et vos recommandations déboucheront rapidement sur
un train de mesures précises dont tous les Canadiens sauront
profiter. En plus d'exprimer son appui au travail que vous venez
d'entreprendre, la Commission canadienne des droits de la
personne veut surtout partager avec le Groupe de travail les
résultats de son expérience auprès des autorités policières
fédérales et des préoccupations en matière de race. Elle tient
tout particulièrement à faire ressortir l'importance de l'équité
en matière d'emploi comme élément essentiel de toute solution
retenue.

Le mandat du Groupe de travail souligne le rôle clé que jouent
actuellement les corps policiers relativement aux rapports
interraciaux. Permettez-moi de réitérer que les services
policiers sont d'abord et avant tout à la collectivité; moins les
corps policiers respectent la composition et les valeurs de
celle-ci, plus il leur est difficile d'exécuter leurs fonctions.

La position des corps policiers ne sera jamais tout à fait
enviable. Méfions-nous de la tendance à vouloir faire des
policiers le bouc émissaire, porteurs de la mauvaise conscience
raciale d'une société. Cela étant dit, cependant, les policiers
doivent faire preuve d'une plus grande maîtrise de leurs actes.
Les accusations non fondées ou les commentaires inflammatoires de
leur part ont un effet particulièrement nuisible sur les rapports
raciaux.

Il arrive de temps à autre qu'un policier se voit accuser de
mauvaise conduite. J'estime donc important qu'il y ait des
commissions indépendantes chargées de faire la lumière sur de
telles accusations. La crédibilité et, par le fait même,

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l'utilité de nos corps policiers sont mal desservies par ce qui paraît trop souvent être de l'autojustification.

L'entraînement des policiers d'un bout à l'autre du Canada doit évidemment être amélioré, non pas tellement côté technique, mais bien de façon à mieux sensibiliser nos policiers aux collectivités multiculturelles et multiraciales dont nous faisons partie. Je sais que la GRC, l'Association canadienne des chefs de police, ainsi que les collèges canadiens de police déploient des efforts en ce sens. D'ailleurs, l'Association canadienne de police exprimait des préoccupations semblables lors de sa récente conférence tenue à Saskatoon.

L'entraînement préliminaire des recrues avant le début de leur service policier devrait comporter un volet de formation intensive en relations interculturelles et interraciales, pour susciter des attitudes plus favorables et pour sensibiliser les recrues à la diversité culturelle au tout début de leur carrière. Une formation permanente en cours de carrière est nécessaire pour aider les policiers en service à raffiner leurs compétences et connaissances au cours de leur carrière. Mes propres consultations me permettent de suggérer que la formation des recrues et des policiers devrait tenter tout particulièrement de parfaire les connaissances de ces derniers quant aux besoins et sensibilités précis de nos collectivités autochtones et noires.

Il appert aussi que la formation policière ne doit pas se limiter aux collèges de police ou à l'entraînement formel des recrues et des policiers. On doit encourager les corps policiers à emboîter le pas aux autres services sociaux ayant des intérêts connexes. Ainsi, la Fédération des municipalités canadiennes serait-elle probablement en mesure d'offrir aux corps policiers des conseils utiles quant aux stratégies prouvées en matière de consultation et de participation des minorités visibles.

À notre avis, le succès dépend absolument d'une participation accrue de leur part. La législation et les programmes d'équité en matière d'emploi sont la clé d'une véritable participation. Vous n'ignorez pas que le Parlement a demandé à la Commission des droits de la personne d'examiner les rapports des employeurs du secteur fédéral en la matière, de façon à faciliter une meilleure représentation des minorités visibles, des autochtones et des autres groupes désignés. Nous croyons que cette loi pourrait aussi s'avérer un puissant instrument pour éliminer les préjugés et la discrimination systémique perpétuant une sous-représentation fondée sur la race, l'origine ethnique, le sexe ou les distinctions stéréotypées en général.

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Certes, la divulgation des données en matière d'emploi est une importante caractéristique de l'équité en matière d'emploi prévue par cette loi. Cependant, le véritable progrès dépend de l'identification et de l'élimination de toutes les pratiques discriminatoires, et de l'adoption de pratiques justes pour faire en sorte que les groupes désignés obtiennent un certain degré de représentation qui soit au moins proportionnel à la disponibilité de ses membres sur le marché du travail. Un certain nombre d'attitudes négatives doivent évidemment être modifiées à ce titre, tout au moins la répugnance de l'"establishment" majoritaire blanc à céder une partie de son contrôle.

Notre premier objectif doit être l'adoption de cibles valables pour l'équité en matière d'emploi; d'importance non moindre seront les mécanismes de surveillance au moyen desquels les corps policiers et autres organismes peuvent être tenus responsables de leur performance afin que se réalise une véritable et impartiale participation multiraciale au sein de nos services publics. Les données afférentes portant sur la représentation, l'embauche et les promotions doivent donc appartenir au domaine public et faire l'objet d'un contrôle régulier.

Par ailleurs, le Groupe de travail pourrait se pencher sur la façon dont s'effectuent les nominations des titulaires aux postes supérieurs et sur les moyens d'y apporter des améliorations; à cet effet on pourrait songer à un conseil de police plus répandu dont les membres comprendraient des Canadiens provenant de divers milieux minoritaires et offrant des perspectives diverses de la société canadienne.

