

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 14, 1988

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

Dear Mr. Ruby:

I enclose a letter which I have sent to all counsel who are being funded by the Royal Commission concerning payment of counsel fees following submission of final argument. There is an exception in the case of counsel for Donald Marshall, Jr., in that we will fund in the usual way reasonable expenses related to the leave application to the Supreme Court of Canada on the Cabinet issue, and the hearing before the Court of Appeal on the judges issue.

Yours very truly,

Susan M. Ashley

Susan M. Ashley
Commission Executive
Secretary

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SMA/ljb

Enclosure

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 9, 1988

To All Counsel:

This is to advise you that with some obvious exceptions, it is our view that there should be no further accounts submitted by counsel for payment by the Royal Commission, following completion of written and oral argument. Accounts which relate to final submissions will be paid. We foresee no further situations which will require that parties with standing make representation to the Royal Commission through their counsel.

If you have any questions, please let me know.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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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: PUBLIC POLICING IN NOVA SCOTIA

By way of background materials to assist you in the preparation of a draft of the above noted subject, I attach the following:

1. Scott Clark's final draft: The Mi'kmaq and Criminal Justice in Nova Scotia
2. Bruce Archibald's final draft: Prosecuting Officers and the Administration of Criminal Justice in Nova Scotia
3. Submissions by Commission Counsel
4. Submissions by the Attorney General
5. Professor Edwards' series of opinion papers on the office of Attorney General
6. Compendium of recommendations from research reports and written submissions

Professor Don Clairmont

November 10, 1988

I will have the final draft of the Police Report next week and will forward a copy to you at that time. If at any time you should require any further information or materials, or wish to discuss any matter with me, please do not hesitate to give me a call. Thank you.

I remain,

Yours very truly,

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

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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COMMISSIONER

November 9, 1988

Mr. Russell Barsh
c/o Marina Lent
2100 Connecticut Ave., N.W.
Apt. 611
Washington, D.C. 20008

Dear Mr. Barsh:

Thank you for agreeing to attend the Consultation sponsored by the Royal Commission to be held at the Halifax Sheraton Hotel on November 24th to 26th, 1988. I understand that you have been in touch with Jan Cook of this office to make travel arrangements. We are looking forward to meeting you and to hearing from you in Halifax.

I attach a letter that was sent out some weeks ago inviting people to attend the Consultation. I hope that you will ignore the date, as I am attaching this letter only to give you the rationale for the meetings and an idea of what we expect to accomplish. I attach also a tentative agenda for the event. Your name will be added to the panel on Thursday, November 24th. Each panelist will speak for not more than 15 minutes. As we discussed, I would like you to give your perspective on the standards which should apply to aboriginal courts, drawing on your experience in the international arena and with tribal courts in the United States. As you know, we are trying to focus the discussion on solutions to problems, and tribal courts have been identified by the Union of Nova Scotia Indians and others as a desirable solution. It would be helpful if you could give some of the benefits and pitfalls of tribal courts, so that we would be able to make an informed judgement as to whether they might be an appropriate solution in Nova Scotia, where the Native community is divided on the issue and where the Native community is quite small.

We are inviting all of the ^{8.00}speakers and panelists at these meetings to meet for dinner at ~~7:30~~ on Wednesday evening, November 23rd, prior to the opening of the sessions, at the Halifax Sheraton Hotel. This will be an opportunity for you to

Mr. Russell Barsh

November 9, 1988

meet at least two of the Commissioners, as well as the Chair of the sessions, Mr. Tom Berger, and the other speakers. I hope that you will be able to attend. Please let us know.

Thank you very much for agreeing to join us on such short notice. We look forward to meeting you.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosures

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 9, 1988

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

Dear Brent:

Attached is the letter of invitation which we sent in early October to the invited participants in the November Consultations. I hope that you will disregard the date and the fact that you were not invited earlier, and will attend and participate with your usual vigor.

The meetings will be held all day Thursday, November 24th, Friday, November 25th and Saturday morning, November 26th. I enclose a tentative Agenda for the sessions which may be revised slightly prior to the event.

I have told Bruce Wildsmith that some of the participants or panelists, including Mr. Berger, might be available at some point for some kind of session at the Law School. I am not sure whether he has followed up on this suggestion, but it would seem to me to be an excellent opportunity to "piggyback" on our meetings.

In any event, I am glad that you can come.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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November 9, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

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

Dear Anne:

At a meeting held this morning, the Commissioners discussed the matter raised in your letter to Chief Justice Hickman of October 28th, 1988, that is, your request for payment of counsel fees for participation at the Consultation in late November. The Commissioners have decided that no professional or other fees will be paid to the participants in the Consultation, and that no exception will be made in your case.

It is their view that you have not been asked to the meetings in order to make representations on behalf of your client. As you are aware, we have now received final written and oral argument from counsel, and the purpose of these meetings is to seek a broad range of opinion on the types of recommendations that should flow from the final Report. The Commissioners see this as something quite different from the public hearing process in which positions are being taken on behalf of individual clients. The decision not to pay fees for participants at these meetings was made in order to limit the costs of the event, and also to take into account the nature of the sessions. The Commissioners do not feel that it is justifiable or desirable to make an exception to the general rule on the basis of the concerns you have expressed.

In any event, we all are very much looking forward to these sessions and hope that you will be able to attend.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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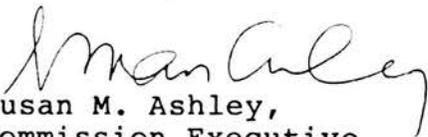
November 9, 1988

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

Dear Mr. Ross:

At a Commission Meeting held today, the Commissioners directed me to advise you that they would like to receive your final written submission on behalf of the Black United Front prior to the Consultation, that is, before November 24th, 1988.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 8, 1988

Dean James MacPherson
Osgoode Hall Law School
York University
4700 Keele Street
Downsview, Ontario
M3J 2R5

Dear Jim:

Please find enclosed, a copy of the submission made
by Commission Counsel in Sydney.

Yours very truly,



 W. Wylie Spicer
Commission Counsel

WWS:jc

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COMMISSIONER

November 7, 1988

Fred Caron, Esq.
Senior Counsel
Office of Aboriginal and
Constitutional Affairs
Federal/Provincial Relations
Office
Room 209
59 Sparks Street
OTTAWA, Ontario
K1A 0A3

Dear Mr. Caron:

RE: CONSULTATION - NOVEMBER 24 - 26, 1988, HALIFAX,
NOVA SCOTIA

Further to our telephone conversation of last week, I am pleased to confirm your invitation to attend the Consultation later this month.