Depuis de nombreux mois, j'ai rencontré de hauts fonctionnaires et des dirigeants de sociétés du secteur réglementé par le fédéral pour discuter de questions de droits de la personne et tout particulièrement celles se rapportant à l'équité en matière d'emploi et à la représentation des groupes désignés. J'ai trouvé utile de revoir l'historique de toutes les plaintes relatives aux droits de la personne déposées à l'encontre d'un employeur, dans le contexte des données de ce dernier sur l'équité en matière d'emploi, comme première démarche d'une initiative volontaire pour corriger une sous-représentation.

Bien que certains employeurs croient que les programmes d'équité appuient une forme de discrimination à rebours, je pense qu'ils en sont venus à reconnaître que la faible représentation des minorités visibles et autres constitue une injustice et un gaspillage de ressources humaines largement fondé sur des

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idées dépassées et mal réfléchies. L'équité en matière d'emploi ne favorise aucunement l'embauche de personnes non compétentes, mais vise plutôt l'élaboration de plans d'action à court et à long terme pour susciter la participation de tous les éléments de notre société sur le marché du travail, et pour actualiser pleinement leur potentiel. Les Canadiens ont tendance à se féliciter ouvertement de la richesse culturelle du tissu social du pays. Il est temps que nous concrétisions cette déclaration!

La façon dont les employeurs recrutent les employés constitue une caractéristique principale de tout programme d'équité en matière d'emploi : il s'agit de programmes d'action directe, de réseaux communautaires ou d'une publicité visant des groupes précis. La productivité d'un employeur s'enrichit manifestement en utilisant la plus vaste et riche source de travailleurs disponibles. Comme on peut le deviner, la réussite de l'équité en matière d'emploi repose beaucoup sur les engagements sérieux pris par la haute direction et sur l'exemple qu'elle est prête à donner. Les dirigeants qui se tiennent au loin des questions reliées aux rapports raciaux ne sauraient, j'ai bien peur, favoriser un type de planification en matière d'équité susceptible de s'attaquer aux problèmes sous-jacents de la discrimination psychologique. La législation et les programmes fournissent une structure possible de changement social, sans toutefois édifier ou rendre celui-ci obligatoire. Reste le travail d'une gestion avisée et d'une bonne planification des ressources humaines.

Le mandat de ce Groupe de travail recouvre de nombreux aspects, et j'ai abordé certains sujets que la Commission connaît fort bien. Je vous remercie de m'avoir donné l'occasion de pouvoir en discuter avec vous.

ROYAL COMMISSION ON THE DONALD MARSHALL R., PROSECUTION

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

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 13, 1989

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

Dear Margaret:

Re: Consultation Transcript

I would like to have these further changes as soon as possible. Please let me know how long you think it might take. (I would like to have it back by Friday, if possible.)

Could you please print it on plain paper (no letterhead or line numbering)?

I am sending back the disk.

Thank you.

Yours truly,

Susan M. Ashley
Commission Executive
Secretary

SMA/jm
Enclosures

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COMMISSIONER

February 13, 1989

Mr. Justice James Muirhead
Bag #21
Queen Victoria Terrace
Australia Capital Territory 2600
Australia

Dear Mr. Justice Muirhead:

I am writing on behalf of Chief Justice T. Alexander Hickman, Chairman of the Royal Commission on the Donald Marshall, Jr., Prosecution.

Can you send us, **by first class mail**, a copy of the interim report of the Royal Commission to Inquire into the High Number of Deaths of Aborigines in Prison?

If there is a charge for this, please include an invoice and I will ensure that it is paid promptly.

Thank you for your anticipated co-operation.

Yours respectfully,

Brenda McGilvray,
Librarian

BM/ljb

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COMMISSIONER

February 10, 1989

Ms. Winona Diabo
Court Clerk
Kahnawake Reserve
Montreal, Quebec J0L 1B0


Dear Ms. Diabo:

This is to confirm that I, Chief Justice Hickman and the Honourable Gregory Evans will visit the Reserve on Thursday, February 23rd. We will arrive at 9:30 a.m. and would like to spend the morning observing proceedings in your Native court. You suggested that we could meet with the peace keepers and any other individuals who might be involved in your justice system in the afternoon.

Perhaps you could let me know exactly where we should come when we arrive. As I indicated on the telephone, it would be helpful if there was some information about your court system that I could give to the Commissioners before our visit, but if this is not possible, I will certainly understand.

We look forward very much to our visit. Thank you for all of your help.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

February 8, 1989

Mr. Chester Cunningham
Native Counselling Services of
Alberta
#800 Highfield Place
10010 - 106 Street
Edmonton, Alberta T5J 3L8

Dear Mr. Cunningham:

Thank you so much for your letter of January 20, 1989 wherein you enclosed copies of "Native People in the Administration of Justice in the Provincial Courts of Alberta" and "Response by the Government of Alberta (August 1980)".

These reports are of interest to the Commission and will be helpful to us in our deliberations.