I have enclosed for your information a copy of the letter which has gone to other participants along with a tentative agenda outlining the activities during the three day Consultation.

Finally, I enclose on a confidential basis a copy of the research report prepared for the Royal Commission by Dr. Scott Clark and entitled: The Mi'kmaq and Criminal Justice in Nova Scotia.

If you require any further materials or information, please do not hesitate to give me a call. We have reserved accommodation for you at the Halifax Sheraton for the evenings of

Mr. Fred Caron

November 7, 1988

November 23, 24 and 25. I understand that you will be making your own travel arrangements. I trust you will find this in order. I look forward to meeting with you later in the month.

I remain,

Yours very truly,

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

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 7, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Bruce:

RE: CANADIAN BAR ASSOCIATION SUBMISSION

Herewith for your information, volumes one and two of the CBA Submission presented to the Royal Commission in Sydney last week.

You will note that their submission concerns itself exclusively with the subject of disclosure. I am interested in having your views on their submission when you have had an opportunity to read it. Thank you.

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 7, 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: BLACK UNITED FRONT SUBMISSION

Herewith for your information and records a copy of BUF's submission before the Royal Commission in Sydney last week. I look forward to meeting with you shortly. Thank you.

Yours very truly,

B. Sharps.

JEB John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 3, 1988

Dr. Scott Clark
c/o G. S. Clark & Associates
Suite 712, 151 Slater Street
OTTAWA, Ontario K1P 5H3

Dear Scott:

Further to our recent telephone conversation, I now enclose for your information a copy of the memorandum which I have today forwarded to Chief Justice Alexander Hickman. Please let me know if I have misstated any facts and/or misinterpreted your report or thinking.

I would appreciate it if you would give me a short note covering some of the points which you will note I have indicated to the Chief have been referred to you. In particular you might rearticulate the process you envisage for spelling out a community based tribal justice system which I take it could be, but may not be, based on "indigenous ways of justice". I take it that the "Nova Scotia Aboriginal Justice Institute" would perform a lead roll in the process of assisting communities to spell out the details of any such system if they want it. Such an institute would have a much broader mandate if I understand your recommendation correctly. In any event, you may wish to set out in more detail or in another way the specifics of the role which you envisage for that institute.

Also, notwithstanding that there appears to be no consensus amongst the native community as to what "self-government" means, can you indicate concisely and precisely the range of things it means to the native community, including perhaps the things it does not mean (if not, then not).

As I understand the thrust of your recommendations, it would be up to each native community - that is band or reserve - to develop for themselves a community based justice system. With such an approach you could conceivably have thirteen different community based justice systems. Some of these might be based

Dr. Scott Clark

November 3, 1988

exclusively on indigenous ways of justice, others on a mix, and presumably some bands might opt to access the existing system exclusively. If I have got it right then perhaps differences between the Confederacy, the Union, and the Native counsel may not matter all that much. However, if such differences impact upon their receptiveness to the process which you are proposing including the Nova Scotia Aboriginal Justice Institute, attention to these differences will become much more crucial. I would appreciate your thoughts on this subject as well.

Finally, if there is a publication on tribal courts in the United States which you think might be of particular use to the Commissioners, please let me know. I would appreciate hearing from you at your earliest convenience. Thank you for your cooperation.

I remain,

Yours very truly,

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

John E. S. Briggs,
Director of Research

JESB/bjs
Enclosure

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

November 3, 1988

PERSONAL AND CONFIDENTIAL

Mr. Ken Chasse
Barrister & Solicitor
319 King Street West
TORONTO, Ontario
M5V 1J5

Dear Ken:

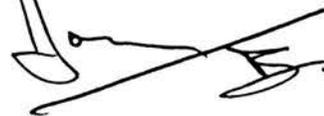
Thank you for your note regarding your change of address. I am enclosing herewith for your information and on a confidential basis a copy of the second draft of Bruce Archibald's report: Prosecuting Officers and the Administration of Criminal Justice in Nova Scotia.

One of my usually reliable informants - I think it was Marc Rosenberg - told me that you had returned to private practise. I do hope that that is working well for you. Perhaps we will have an opportunity to talk about that and other things sometime when I am in Toronto.

All of the research reports will be published as appendices to the Commissioners' final report. As you are undoubtedly aware, final submissions are being made before the Commissioners in Sydney, Nova Scotia this week, following which they will retire to write their final report. Needless to say there is lots to do! I hope that this letter finds you in good form and prospering. Keep in touch.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 1, 1988

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

Dear Neil:

Further to our recent telephone conversations, this is simply to confirm the information which was conveyed to your office by telephone regarding our Toronto meeting with Professor Edwards.

We will meet at the University of Toronto Faculty of Law - Flavelle House, 78 Queens Park, in Room 319 at 9:30 a.m. (Flavelle House is the building with the Grecian pillars!) John Edwards has arranged to take us to lunch at 12:30, which I hope your schedules will permit.

I trust you will find this in order, but if you should have any questions or concerns do not hesitate to let me know.

Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jc

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COMMISSIONER

BY COURIER

October 31, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Wilson:

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

Further to our telephone conversation of today, I enclose for your information and on a confidential basis a copy of Scott Clark's October, 1988 paper.

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

October 26, 1988

Professor Brent Cotter
Dalhousie Law School
Halifax, Nova Scotia
B3H 4H9

Dear Brent:

Mr. Justice Evans has asked me to advise you that he will be staying at the Sheraton rather than at the Prince George in November, as he had earlier advised you. He is proposing to prepare a talk on "Ethics and Conflict of Interest", unless you have some other suggestions.

Yours truly,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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THE HONOURABLE
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COMMISSIONER

October 24, 1988

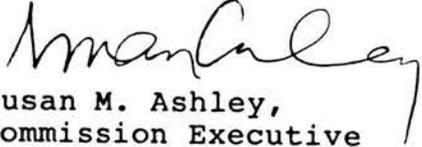
Ms. Debi Forsyth-Smith, m
President
Advisory Council on the
Status of Women
P. O. Box 745
Halifax, Nova Scotia B3J 2T3

Dear Ms. Forsyth-Smith:

Thank you for your letter of October 13, 1988 and the
attached material.

Unfortunately, I do not think that there is anything that we
can do for Mrs. Feener. Our mandate permits us to inquire into
the wrongful prosecution and conviction of Donald Marshall, Jr.
and aspects of the criminal justice system related to that case.
The issue of matrimonial property law which is raised in the
documents is clearly outside of our jurisdiction.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

cc: Ms. Helen Bell Feener

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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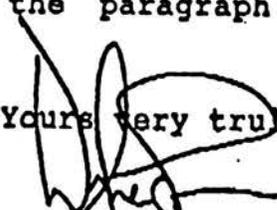
October 21, 1988

TO: All Counsel

RE: Commission Counsel Submission

When our submission was being printed, for some reason a portion of our conclusion concerning the R.C.M.P. 1971 investigation did not print. I enclose a page containing that conclusion. It should be inserted on page 86 immediately following the paragraph that ends "not 11 years".