I thank you for your co-operation.

Very truly yours,


T. Alexander Hickman
Chairman

TAH/ljb

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February 8, 1989

Mr. Grant S. Garneau
Assistant Deputy Solicitor General
Department of the Solicitor General
Centennial Building
P.O. Box 6000
Fredericton, New Brunswick

Dear Mr. Garneau:

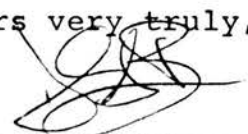
Thank you for your letter of January 31, 1989 regarding Professor Bruce Archibald's research report prepared for the Royal Commission.

It is the Commissioners' intention to publish all of the research reports at the time that they submit their report to Government.

We have noted your request and will provide your Department with a copy of Professor Archibald's report upon its release, now expected in June of this year. I trust you will find this in order.

Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

February 6, 1989

Clare Lewis, Esq.
Chair, Task Force on
Police and Race Relations
157 Bloor Street West
Toronto, Ontario M5S 1P7

Dear Sir:

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

Further to my telephone conversation of today with Ms. Lee Axon of your office, I enclose for your information and on a strictly confidential basis a copy of the above-noted research report. The research project which culminated in the report was directed by Dr. Wilson Head of Toronto, who I believe has already made submissions before your Task Force. The report itself was co-authored by Dr. Head and also Professor Don Clairmont of Dalhousie University.

Please note that this report has not yet been made public although it is the intention of the Commissioners to publish all of our research reports when they submit their final report to the government at the end of June this year. I must therefore ask that you and your colleagues maintain the confidentiality of the report.

Please also note that the enclosed draft has not yet been finalized for purposes of publication. There will be some additional recommendations and some of the existing ones will be reworked and strengthened. Perhaps needless to say the Commissioners will draw upon not only the research reports but also testimony received during the public hearings and submissions made by various individuals and interested parties throughout the Inquiry process.

The issue of police and race relations also arises in the context of our research on policing in Nova Scotia. Professor Philip Stenning of the Centre of Criminology in Toronto has co-authored the Police Study and provided the Commission with very helpful advice on that and a number of other subjects. Professor Stenning is now completing the final draft of his report. I shall ask him to be prepared to brief you on those aspects of his work which have particular relevance to your Task Force, (e.g. police relations with visible minorities and a police public complaints process.).

Generally speaking, as I perceive it, we in Nova Scotia are at a much more embryonic stage in our understanding and resolution of problems of racism than is perhaps the case in Metro Toronto. However, notwithstanding, I hope that your colleagues may find our work to be of some assistance.

If I may be of any further assistance, please do not hesitate to contact me accordingly. Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB/jc

enclosure

cc: Prof. Philip Stenning

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

February 2, 1989

To: Ms Mary Gianoli
Prairie Justice Research
Room 515, Library Building
University of Regina
REGINA, Saskatchewan
S4S 0A2

From: Susan M. Ashley

Enclosed is the requested copy of the
Submission of the Union of Nova Scotia
Indians to the Royal Commission on the Donald
Marshall, Jr., Prosecution

bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

January 26, 1989

Dr. Richard Gosse, Chairman
Royal Canadian Mounted Police
Public Complaints Commission
P.O. Box 3423, Station "D"
Ottawa, Ontario K1P 6L4

Dear Dick:


Thank you for your letter of January 19, 1989 and the enclosed copy of the Jacobsen Report.

As you expected, I have found the report of considerable interest. The Jacobsen case, if nothing else, underscores the at times almost insurmountable difficulties in getting at the "truth" when people are not disposed to be truthful, nevermind forthcoming. All of which leads to the raison d'etre for your Commission.

I have enclosed for your information a copy of Alan Borovoy's recent submission to the Commissioners. You will no doubt have heard something of it through the media where it was widely reported during the past week. Borovoy argues for an independent criminal justice system auditing agency which would deal with both police and prosecution activity. Quite aside from concerns about cost implications and the inertia and resistance of our legal culture, I have some doubts as to the real effectiveness of such an agency. I look forward to hearing your thoughts on this subject.

As requested, I have enclosed a copy of my resume. I look forward to seeing you and your colleagues next week. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

ROYAL COMMISSION ON THE DONALD MARSHALL, JR. PROSECUTION

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COMMISSIONER

January 24, 1989

Mr. Stan Cohen, Co-ordinator
Criminal Law Project
Law Reform Commission of Canada
131 Albert Street
Ottawa, Ontario K1A 0L6

Dear Stan:

Further to our recent telephone conversation I now enclose a copy of Alan Borovoy's recent submission (January 13, 1989) to the Commissioners. As you know Borovoy's proposal for an independent criminal justice system auditing agency has been widely reported in the media including The Globe and Mail.

I have my concerns about the efficaciousness of Borovoy's proposal quite aside from issues relating to the cost implications and the inertia and resistance of our legal culture. However, I would be most interested in having your views when we meet in Ottawa next.

I have also enclosed a copy of the submission made to the Commissioners during final argument in Sydney by the Nova Scotia Branch of the Canadian Bar Association. Their submission, as you will readily note, relates entirely to the subject of disclosure. That is also a subject which I wish to discuss further with you when I am in Ottawa.

Finally, I was speaking with Ken Chasse yesterday regarding his work for the Law Reform Commission on Natives and Sentencing. I have also enclosed materials which may be of some assistance to the Commission and which you are free to pass on to Ken Chasse for purposes of his work for the Commission. The two sentencing studies and Scott Clark's report are to be retained on a confidential basis until such time as the Commissioners place them in the public domain. These additional materials are as follows:

1. The Mi'kmaq and Criminal Justice in Nova Scotia, Dr. Scott Clark

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Cohen
January 24/89

2. Discrimination Against Blacks in Nova Scotia and the Criminal Justice System, Prof. Don Clairmont, Winston Barnwell, Anthony O'Malley (The 1st Sentencing Study, Re: Theft)
3. Discrimination In Sentencing, Prof. Don Clairmont (Re: Assault)
4. Indians and the Criminal Justice System - A Topical Bibliography, Union of Nova Scotia Indians

I look forward to seeing you in Ottawa next week. Thank you for your co-operation. I remain.

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jc

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January 24, 1989

Bradford W. Morse
Professor of Law
University of Ottawa
57 Louis Pasteur
Ottawa, Ontario K1N 6N5

Dear Brad:

Thank you for your letter of January 10, 1989.

The last time I focused on the address, 57 Louis Pasteur, was when I was on the part-time faculty of the Law School around 1982!

I note your reminder re your "request to obtain a copy of the survey instruments used in the studies on Micmacs and Blacks in Nova Scotia and the justice system". By way of a reminder to you, my previous advice was that Scott Clark had not carried out a questionnaire/survey, consequently there were no instruments of that sort. I had suggested that you contact Scott to discuss the format of the individual interviews which he conducted. In any event, I have today spoken with Scott and he has undertaken to forward to you a copy of the standard format of questions which he put during his interview schedule.

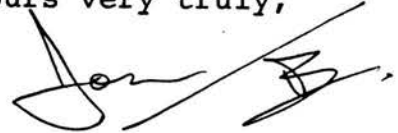
I do not recall your request for a copy of the survey instrument used in the Black study, but if I have been remiss, I apologize. In any event, herewith a copy of that survey instrument.

I am glad that you found the Consultative Conference to be of value. On the other hand, I regret to report that your 'diamond' was not!

January 24/89
Page 2
Morse

I shall look forward to getting together with you sometime when I am in Ottawa. In the meantime, I wish you well with your work for the Aboriginal Justice Inquiry. If I may be of any assistance, do not hesitate to give me a call. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to read 'John E.S. Briggs', with a long horizontal stroke extending to the right.

John E.S. Briggs
Director of Research

JESB:jc

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

January 25, 1989

Mr. A. Alan Borovoy,
General Counsel
Canadian Civil Liberties Association
229 Yonge Street, Suite 403
Toronto, Ontario M5B 1N9

Dear Mr. Borovoy:

I acknowledge receipt of your submission of January 13, 1989 to the Royal Commission, on behalf of Canadian Civil Liberties Association.

Your submission will be reviewed carefully by the Commission in the course of preparing our report and recommendations.

I thank you for your interest.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'T. Alexander Hickman', written over a horizontal line.

T. Alexander Hickman,
Chairman

TAH/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 20, 1989

Mr. Mark Edwards
Beard Winter
Barristers and Solicitors
Sunlife Centre East
150 King Street West
9th Floor
TORONTO, Ontario
M5H 2K4

Dear Mr. Edwards:

As requested, herewith is a copy of volumes one and two of the Nova Scotia Branch of the Canadian Bar Association's written submission to the Commissioners of the Royal Commission on the Donald Marshall, Jr., Prosecution, presented in November of 1988. Please retain on a confidential basis.

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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

January 20, 1989

Professor Bruce Archibald
Dalhousie University
Law School
Weldon Law Building
HALIFAX, Nova Scotia
B3H 4H9

Dear Bruce:

As requested, herewith is a copy of Dr. Wilson Head's final draft entitled Discrimination Against Blacks in Nova Scotia and the Criminal Justice System Please retain on a confidential basis.

Yours truly,

Susan

Susan M. Ashley /bjs
Commission Executive
Secretary

SMA/bjs
Enclosure

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

Wed Jan 18/89

DATE

Scott -
As I said, this is very raggedy, & I'll
appreciate any comments you might have,
either on style or substance.

See you at 12.30 on Monday.

Iman.

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


January 16, 1989

Associate Chief Justice
Lawrence A. Poitras
Cour Superieure
Palais de Justice
1, rue Notre-Dame est
Montreal, Quebec H2Y 1B6

Dear Larry:

As requested, please find enclosed a copy of the Decision of the Appeal Court dated December 8, 1988.

Yours sincerely,


Susan M. Ashley, *ljb*
Commission Executive
Secretary

SMA/ljb
Enclosure

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

1989 01 16

New Democrat Party Caucus
Suite 422 Roy Building
1657 Barrington Street
HALIFAX, Nova Scotia
B3J 2A1

Attention: Lorraine

Enclosed please find, per your request,
the four pages from the Oral Submission
by Mr. Merrick. The charge is \$0.20 per
page totaling \$0.80.