Yours very truly,



W. Wylie Spicer
Commission Counsel

Enclosure

extent of other investigative techniques.

What is disturbing about the manner in which Inspector Marshall carried out his review is that if, by his own admission he had carried out his job properly, Donald Marshall, Jr., might only have spent a couple of weeks in jail and not 11 years (5705).

It is our conclusion that the investigation carried out by Inspector Marshall was done incompetently.

Why did this happen? The threads which run through the testimony of Inspector Marshall are that:

1. He assumed that the work done by Sergeant MacIntyre had been done properly. As Marshall testified:
 - Q. Is it fair to say, sir, that you just -- you assumed that because of your knowledge of John MacIntyre that any investigation he would have carried out would have been an intensive investigation?
 - A. From my knowledge and my experience with the man and his aggressiveness, I'd have to say that is the case (5687).
2. He relied completely on the polygraph results to the exclusion of any other investigative technique.

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 21, 1988

To All Counsel:

Enclosed you will find a volume containing the submissions of Commission counsel. This is provided to you to assist in preparation of your own argument. We do not intend to make it public until it is entered as an exhibit on October 31st in Sydney, and we would appreciate it if you would treat it as confidential and for your assistance only.

We will be providing further page references in support of certain of the points made in our argument. These will be provided in Sydney.

If you have any questions concerning anything in our submission, please feel free to give me a call.

Kind regards,

Yours truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

Enclosure

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COMMISSIONER

October 21, 1987

Chief Justice T. Alexander Hickman
Supreme Court of Newfoundland
Trial Division
Court House
Duckworth Street
St. John's, Newfoundland A1C 5M3

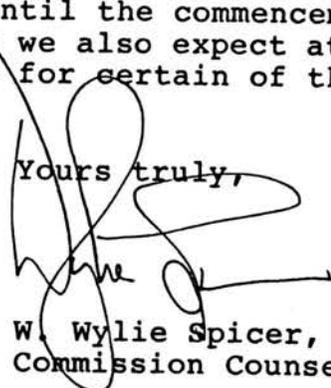
Associate Chief Justice
Lawrence A. Poitras
Cour Superieure
Palais de Justice
1, rue Notre-Dame est
Montreal, Quebec H2Y 1B6

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

My Lords:

Enclosed you will find submissions of Commission counsel. We do not intend to make these public until the commencement of the argument in Sydney on the 31st, and we also expect at that time to provide further page references for certain of the points made by us in the submissions.

Yours truly,


W. Wylie Spicer,
Commission Counsel

WWS/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

October 20, 1987

Chief Justice T. Alexander Hickman
Supreme Court of Newfoundland
Trial Division
Court House
Duckworth Street
St. John's, Newfoundland A1C 5M3

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

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

Re: Estimated Times for Oral Submissions

Dear Sirs:

We have asked all counsel to estimate the time they will require for presentation of their oral argument in Sydney. I can now advise that we have received the following advice from counsel:

| | |
|----------------------------|----------------|
| Commission Counsel | 1 day |
| Clayton Ruby | 4 hours |
| Ronald Pugsley, Q.C. | 2-3 hours |
| Donald Murray | 1.5 hours |
| David Barrett | 1 hour |
| Jamie Saunders/Darrel Pink | 1 day |
| Jim Bissell/Al Pringle | 2 hours |
| Guy LaFosse | 15 minutes |
| E. Anthony Ross | 1 hour (Seale) |
| | 2 hours (BUF) |
| Bruce Wildsmith | 2-3 hours |
| John Merrick, Q.C. | 20 minutes |

Chief Justice Hickman,
Assoc. Chief Justice Poitras
Hon. Gregory Evans, Q.C.

October 20, 1988

Gordon F. Proudfoot
Reply by Commission
Counsel

30-45 minutes

30 minutes

Messrs. Whalley, Ryan, Outhouse and Fisher have advised that they will be making no oral argument, and Mr. Broderick has indicated that it is highly unlikely that he will present oral argument.

I hope that this will be useful to you in anticipating the amount of time that will be required to complete the hearing of the oral submissions by counsel.

Yours truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

cc: All Counsel

FINAL ARGUMENT - ESTIMATED TIMES FOR ORAL SUBMISSIONS

| | |
|----------------------------|---------------------------------|
| Commission Counsel | 1 day |
| Clayton Ruby | 4 hours |
| Ronald Pugsley | 2-3 hours |
| Donald Murray | 1.5 hours |
| David Barrett | 1 hr |
| M. G. Whalley | no argument |
| Jamie Saunders/Darrel Pink | 1 day |
| Jim Bissell/Al Pringle | 2 hours |
| William Ryan | no argument |
| Charles Broderick | no argument (99.9% sure) |
| S. Bruce Outhouse | no argument |
| Guy LaFosse | 15 minutes |
| E. Anthony Ross | 1 hour (Seale) 2 hours (BUF) |
| Bruce Wildsmith | 2-3 hours |
| John Merrick, Q.C. | 20 minutes |
| Gordon F. Proudfoot | 30-45 minutes |
| David W. Fisher | no argument |

Estimated total 2 days and
18 hours (~~three 6-hr days~~)
19 hrs.

ROYAL COMMISSION ON THE DONALD MARSH, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 19, 1988

Dean James MacPherson
Osgoode Hall Law School
York University
4700 Keele Street
Downsview, Ontario M3J 2R5

Dear Jim:

Enclosed please find a copy of the Factum of the Respondents in the Judicial Immunity matter.

Yours truly,

Susan M. Ashley
Commission Executive
Secretary

SMA: jc

enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

October 17, 1988

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers and Solicitors
P. O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Jamie:

Re: Role of Commission Counsel

I acknowledge your letter of October 7, 1988 and apologize for not having responded in writing to your letter of August 30. You will recall we discussed this topic when we met to review the documentation in the Thornhill case and at that time I told you orally of my understanding of the future role to be played by Commission Counsel. I had overlooked the fact that our correspondence on the topic had been copied to all other counsel and obviously it is appropriate that I provide you with my comments in writing so that everyone may have the same information.