Thank you,

SMA/bjs
Enclosure

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

January 13, 1989

Professor Bruce Archibald
Dalhousie University
Law School
Weldon Law Building
HALIFAX, Nova Scotia
B3H 4H9

Dear Bruce:

As requested, herewith is a copy of Don Clairmont's second sentencing study entitled: Discrimination in Sentencing. Please retain on a confidential basis until further notice.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSIC 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

January 11, 1989

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

Dear Margaret:

Enclosed is an edited copy of the transcript of the Consultation which you provided to us. Will you please make the changes indicated and return to us a revised copy of the transcript. We would also like to have the disk of the edited copy.

If at all possible, I would like to have the revised transcript and disk by January 18th, 1989.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/jm
Enclosure

*Margaret - could we
have one bound &
one unbound copy?*

Thanks,

S.

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

January 9, 1989

Mr. Alan Dunlop
PANS
6016 University Avenue
HALIFAX, Nova Scotia
B3H 1W4

Dear Mr. Dunlop:

Enclosed are Subject and Name authority files to assist people using the materials on the Royal Commission on the Donald Marshall, Jr., Prosecution.

If you have any questions, please call me.

Yours truly,



Brenda McGilvray
Librarian

BMcG/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, J., 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

December 16, 1988

Mr. Carmen Carroll,
Provincial Archivist
Public Archives of Nova Scotia
Corner of Robie and University Streets
Halifax, Nova Scotia

Dear Mr. Carroll:

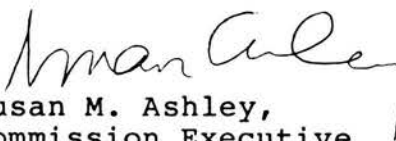
Herewith are 9 boxes of documents relating to the Marshall Inquiry. They include a complete set of Hearing transcripts, with indexes, a set of Exhibits, with index, copies of the final written Submissions by counsel, and an unedited transcript of the Consultative Conference that was held November 24th - 26th, 1988.

If you have any questions at all regarding any of the information, please give me a call.

I hope that these documents will be made available to the public as soon as possible. I will let you know when we have other information that can be stored at the Archives.

Thank you very much for your assistance.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

}

LIST OF DOCUMENTS SENT TO THE PUBLIC ARCHIVES

December 16, 1988
To Carmen Carroll,
Provincial Archivist
By Courier (Gelco)

9 boxes containing:

1 complete set of Hearing Transcripts
(Transcript 1 through 93)

1 complete set of Indexes to Hearings, including:
Subject Index to Hearings A - H
Subject Index to Hearings I - M
Subject Index to Hearings N - Z
Witness Index to Hearings
Date Index to Hearings
Ruling Index to Hearings
Date Index to Exhibits

1 set of Exhibits (bound and unbound), including 2 copies of
Index for listing of Exhibits 1 - 176)

1 set of written Submissions filed by:
Commission Counsel
Donald Marshall, Jr.
John MacIntyre
William Urquhart
Estate of Donald C. MacNeil
Department of the Attorney General
Royal Canadian Mounted Police and Correctional
Services
Herb Davies
Oscar Seale
Black United Front
Union of Nova Scotia Indians
Roland Thornhill
Canadian Bar Association

1 transcript of the Consultative Conference (unedited)

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

December 13, 1988

Professor Brent Cotter
Dalhousie Legal Aid
5557 Cunard Street
Halifax, Nova Scotia B3K 1C5

RE: Native and Black People in the Justice System

Dear Professor Cotter:

I thank you for your letter of November 26th, 1988 which I have read with a great deal of interest. I have also carefully considered "the Dalhousie proposal" which you submitted to a funding agency in the U.S. in the hope that it would assist you in developing a program designed to attract, admit, and graduate native and black people from Dalhousie Law School. It was a very well prepared and documented proposal. It is unfortunate that the funding agency was not in a position to approve same at that time.

I will submit a copy of your letter and enclosure to my fellow Commissioners for our consideration when we are preparing our final Report.

I thank you for your interest and co-operation.

Yours truly,

T. Alexander Hickman,
Chairman

TAH/ljb

cc: Ms. Susan M. Ashley

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

December 7, 1988

Mr. Stephen Kimber
Cities Magazine
P. O. Box 45
Armdale, Nova Scotia
B3L 4J7

Dear Steve:

As requested, I am enclosing two copies of the transcript of the Consultative Conference, together with Report Two of the Ocean Ranger Commission.

Yours truly,



Susan M. Ashley, *ljb*
Commission Executive
Secretary

SMA/ljb

Enclosures

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

December 7, 1988


Mr. William MacDonald, Q.C.
Deputy Attorney General
Attorney General's Office
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Mr. ^{Bill} MacDonald:

Enclosed is a copy of the transcript of the Consultative Conference.

I received requests from Reinhold Endres and Graham Walker for copies as well. If you don't mind, I would prefer that you be in charge of providing copies to members of the Department who would like them.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 6, 1988

Mr. Douglas Tobin
Deputy Minister Civil
Service Commission
1700 Granville Street
4th Floor
P.O. Box 1619
HALIFAX, Nova Scotia
B3J 2Y3

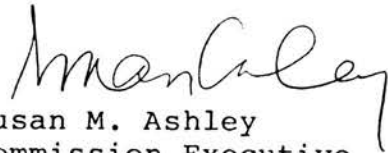
Dear Mr. Tobin:

I have been advised by a member of your department that in order to obtain certain information on the representation of blacks and natives in the provincial civil service I must make my request through you. Specifically, I require information on the representation of black and native people in the department of the Attorney General. It would be useful to us if this information could be provided in as detailed a form as possible.

I would anticipate that this is a fairly straight forward request for information, and that there should be no difficulty in providing it. If there is however, would you please give me a call at 424-4800.

Thank you for your attention to this matter.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/bjs
cc William MacDonald ✓
Deputy Attorney General

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

December 5, 1988

Dr. Richard Apostle
Dalhousie University
Department of Sociology and
Social Anthropology
Corner of Seymour and South Streets
HALIFAX, Nova Scotia
B3H 1T2

Dear Richard:

Herewith is a copy of Native Policing in Canada: A Review of Current Issues by Robert Depew. It is my understanding that you had requested Brenda McGilvray to send you a copy. If this is not the report you were looking for, please let me know.

Yours very truly,

B. Shanks

JESB

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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

December 2, 1988

The Honourable Judge Jean-Charles Coutu
Palais de Justice
2 Avenue du Palais
ROUYN-NORANDA, Quebec
J9X 2A9


Dear Judge Coutu:

Enclosed is Professor Edwards' series of opinion papers on the role of the Attorney General, which have been presented to the Commissioners. I hope that you will find them useful.

I enclose also, an editorial which appeared in the Halifax Daily News on Tuesday, November 29, 1988. I thought you might like to see it, since your name was mentioned!

We all enjoyed meeting you in Halifax. I hope I have the pleasure once again.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA/bjs
Enclosure

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

December 2, 1988

Mr. Neil McCrank
Assistant Deputy Minister
(Criminal Law)
Province of Alberta
9833-109th Street
Edmonton, Alberta T5K 2E8

Dear Neil:

I thoroughly enjoyed our meeting last week in Toronto. It would be nice to continue the discussion at a higher altitude!

I have enclosed a copy of my note to Del Perras along with a copy of the reviewers' comments referred to therein. I have only forwarded the one copy of Dr. Clark's report on Native criminal justice issues.

Please feel free to give me a call at any time. I am sure that I will be in touch with you again shortly. Thank you for your assistance and wishing you a Merry Christmas and Happy New Year.

I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jc

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

December 2, 1988

Chief Superintendent G.G. Leahy
Commanding Officer "H" Division
Royal Canadian Mounted Police
P.O. Box 2286
Corner of Oxford St. & Bayers Road
Halifax, N.S. B3J 3E1

Dear Chief Leahy:

Further to your request, as relayed to me yesterday through your office, I now enclose for your information and on a confidential basis a copy of Dr. Scott Clark's report entitled: "The Mi'kmaq and Criminal Justice in Nova Scotia".

This is the only report which we have commissioned that deals with Native policing issues. Please feel free to give me a call at any time if you have any questions regarding the report or other matters.

Thank you. I remain,

Yours very truly,

J. Cook

for John E.S. Briggs
Director of Research

JESB:jc

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

December 1, 1988

Ms. Edna Wells Handy,
Executive Director
New York State Judicial
Commission on Minorities
270 Broadway, Suite 1108
New York, New York 10007

Dear Ms. Handy:

This is to confirm that I will be attending the meeting on December 10th, 1988. I enclose my response to the questionnaire which will be circulated to participants at the meeting.

As I indicated to you on the telephone, I may be in touch with Ms. Chin at your office to see if there is any information or documentation which might be useful to our Royal Commission. Obviously, I would like to get as much benefit as possible from the meeting, since I am coming quite a distance to attend.

I look forward to meeting you.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 30, 1988

New Brunswick Police Commission
98 Prospect Street
FREDERICTON, New Brunswick
E3B 2T8

Attention: Mr. LeBlanc

Dear Sir:

I am writing on behalf of the Commissioners of the Donald Marshall, Jr., Prosecution to ask for a copy of the Operations Manual used by police in New Brunswick.

Please send it, and the invoice if applicable, to my attention. Thank you for your assistance.

Yours truly,



Brenda McGilvray
Librarian

BMCG/bjs

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 29, 1988

Professor Bruce Archibald
Dalhousie University
Law School
Weldon Law Building
HALIFAX, Nova Scotia
B3H 4H9


Dear Bruce:

RE: THE SO-CALLED "TICKET GATE" AFFAIR

I attach for your information a copy of Mr. Justice Dewar's report on the above noted matter. I refer you in particular to Appendix "C" - Prosecutorial Discretion.

I remain,

Yours very truly,


for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 29, 1988

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

Dear Philip:

RE: THE SO-CALLED "TICKET GATE" AFFAIR

I attach for your information a copy of Mr. Justice Dewar's report on the above noted matter. I refer you in particular to Appendix "C" - Prosecutorial Discretion.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs,
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 28, 1988

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

Dear Philip:

I enclose, per your request, a copy of your draft report
entitled Public Policing in Nova Scotia.