As noted in my earlier letter on this topic, we are not absolutely certain what services the Commissioners will require of us as this matter moves forward. We have been retained as Commission Counsel and will remain prepared to provide whatever information, guidance and assistance the Commissioners request. We do anticipate, however, being asked to perform a role which normally is carried out by Commission Counsel, that is to be available to discuss the evidence with the Commissioners, and to assist in some of the drafting of the final report after the Commissioners have reached a consensus.

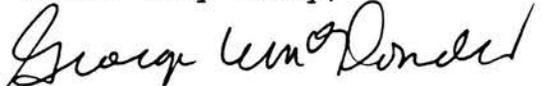
By way of example, if the Commissioners considered it necessary to have a section of the final report deal with the topic of "training of policemen", they may elect to discuss the topic among themselves, but in the presence of Commission Counsel, who may be

asked to provide assistance such as directing the Commissioners to the evidence which has been given on that topic. Once the Commissioners reach a consensus, they may ask Commission Counsel to draft a portion of the report dealing with this topic for their consideration. Obviously the draft would be subject to correction and amendment by the Commissioners before a final draft would be in a form which could be included in the final report.

It is because of our understanding of the continuing involvement of Commission Counsel that we consider it essential that in our written Submission we identify with as much precision as possible all of those conclusions which we consider the evidence supports. This will afford to counsel for parties granted standing the opportunity to illustrate to the Commissioners that our conclusions are not correct, or that the evidence may equally well support other conclusions than those urged by Commission Counsel.

I hope the foregoing will answer your specific inquiry but if you require anything further, please let me know.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

cc: Ronald N. Pugsley, Q.C.
Michael G. Whalley, Q.C.
Dave Barrett
James Bissell
Charles Broderick
S. Bruce Outhouse, Q.C.
Guy LaFosse
Bruce Wildsmith
E. Anthony Ross
Anne S. Derrick

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BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Ross:

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REPORT BY DR. SCOTT CLARK - SECOND DRAFT (SEPTEMBER, 1988)

I enclose for your information and on a confidential basis a copy of the second draft of Dr. Clark's research report.

Please note that this report is still in the draft stage and has not yet been finalized for purposes of publication. Thank you.

I remain,

Yours very truly,

B. Shanks

for

John E. S. Briggs
Director of Research

JESB/bjs
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Director of Research

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October 17, 1988

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Barristers & Solicitors
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October 17, 1988

PERSONAL AND CONFIDENTIAL

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

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for John E. S. Briggs
Director of Research

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Bissell:

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B. Shanas

fr John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMM. ION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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for John E. S. Briggs
Director of Research

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ROYAL COMMISSION ON THE DONALD MARSH L. JR., PROSECUTION

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

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Wildsmith:

RE: DISCRIMINATION AGAINST BLACKS IN NOVA SCOTIA AND THE
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John E. S. Briggs
Director of Research

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Smith, Gay, Evans & Ross
Barristers & Solicitors
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DARTMOUTH, Nova Scotia
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October 17, 1988

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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

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Bissell:

RE: THE MI'KMAQ AND CRIMINAL JUSTICE IN NOVA SCOTIA - RESEARCH
REPORT BY DR. SCOTT CLARK - SECOND DRAFT (SEPTEMBER, 1988)

I enclose for your information and on a confidential basis a copy of the second draft of Dr. Head's research report.

Please note that this report is still in the draft stage and has not yet been finalized for purposes of publication. Thank you.

I remain,

Yours very truly,

B. Shanks

fr John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, R., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Bissell:

RE: DISCRIMINATION AGAINST BLACKS IN NOVA SCOTIA AND THE
CRIMINAL JUSTICE SYSTEM - RESEARCH REPORT BY DR. WILSON
HEAD - SECOND DRAFT (SEPTEMBER, 1988)

I enclose for your information and on a confidential basis a copy of the second draft of Dr. Head's research report.

Please note that this report is still in the draft stage and has not yet been finalized for purposes of publication. Thank you.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL 2., PROSECUTION

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

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Wildsmith:

RE: DISCRIMINATION AGAINST BLACKS IN NOVA SCOTIA AND THE
CRIMINAL JUSTICE SYSTEM - RESEARCH REPORT BY DR. WILSON
HEAD - SECOND DRAFT (SEPTEMBER, 1988)

I enclose for your information and on a confidential basis a copy of the second draft of Dr. Head's research report.

Please note that this report is still in the draft stage and has not yet been finalized for purposes of publication. Thank you.

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
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CHAIRMAN

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 17, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Alan:

RE: CONSULTATION - NOVEMBER 24 - 26, 1988

Further to our recent telephone conversation I now enclose for your information and on a confidential basis copies of the following research reports:

1. The Mi'kmaq and Criminal Justice in Nova Scotia - Research report by Dr. Scott Clark - Second Draft (September, 1988)
2. Discrimination Against Blacks in Nova Scotia and the Criminal Justice System - research report by Dr. Wilson Head - Second Draft (September, 1988)
3. Public Policing in Nova Scotia - Research Report by Drs. Richard Apostle and Philip Stenning - August, 1988

Please keep in mind that the views contained in these research reports do not necessarily represent those of the Royal Commission. Also, I would ask you to keep in mind that the reports are still in the draft stage and have not yet been finalized for purposes of publication.

Mr. Alan Borovoy

October 17, 1988

I hope you will find these materials to be of some use to you in preparation for the November Consultation. If you require any further information, please do not hesitate to contact me accordingly. Thank you.

I remain,

Yours very truly,

B. Shanks

for John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

October 14, 1988

Mr. Bruce Wildsmith:

Herewith the requested copy of the
CONFIDENTIAL report by Scott Clark:

The Mi'kmaq and Criminal Justice in
Nova Scotia

John Briggs

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

October 12, 1988

Ms. Nadine Cooper Mont
Deputy Solicitor General
P.O. Box 2599
Station "M"
HALIFAX, Nova Scotia
B3J 3N5

Dear Ms. Cooper Mont:

Thank you for your letter of October 5, 1988, copies of which I have forwarded on to Dr. Richard Apostle and Dr. Philip Stenning.

I am confident that the researchers will consider very carefully all of your comments and will respond to them as appropriate in preparing the final draft of their report. Thank you for your cooperation.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs

cc Dr. Richard Apostle
Dr. Philip Stenning
Mr. Darrel Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR.
PROSECUTION

1026 - 1505 BARRINGTON STREET
HALIFAX, NOVA SCOTIA
B3J 3K5
(902)-424-4800

MEMORANDUM

TO: Dr. Richard Apostle and
Dr. Philip Stenning

DATE: October 12, 1988

FROM: John Briggs



RE: Policing in Nova
Scotia

Herewith a copy of the comments received from the Deputy Solicitor General in respect of the first draft of your report.

I have also enclosed a copy of my letter of today's date to Ms. Nadine Cooper Mont. After you have had an opportunity to consider Cooper Mont's comments ... let's talk. Thank you.

JESB/bjs
Attachments

ROYAL COMMISSION ON THE DONALD MARS. .LL, 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

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Wilson:

RE: DISCRIMINATION AGAINST BLACKS IN NOVA SCOTIA AND THE
CRIMINAL JUSTICE SYSTEM - SECOND DRAFT (SEPTEMBER, 1988)

Please find enclosed herewith, a copy of the second draft of your above noted report contained in two volumes the second of which consists of the appendices.

As discussed, I would hope to meet with you in Toronto shortly in order to discuss in more detail, the report as now written and any questions or concerns which you may have. However, in the meantime, I will make a few general comments and provide a brief outline of the changes reflected in the second draft.

Firstly, I believe that the report is entirely faithful to the research carried out by yourself and Professor Don Clairmont. Further, I think that the report is equally faithful to the basic conclusions and policy recommendations which developed in the earlier draft. The first draft clearly suffered from a number of problems many of which arose out of the administration of the research effort and your geographical displacement in Toronto. I think that we all understand the problems which resulted and I certainly accept responsibility for that situation.

It was therefore necessary in my view to extensively edit, rework, and re-organize a good deal of the material contained in the first draft. That work was carried out, as you know, at my request and in consultation with myself by Don Clairmont.

You will readily note that we have relocated the blown

Dr. Wilson Head

October 11, 1988

discussion contained under Section Three (The Survey) and Section Four (The Sentencing Sub-project) to Appendix "B" and "C" respectively. You will recall this as an idea which we considered prior to the writing of the first draft. Sections three and four as now written, constitute effectively executed summaries which reduce the size of the body of the report. I believe that this approach helps to maintain the momentum of the reader and ultimately the impact of the report itself. There have been only slight revisions to the material contained in Appendix "B" and "C" although Appendix "B" does contain new analyses of rural-urban differences and multiple regression assessments.

I would also draw your attention particularly to Appendix "E" which contains some new material as a result of discussions undertaken by Don Clairmont with the concerned agencies and you will find a comparable sub-section dealing with monitoring agencies in Section Six of the report.

I look forward to discussing in some detail with you the changes reflected in the second draft and in particular any comments or suggestions you may have for further changes. I do however, think that the report as now written is in solid shape for purposes of publication. Perhaps needless to say, Don Clairmont has contributed enormously to that result. In this connection, I will wish to discuss with you appropriate means of crediting Don Clairmont for the contribution which he has made to this report. My limited knowledge of academic protocol which suggests to me that given his pivotal role in the survey and sentencing aspects of the report and in carrying out the revisions, it might well be appropriate to credit him with co-authorship. I do not know how this would sit with Don but I do believe that his intensive collaboration in the preparation of the report requires that we at least offer him something more than simply acknowledgement for having made a contribution. Again, this is something that we can discuss in more detail when we meet, but I thought I would raise it at this time so that you could give the matter some thought.

Dr. Wilson Head

October 11, 1988

Perhaps you can give me a call when you receive this material and we can arrange for a mutually convenient time to meet. I look forward to hearing from you shortly. Thank you for your cooperation.

I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/bjs
Enclosure
Dictated but not read

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 11, 1988

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

Dear Marc:

RE: THE OFFICE OF ATTORNEY GENERAL

Herewith for your information a copy of Gordon Gregory's
commentary on Professor Edwards' Opinion Papers.

I remain,

Yours very truly,

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 11, 1988

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

Dear Professor Penner:

RE: THE OFFICE OF ATTORNEY GENERAL

Herewith for your information a copy of Gordon Gregory's
commentary on Professor Edwards' Opinion Papers.

I remain,

Yours very truly,

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

October 11, 1988

Dr. Philip Stenning

RE: THE OFFICE OF ATTORNEY GENERAL

Herewith for your information a copy of
Gordon Gregory's commentary on Professor
Edwards' Opinion Papers.

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

MEMORANDUM

DATE

October 11, 1988

Professor Edwards

RE: THE OFFICE OF ATTORNEY GENERAL

Herewith for your information a copy of
Gordon Gregory's commentary on your
Opinion Papers.

JESB/bjs
Enclosure

ROYAL COMMIS. ION ON THE DONALD MARSHAL JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Neil:

RE: THE OFFICE OF ATTORNEY GENERAL

I enclose for your information and on a confidential basis copies of the following materials:

1. "Some comments on Edwards, 'The Future Role of the Office of Attorney General in the Province of Nova Scotia - Part I'" - a paper prepared by Professor Philip Stenning of the Centre of Criminology, University of Toronto.
2. Prosecuting Officers and the Administration of Criminal Justice in Nova Scotia - second/final draft, research report prepared by Professor Bruce Archibald.
3. The Role of the Office of Attorney General - a series of opinion papers prepared by Professor John Edwards.

As you know, I had previously forwarded a copy of John Edwards' papers to Del Perras but I thought, somewhat belatedly, that an extra copy might be useful at your end. I also thought that Philip Stenning's paper might be of interest given his view that an Independent DPP promises more than it can deliver and his preferred approach that we encourage and strengthen existing political accountability mechanisms.

Although the focus of Professor Archibald's study is clearly

Mr. Neil McCrank

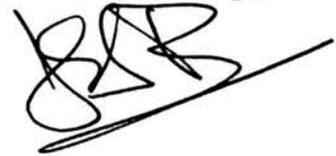
October 11, 1988

parochial, I am sure that some of the problems which he discusses are not unfamiliar to you and therefore perhaps of some interest.

I very much look forward to our meeting in Victoria next week. I hope the enclosed materials reach you and in a timely fashion.

I remain,

Yours very truly,

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

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

P.S. I also enclose for your information and on a confidential basis a copy of: "Draft Proposal for Director of Public Prosecutions", September 29, 1988 - prepared by William MacDonald, Q.C., Deputy Attorney General of Nova Scotia. Mr. MacDonald's proposal was prepared for discussion purposes only, during a recent workshop which we held in Halifax to discuss Professor Edwards' papers. The MacDonald proposal was prepared on his own initiative and is not (yet) government policy.