I remain,

Yours very truly,

B. Shanks

JEB

John E. S. Briggs,
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 28, 1988

PERSONAL AND CONFIDENTIAL

Dr. Carole LaPrairie
Department of Justice
239 Wellington Street
OTTAWA, Ontario
K1A 0H8

Dear Carole:


RE: THE MI'KMAQ AND CRIMINAL JUSTICE IN NOVA SCOTIA -
SCOTT CLARK, OCTOBER, 1988

I enclose, on a confidential basis, a copy of the above
noted report, per your request.

I remain,

Yours very truly,



 John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 23, 1988

Your file: A88-00120

Ms. Helene Goulet
Counsel
Department of Justice Canada
Access to Information and Privacy
Office
Suite 205 - Justice Building
OTTAWA, Ontario
K1A 0H8

Dear Ms. Goulet:

Thank you for your letter of November 16, 1988. While the information enclosed with your letter is innocuous, we have to advise you that we are not prepared to agree to its release.

It would not appear to be covered within the ambit of the request itself, and in any event it represents correspondence between counsel for the Commission and the Department of Justice. The notations refer to proposed areas of examination of a potential witness, and we feel that such information is subject to a claim of privilege between solicitors and their clients. I regret that I am not sufficiently familiar at the present time with the applicable provisions of the Access to Information Act to point you to a statutory exemption.

Should you have any further questions please do hesitate to contact the undersigned.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO/bjs

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 21, 1988

Professor Don Clairmont
Dalhousie University
Department of Sociology and
Social Anthropology
Corner of Seymour and South Streets
HALIFAX, Nova Scotia
B3H 1T2

Dear Don:

RE: THE AUDIO-VISUAL TAPING OF POLICE INTERVIEWS WITH
SUSPECTS AND ACCUSED PERSONS BY HALTON REGIONAL POLICE
FORCE ONTARIO, CANADA - PROFESSOR ALAN GRANT

Enclosed is a copy of the above noted report per your
request.

I remain,

Yours very truly,

B. Shanks

John E. S. Briggs
John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

November 17, 1988

PERSONAL AND CONFIDENTIAL

Professor Roland Penner, Q.C.
c/o Faculty of Law
Robson Hall
University of Manitoba
WINNIPEG, Manitoba
R3T 2N2

Dear Professor Penner:

Thank you for your letter of October 28, 1988, and your attached paper entitled: "The Attorney General and Criminal Prosecution".

I have certainly enjoyed reading your paper and find your views to be very helpful. I will be forwarding a copy of your paper to the Commissioners, Professor Edwards, Stanley Cohen, Marc Rosenberg, Bruce Archibald, Philip Stenning, Gordon Gregory, Commission Counsel, and Susan Ashley.

I am sorry that you will not be able to join us next week for the "Consultation", but I hope that I will have the opportunity of meeting with you again in the future. In the meantime, I thank you for your cooperation and participation.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 17, 1988

Mr. Marc Rosenberg
Barrister at Law
Suite 3200 Simpson's Tower
401 Bay Street
TORONTO, Ontario
M5H 2Y4

Dear Marc:

I enclose for your information a copy of Roland Penner's commentary on John Edwards' papers.

You will note in particular Penner's views with regard to the right of the police to lay charges notwithstanding contrary views held by the Crown. I look forward to seeing you at the Consultation next week.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 17, 1988

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

Dear Stan:

I enclose for your information a copy of Roland Penner's commentary on John Edwards' papers.

You will note in particular that Penner is not the least bit equivocal about the notion of police independence and in particular the right of the police to lay charges irrespective of contrary views of the Crown. I thought that you might find Professor Penner's views of interest and possible of assistance in your own deliberations.

Thank you, I remain,

Yours very truly,

B. Sharvies

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 17, 1988

Gordon Gregory, Q.C.
365 Wright Street
FREDERICTON, New Brunswick
E2B 2E3

Dear Gordon:

I thought you might be interested in having a copy of Roland Penner's commentary on John Edwards' opinion papers.

I hope that this note finds you in good form. I enjoyed our meeting in September. I certainly appreciated your interest and participation in our work. Thank you.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 17, 1988

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

Dear Philip:

I enclose for your information a copy of Roland Penner's
commentary on John Edwards' papers.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs,
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 17, 1988

Professor Bruce Archibald
Dalhousie University
Law School
Weldon Law Building
HALIFAX, Nova Scotia
B3H 4H9

Dear Bruce:

I enclose for your information a copy of Roland Penner's
commentary on John Edwards' papers.

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, ... PROSECUTION

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COMMISSIONER

November 17, 1988

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

Dear Professor Edwards:

I attach for your information a copy of Roland Penner's
commentary on your opinion papers.