ROYAL COMMISSION ON THE DONALD MARS' LL, 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

October 11, 1988

PERSONAL AND CONFIDENTIAL

Doug Hunt, Esquire
assistant Deputy Minister
(Criminal Law)
Ministry of The Attorney General
18th Floor
18 King Street East
TORONTO, Ontario
M5C 1C5

Dear Doug:

RE: THE OFFICE OF ATTORNEY GENERAL

Further to our meeting in Halifax on September 29, 1988, I now enclose for your information and on a confidential basis copies of the following materials:

1. "Some comments on Edwards, 'The Future Role of the Office of Attorney General in the Province of Nova Scotia - Part I'" - a paper prepared by Professor Philip Stenning of the Centre of Criminology, University of Toronto.
2. Prosecuting Officers and the Administration of Criminal Justice in Nova Scotia - Professor Bruce Archibald.

The enclosed copy of Bruce Archibald's report is his second draft and I think for all intents and purposes can be considered the final version of his report.

Doug Hunt, Esquire

October 11, 1988

I was delighted that you were able to make it to the workshop and in particular I, and others, very much appreciated your participation in and contribution to our discussions. I look forward to meeting with you again. In the meantime, if there are any further materials you think may be of assistance, please do not hesitate to give me a call. Thank you.

I remain,

Yours very truly,

A handwritten signature in black ink, appearing to read 'JESB', with a large, sweeping underline that extends to the left and right.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 11, 1988

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

Dear Professor Penner:

RE: CONSULTATION - NOVEMBER 24 - 26, 1988

Further to our telephone conversation of October 7, 1988, I now enclose a copy of a letter from the Chairman, Chief Justice Alexander Hickman, outlining the general purpose of the Consultation.

The first two days of the conference will be dedicated to a discussion of criminal justice issues as they affect native persons and blacks. The Saturday a.m., November 26 session, is dedicated to discussion of the role of the Attorney General and more specifically proposals for change designed to restore confidence in the administration of criminal justice in Nova Scotia and the Attorney General's role in that process.

Mr. Justice David Watt, of the Ontario Supreme Court, has agreed to provide the key note talk on this subject. It is intended that two persons will provide comments following his presentation. Morris Manning, Q.C., of Toronto, has indicated his willingness to act as one commentator and you have tentatively agreed to act as the other commentator.

The time dedicated to the session on the AG is obviously very limited particularly if there is to be any meaningful discussion. However, another potential limitation, it seems to me, is the public commitment of the government to the creation of an Independent DPP. In this context, detailed consideration of other models may be rather academic. I think that your participation in our recent workshop would give you a pretty good grasp of the local context for discussion of these issues.

I have also enclosed two newspaper clippings which I thought

Professor Roland Penner

October 11, 1988

might be of interest. They are as follows:

1. "Special prosecutor may be appointed" by Alan Jeffers, The Chronicle Herald, Halifax, October 7, 1988, p.1.
2. "Department of general confusion" - editorial - The Chronicle Herald, Halifax, October 11, 1988, p.6.

Finally, also enclosed for your information and on a confidential basis a copy of Professor Bruce Archibald's second draft of his research report entitled: "Prosecuting Officers and the Administration of Criminal Justice in Nova Scotia". Although the focus of Bruce Archibald's report is clearly more parochial than that of Edwards' papers, I thought you might find it of interest to refer to those areas of overlap.

I certainly hope that your schedule will permit you to attend at least part of the Consultation in November. I look forward to hearing from you shortly.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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

October 11, 1988

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

Dear Jamie:

Thank you for your letter of October 3rd, 1988.

We had already anticipated your idea, and have invited both Peter Green of the CBA and John Moore of the Barristers' Society to attend the November Consultation. Both of them have accepted the invitation.

Thank you for your interest.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/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

October 11, 1988

Judge Felix A. Cacchione
c/o County Court Chambers
Law Courts
1815 Upper Water Street
Halifax, Nova Scotia B3J 1S7

Dear Judge Cacchione:

I am replying to your recent letter (undated) to Chief Justice Hickman, enclosing the letter to you from L. C. Phinney. Mr. or Ms. Phinney's letter will be brought to the Chief Justice's attention. However, since there was no address on the letter, it will be impossible for us to reply. If you do hear from Mr. or Ms. Phinney again, would you please assure him or her that we have considered the comments made.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Susan

OCT 5 1988



COUNTY COURT
JUDGE'S CHAMBERS
1815 UPPER WATER STREET
HALIFAX, NOVA SCOTIA
B3J 1S7

Chief Justice T. Alexander Hickman
Chairman
Royal Commission on the Donald
Marshall, Jr., Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Justice Hickman:

Enclosed please find a self-explanatory letter addressed to me which I feel should have been more properly addressed to you.

Should you have any questions please do not hesitate to contact me.

Yours very truly,

A handwritten signature in cursive script that reads 'Felix A. Cacchione'.

Felix A. Cacchione,
Judge

FAC:ps

Encl.

Walden, N.S.

Sept. 27th 1988.

Re: Donald Marshall Jr.

Hon. Judge Felix Bouchard.

1815 Upper Water St.,

St. John's, N.S. B3V 1S7.

Dear Hon. Judge Bouchard,

Because you had some involvement in the case of Donald Marshall Jr. I will send this letter to you, and ask you to forward it to whom it should be directed.

I have followed this case from day one, and now feel I must express my feelings as a citizen of Nova Scotia.

Similar cases have come and gone over the years, and we are dismayed in the manner they have been handled. Such obviously sloppy work on the part of some of the officials, as well as the racism shown in the outcome.

When this present investigation is over we must have a substantial increase in the amount of compensation paid to Mr. Marshall, plus, (and equally important) a personal apology from Premier Brackman, and the five judges who brought in the infamous sentence.

This is the very least we expect of them.

Yours truly,

L. C. Phourney

NO address.

ROYAL COMMISSION ON THE DONALD MARSH 'L, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 7, 1988

Honourable Mr. Justice J. David Watt
Supreme Court of Ontario
Osgoode Hall
130 Queen Street West
TORONTO, Ontario
M5H 2N5

Dear Mr. Justice Watt:

Further to our telephone conversation of yesterday, I now enclose for your information copies of the following material:

1. The Role of the Office of Attorney General - a series of Opinion Papers prepared by Professor John Edwards
2. "Some Concerns on Edwards', 'The Future Role of the Office of Attorney General in the Province of Nova Scotia - Part I'" - a paper prepared by Professor Philip Stenning, Centre of Criminology University of Toronto.
3. "Draft Proposal for Director of Public Prosecutions", September 29, 1988 - prepared by William MacDonald, Q.C., Deputy Attorney General, Nova Scotia
4. "Special prosecutor may be appointed," by Alan Jeffers, The Chronicle-Herald, Halifax, October 7, 1988, p.1.

The Edwards' papers are voluminous and I enclose them more to give you an idea of the kind of advice the Royal Commission is receiving rather than with the expectation that you necessarily work your way through all of the papers.

Philip Stenning does not believe that the independent DPP model can live up to its promise and favours encouraging and strengthening existing mechanisms for political accountability.

Bill MacDonald's proposal for an independent Director of Public Prosecutions is simply a draft proposal at this stage and you will note strikingly reminiscence of Professor Edwards' preferred model - ie. The Australian Federal (Commonwealth) DPP. It should be noted that the Conservatives issued a policy paper -

Mr. Justice Watt

October 7, 1988

"Ethics in Good Government" - during the recent provincial election campaign in which they committed themselves to the appointment of a Director of Public Prosecutions. The appropriate section of that policy paper is attached to MacDonald's draft proposal.

The enclosed newspaper clipping refers to a "Special prosecutor" as distinct from an independent DPP. This is not the first time that Mr. Donahoe, the current AG, has made reference to such an office. It should be noted that existing legislation allows for the appointment of a special prosecutor by the Attorney General at any time. However, the Attorney General may have in mind the creation of an office of special prosecutor/independent counsel similar to the office which arose in the United States out of the Watergate Affair. Whatever the Government's specific intentions may be, it appears clear that they are intent upon introducing legislation to address some of these issues at the next sitting of the House in February, 1989.

You have kindly agreed to act as the Key Note Speaker for the November 26th session on the Role of the Attorney General. It is intended that two persons will provide comments following your presentation. Morris Manning (now in New Zealand) has signaled through his Toronto office his willingness to act as one commentator and I am hoping that Professor Roland Penner of the Faculty of Law, University of Manitoba, and former Attorney General, will be available to act as the other commentator.

The time dedicated to this session is very limited, particularly if there is to be any meaningful discussion. Another potential limitation it seems to me, is the public commitment of the Government to the creation of an independent DPP. In that context, detailed consideration of other models may be rather academic. It might therefore be more fruitful to develop your presentation taking it as a given that there will be an independent DPP, or some variation on that theme, and focusing on the possible problems generated by such an initiative. If you generally favour an independent DPP model, you could share your views on the particular model which you favour. When you have had an opportunity to take a look at some of the enclosed material, I would be happy to speak with you on this again if you think it may be of some assistance.

Mr. Justice Watt

October 7, 1988

If you require any further materials or information, please do not hesitate to let me know. I am delighted that you have agreed to act as a speaker. Thank you for your cooperation and participation.

I remain,

Yours very truly,

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

John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

P.S. Please treat all of the enclosed papers on a confidential basis as none have yet been made public.

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Jim:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis
two copies of the second draft of Bruce Archibald's report.

I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

Professor Philip Stenning
Room 8001, 8th Floor
Robarts Library
University of Toronto
130 St. George Street
TORONTO, Ontario
M5S 1A1

Dear Professor Stenning:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

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I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Professor Edwards:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis a
copy of the second draft of Bruce Archibald's report.

I remain,

Yours very truly,

John Briggs per bjs

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Stan:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis a
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I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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 Darrel:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

Further to your recent request, I now enclose on a
confidential basis for your information and that of your
colleagues, four copies of the above noted research report.

I have enclosed two extra copies as I thought you might wish
to pass a copy along to Bill MacDonald and Martin Herschorn. I
trust you will find this in order.

I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

ROYAL COMMISSION ON THE DONALD MARSHAL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Mr. Derrick:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis a
copy of the second draft of Bruce Archibald's report.

I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHA. JR., PROSECUTION

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

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 1988

PERSONAL AND CONFIDENTIAL

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

Dear Tony:

RE: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis a
copy of the second draft of Bruce Archibald's report.

I remain,

Yours very truly,

John Briggs per bjs.

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

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 11, 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: PROFESSOR ARCHIBALD'S STUDY - PROSECUTING OFFICERS AND
THE ADMINISTRATION OF CRIMINAL JUSTICE IN NOVA SCOTIA -
SECOND DRAFT, SEPTEMBER, 1988

I enclose for your information and on a confidential basis a copy of the second draft of Bruce Archibald's report.

I remain,

Yours very truly,

John Briggs per bjs.

John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

BY COURIER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 7, 1988

PERSONAL AND CONFIDENTIAL

Mr. Morris Manning
Barrister at Law
2900 - 390 Bay Street
TORONTO, Ontario
M5H 2Y2

Dear Mr. Manning:

RE: CONSULTATION NOVEMBER 24 - 26, 1988

I understand through your office that you have agreed to act as a commentator at our Saturday, November 26th, a.m. session on the Role of the Attorney General.

I have enclosed a letter from the Chairman, Chief Justice Alexander Hickman, outlining the general purpose of the Consultation. In addition, I also enclose for your information and on a confidential basis copies of the following:

1. The role of the Office of Attorney General - a series of Opinion Papers prepared by Professor John Edwards
2. "Some Concerns on Edwards', 'The Future Role of the Office of Attorney General in the Province of Nova Scotia - Part I'" - a paper prepared by Professor Philip Stenning, Centre of Criminology University of Toronto.
3. "Draft Proposal for Director of Public Prosecutions", September 29, 1988 - prepared by William MacDonald, Q.C., Deputy Attorney General, Nova Scotia.

The Edwards' papers are voluminous but I thought it might be helpful for you to have an indication of the kind of advice which the Royal Commission has been receiving in respect of the office of the Attorney General. You will note that Professor Edwards favours creation of an independent Director of Public Prosecutions along the lines of the Australian Federal (Commonwealth) model. Professor Philip Stenning on the other hand believes that the independent DPP model promises more than it can deliver and that the preferred course of action is to encourage and strengthen existing political accountability mechanisms.

Mr. Manning

October 7, 1988

You may be aware that during the most recent provincial election the Conservatives issued a policy paper on "Ethics in Good Government" in which they committed themselves to the appointment of a director of public prosecutions. The relevant section of that policy paper is attached to Bill MacDonald's draft proposal which I might add was prepared at the initiative of MacDonald and is not yet public nor apparently a government policy.

I have also enclosed for your information a copy of an article which appeared in today's Chronicle Herald entitled "Special prosecutor may be appointed" by Alan Jeffers.

You might wish to note that under existing legislation the Attorney General may appoint a special prosecutor at any time. This is not the first time that the Attorney General has spoken about the creation of a special prosecutor/independent counsel and it may be that he has in mind a model of the sort which arose in the United States following the Watergate Affair. In any event, it would appear that the government is intent upon introducing legislation in the next sitting of the House in February, 1989 to create an independent DPP and/or a special prosecutor. In any event, that is the local context.