I remain,

Yours very truly,

B. Sharie

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Bruce:

RE: THE MI'KMAQ AND CRIMINAL JUSTICE IN NOVA SCOTIA -
BY SCOTT CLARK

Enclosed for your information on a confidential basis a copy
of the above noted research report. Thank you.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION IN THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

November 16, 1988

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

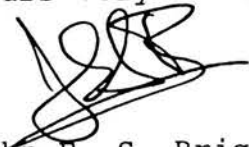
Dear Mr. Pink:

RE: POLICE TRAINING

You will recall that some time ago we provided the Task Force on Municipal Police Training with the data which had been collected by Dr. Apostle. I understand that the Task Force has now generated some preliminary reports, and I would appreciate it if you would be good enough to provide copies of any such reports. I look forward to hearing from you at your earliest convenience. Thank you for your attention to this matter.

I remain,

Yours very truly,


John E. S. Briggs
Director of Research

JESB/bjs
bc. Don Clairmont

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

BY COURIER

November 10, 1988

Professor Don Clairmont
Dalhousie University
Department of Sociology and
Social Anthropology
Corner of Seymour and South Streets
HALIFAX, Nova Scotia
B3H 1T2

Dear Don:

RE: SENTENCING STUDY - NUMBER TWO

Thank you for a copy of your preliminary analysis of the above noted. I have now had an opportunity to read your draft and can make the following points:

1. It seems to me that your analyses, so far, is inconclusive. I think that you have already said as much to me. In any event, I take it that the inconclusiveness flows in large part from what can and cannot reasonably be said about the data and also from the fact that you may not yet have finalized your thinking.
2. I presume that "MAG=3" means Magistrates Courts. What does "PROV=4" mean? (See coding considerations number 18, page 3). On page 4, you state: "The most serious short fall concerned the absence of a pre-sentence report in precisely 50 percent of the cases." I think that it would be helpful to have an explanatory note regarding the use of pre-sentence reports and what triggers them.
3. You also state at page 4 that: "Race itself was rarely noted in the court dockets/prosecutorial files; consequently, while always ultimately successful, considerable effort had to be expended looking for

Professor Don Clairmont

November 16, 1988

clues in the files and consulting local police records." While I take this to be a researcher's 'data problem deserving of attention', it reads to me as though it were almost a criticism of the record keeping of the Department of the Attorney General. As you are well aware, this is an on-going issue of some sensitivity at the national level, particularly with Statistics Canada, and the discussion as to how to obtain meaningful statistics by race/ethnic origin may not yet be resolved. In any event, I think an explanatory word or two here would also be helpful.

4. Your tables are interesting. For example in table number 1, I wonder if the essentially equivalent percentages for high severity charge tells us anything about the issue of "overcharging". I also wonder if the difference of percentages pertaining to the "serious injury" characteristic is significant. In table number 2, I was struck by the fourfold difference between the percentage of blacks under sentence versus non-blacks (29 percent versus 7 percent). Such a characteristic could well account in large part for the difference in percentages of blacks receiving favourable pre-sentence reports versus non-blacks (24 percent versus 37 percent).
5. On page 8, you refer to "simple" sexual assault. Such terminology can, in the absence of an explanation/definition be inflammatory in some quarters.
6. You also state on page 8 that in relation to "cases of lesser severity ... the researchers were quite surprised that these cases were not more numerous. Presumably many simple assaults are either not being prosecuted or charges are escalated." I wonder if there are not other explanations for this presumption. I also wonder with whom you have discussed this presumption. It is not that I essentially disagree with you. Certainly overcharging is a real phenomena. Also, I would expect that often times simple assaults are not prosecuted - on many occasions because they are not even reported to the police.
7. I do not understand your statement at page 9: "In sum there was quite a bit of variation in offense

Professor Don Clairmont

November 16, 1988

characteristics apart from the fact that the victim in this predominantly non-black region was usually non-black." This sentence seems to me to be internally inconsistent or contradictory.


8. On page 13/14 you state: "On the other hand there is little indication from these files that the court system does anything positive or proactive to effect a more substantive fairness given the societal inputs it receives." I wonder what you have in mind here? Ie. what positive or proactive activities do you think the courts ought to engage in? To me a necessary prerequisite would be a recognition that race is relevant in as much as it connotes socioeconomic disadvantage (ie. a non-stakeholder) and that "treating unequals equally" can be unfair, can produce adverse affects, and can be functionally the same as systemic discrimination.

Over all my impression of your preliminary analysis is that it is well written and thorough - but what do I know! My recollection of the write-up on the first sentencing study is that it was somewhat less equivocal in being prepared to find support for the suggestion of differential treatment in sentencing. Whatever the case may be, I think it important that there be a section in the second sentencing study relating its findings and analyses to those of the first sentencing study. I look forward to discussing this with you further when we both have an opportunity. Thank you.

I remain,

Yours very truly,



 John E. S. Briggs
Director of Research

JESB/bjs

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 14, 1987

The Honourable Gregory Thomas Evans, Q.C.
44 Charles Street West
Apt. 1221
Toronto, Ontario M4Y 1R8

Dear Sir:

As you requested, I am enclosing your copies of the following:

Submission of Commission Counsel
Submission of Ruby
Submission of Attorney General
Submission of Pugsley

Exhibit Vols. 1 and 2 (containing original trial)
Exhibit Vol. 16

Recommendations from research reports and submissions

If you need anything further, please let me know.

Yours sincerely,

Laurie J. Burnett

/ljb
Enclosures