Mr. Justice David Watt has agreed to provide the key note talk on this subject, and I am hopeful that Professor Roland Penner, Faculty of Law, University of Manitoba (and former Attorney General) will, along with yourself, act as a commentator. If you should have any questions or concerns, or require any further information, please do not hesitate to give me a call at any time. I am very pleased that you have agreed to act as a commentator. Thank you for your cooperation and participation.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
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

October 6, 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 Darrel:

RE: PUBLIC COMPLAINTS AGAINST THE RCMP

Further to yours of July 15, 1988, please be advised that we wish to examine the files maintained by the Department of the Attorney General with respect to complaints against the RCMP.

Dr. Richard Apostle will be carrying out the examination and will no doubt contact your office within the next day or so to confirm arrangements. In the meantime, perhaps your office would be good enough to facilitate the matter so that this exercise can be completed as expeditiously as possible. Thank you for your cooperation.

I remain,

Yours very truly,

J. Briggs per bjs

John E. S. Briggs
Director of Research

JESB/bjs
cc. Dr. Richard Apostle
Professor Philip Stenning

ROYAL COMMISSION ON THE DONALD MARSHAL, JR., PROSECUTION

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

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 6, 1988

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

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I remain,

Yours very truly,

J. Briggs per bjs

John E. S. Briggs
Director of Research

JESB/bjs
cc. Dr. Richard Apostle
Professor Philip Stenning

ROYAL COMMISSION ON THE DONALD MARSHA JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 5, 1988

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 and on a confidential basis a copy of the following:

"Some Concerns on Edwards', 'Future role of the Office of Attorney General in the Province of Nova Scotia - Part I'" - a paper by Professor Philip Stenning presented at the workshop, September 29, 1988.

I have already forwarded a copy of the study by Dr. Wilson Head and Professor Don Clairmont entitled: Discrimination Against Blacks in Nova Scotia and The Criminal Justice System, Second Draft, September, 1988.

Dr. Scott Clark's report - The Mi'kmaq and Criminal Justice in Nova Scotia was to be delivered directly to your office from Ottawa. I trust you have by now received your copy. Please treat all reports on a confidential basis.

I seem to recall that you had previously requested a copy of the Police Study prepared by Richard Apostle and Philip Stenning. The second draft revisions for that study should be completed shortly, at which time I will forward a copy to you. If you require something sooner, advise and I will send you the first draft.

Stanley A. Cohen, Esquire

October 5, 1988

Bruce Archibald's second draft is expected any day. I will forward a copy as soon as we get it.

I understand that you have, or will soon have, copies of: the Canadian Bar Association Committee Report chaired by Andrew Thompson - Aboriginal Rights in Canada: An Agenda for Action - and, a copy of the Jackson paper - Locking Up Natives in Canada.

The workshop last week was by all accounts very successful and I would take this opportunity to again thank you for your attendance and participation. Your contribution to the discussions was, as always, insightful and very helpful. I look forward to joining you in Victoria. In the meantime, I hope the attached materials are of some use to your work. Thank you.

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
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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

BY COURIER

October 4, 1988

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

Dear Al:

RE: THE OFFICE OF ATTORNEY GENERAL AND RELATED ISSUES

Further to your telephone request of today, herewith one copy of the series of opinion papers prepared for the Royal Commission by Professor John Edwards.

I understand that you will be forwarding these materials to a colleague in Ottawa. Please be good enough to advise your colleague that these materials are provided on a confidential basis. I trust you find this in order, thank you.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 4, 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: DISCRIMINATION AGAINST BLACKS IN NOVA SCOTIA AND THE
CRIMINAL JUSTICE SYSTEM - SECOND DRAFT, SEPT., 1988

Herewith one copy of the above noted report (in two volumes).

My apologies for the delay in sending you a copy of the report over which you have laboured for so long. I expect that I will meet with Wilson next week. I shall be in touch shortly. Thank you for your continuing cooperation.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs
Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

October 3, 1988

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

Dear Gordon:

RE: THE ROLE OF THE OFFICE OF ATTORNEY GENERAL

I enclose for your information a copy of Professor Alan Grant's study entitled: Policing Arrangements in New Brunswick with Particular Reference to the Highway Patrol Function.

Frankly, as I write I do not know whether this document has been made public and therefore I would ask you to treat it on a confidential basis until you learn otherwise.

I very much appreciated your attendance and participation at the workshop last week. By all accounts, the consensus is that the workshop was very successful. Certainly your own participation contributed to that success. In preparing your written commentary you may wish to make some comments on Philip Stenning's paper and also Bill MacDonald's draft proposal for an Independent DPP in Nova Scotia. I look forward to receiving your comments shortly. In the meantime, I suggest you submit an invoice for your travel and related expenses and then we can requisition a cheque to cover that as well as your professional fee. I trust you find that in order. Thank you.

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
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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 3, 1988

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

Dear Professor Penner:

RE: THE ROLE OF THE OFFICE OF ATTORNEY GENERAL

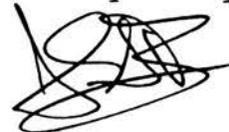
Just a note to again thank you for your attendance and participation at last week's workshop. By all accounts, the workshop was very successful and certainly your own participation contributed in large measure to that success.

I look forward to receiving your written comments in due course and if you feel so inclined, I would encourage you to comment on Bill MacDonald's draft proposal for an Independent DPP and Philip Stenning's paper.

I have requisitioned a cheque to cover your professional fee and will do the same in respect of your miscellaneous travel expenses as soon as we have received an invoice from you. It was a pleasure to meet you and I look forward to doing so again in November if you are able to attend the "Consultation". Thank you.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/bjs

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 3, 1988

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

Dear Marc:

RE: THE ROLE OF THE OFFICE OF ATTORNEY GENERAL

Just a note to thank you again for your attendance and participation in last week's workshop. By all accounts, the workshop was very successful and clearly you can share the credit for that success.

I have asked that a cheque be requisitioned to cover your professional fee and I would suggest that you submit an invoice for any miscellaneous travel expenses which you have incurred.

I look forward to seeing you in Victoria later this month. Thank you for your cooperation.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB/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

September 28, 1988

Denis Lemieux
Avocat Conseil
Ministere de la Justice
Direction Generale Contentieux
1200 rue de l'Eglise, 5e
STE. FOY, P.Q.
GLV 4M1

Dear M. Lemieux:

Enclosed please find the Arguments re. The Cabinet Appeal by the Royal Commission, Government and Clayton Ruby. Would you kindly remit \$24.05 which will cover the cost of Xeroxing the 206 pages at \$0.10 per page and the \$3.45 for postage.

Yours truly,



Susan M. Ashley
Commission Executive
Secretary

SMA/bjs
Enclosures

*Hello Denis - I hope
you are well!
S.*