

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

May 19, 1988

Mr. Mike Rock  
Box 605  
Bridgetown, N.S.  
B0S 1C0


Dear Mr. Rock,

Thank you for your letter of May 3, 1988 directed to the Royal Commission. I apologize for the slight delay in responding.

Unfortunately, I do not think that there is anything that we can do for you. The mandate of this Royal Commission is to look into events related to the death of Sandy Seale and the wrongful conviction of Donald Marshall, Jr. and to look into other matters that we deem relevant to the work of the Commission. While we have taken an interest in some other cases, this interest is restricted to the process of decision making in the criminal justice system in Nova Scotia. Our mandate simply does not permit us to go further than this.

We realize that the work of the Royal Commission has raised the interest of many Nova Scotians in the justice system. We hope that our Inquiry into these issues will solve many of the problems uncovered by the Donald Marshall case. On behalf of the Royal Commission, I thank you for your interest in our work. Once again, I regret that we cannot be more helpful to you.

Yours truly,

  
Susan M. Ashley  
Commission Executive  
Secretary

SMA/jm

May 3rd, 1988

Donald Marshall Inquiry Commission  
Halifax, Nova Scotia

Dear Sirs:

It is our understanding that you will be looking into other cases of injustice, besides your main objective, the Donald Marshall injustice.

We feel that the case we wish you to investigate, because of its magnitude, the amount of government cover-up and the fear and pressure put upon people who stand up for their rights, should come under your mandate.

We wish to present to you a case of the largest environmental disaster in the history of Nova Scotia and evidence of the largest overall cover-up, pay off and interference by the government of Nova Scotia, its Ministers, its local M.L.A.'s, a crown corporation and its officials, pay offs, cover-ups and its own form of justice that it deals out according to who or what you are. This is also a case of government and company mismanagement, a case where private companies were brought under the full force of the law for similar happenings and a case where the justice you receive in Nova Scotia is according to your ability to pay.

A list of proposed witnesses, either in person or by affidavits, will give you some idea as to the magnitude of this case, the length of time we have been trying to get justice, and the reason you have not heard about our case before now.

The main reason we wish to present our case to you for review and inquiry is that you are our "last" hope to get justice. As average people with average incomes, there is no avenue that we haven't explored, no person, government agency or department that you can suggest we turn to that we have not already tried. In most cases, they "would" not help us or "could" not help us and some even became part of the cover-up.

Our rights under the Canadian Charter are being violated, N.S. governmental laws **are and have been broken**, Canadian Federal laws **are and have been broken**, environmental laws **are and have been broken**, laws under the Clean Waters Act, Fisheries Act and a number of laws of the County of Annapolis and the Towns of Bridgetown and Annapolis Royal **are also being broken** to this very day, and will continue to be broken until an impartial commission like yours is able to stop this gross miscarriage of justice.

There are several parallels we would like to draw between cases which your inquiry will be looking into:

1. Thornhill Case: Mr. Thornhill never went before the courts of Nova Scotia and while the reason for this aspect not happening are different, the results are the same **"no trial and no justice either"**.
2. We attempted to use the Human Rights system and made a case for injustice because like Donald Marshall, we are not considered to be "true" Canadians, it seems that Indians and people who come from other places are commonly prejudiced against by the N.S. judicial system.
3. We feel Donald Marshall did not receive justice because of his inability to pay and our case is the same. Justice in Nova Scotia seems to be based upon an individuals ability to pay for it.
4. The Ombudsman Act, as well as his Office, have denied us justice or even a fair airing of our views.
5. The Attorney General's Office would not look into our case. When first approached, I gave our basic case in general terms and I was told they would help, they also felt I was being dealt an injustice. When they then asked for further details, which I supplied, they retracted their statements and said "hire your own lawyers".

If our case and this letter still has your interest, the environmental disaster is the Annapolis River Tidal Power Project, and its destruction of the Annapolis River; its riverbanks, fish, water fowl and their habitat. The Nova Scotia government is buying up an entire waterway by fear and intimidation, your compensation depending on your political party and/or social status. Senior people for the Nova Scotia Power Corporation simply refuse to deal with us fairly and have violated written agreements, public statements and use their position of power and public trust to "get even" with us.

This has been an on-going battle for justice and fair play for over 10 years. The government of Nova Scotia violated its own rules and guidelines from day one of the birth of this environmental catastrophe. The public was promised, from the very start, that there would be no salt intrusion, no erosion and no fish kill. When all these things came to be, the public was promised all matters would be looked into, and would be dealt with. Next, when they refused to do these things on a person to person basis, the "cover-up" began.

There were denials and false data used to cover-up the problems. So called "experts" were called in who only sang the government's song. Impartial experts were not allowed to make their cases. Pictures and tapes of erosion, evidence of fish kill, evidence of flooding and a whole list of on-going problems were met with denial and cover-up. News media people were threatened, if the official government song was not played. People like ourselves were branded as outsiders, troublemakers and people just out to rip off the government. Government committees were set up to reduce pressure on themselves and only proved to be part of the cover-up and delay the justice process, while the government waited for problems to sort themselves out. These problems still exist today and all the laws mentioned before continue to be broken.

We are not "professional" people, just farmers and tourism operators. We don't know if our case is being made to you in proper form or context, but we are willing to meet with you to show evidence and to keep this brief from running into thirty pages or more.

We strongly feel that on a one to one, face to face basis, you would move on our behalf towards a formal, full hearing by your Commission. As we follow along in the media and press, we can strongly see that Donald Marshall received the same type of justice that we have received and that this is typical of the present justice in Nova Scotia. Justice in Nova Scotia is for the rich, the friends of the party in power, the typical view of who is a "true" Canadian and who the Nova Scotia justice system feels they want to "cast aside".

In closing, the following is a list of the people we have tried to make our case to and because of reasons stated earlier in this letter, simply refused to step forward and put themselves on the line: local M.P., local M.L.A.'s, Ombudsman, Human Rights Commission, local Town Councils, Annapolis County Council, M.L.A. Greg Kerr's local River Committee, Ministers of Environment, Tourism, Development, Lands and Forests, Fisheries, Federal Environment Minister, Federal Fisheries, local Fisheries Officers, the Premier of Nova Scotia, his Assistant, President of N.S.P.C., his Assistant, officials of the N.S.P.C., Federal Environment Review Committee, local press and radio, boards of trade, Annapolis Valley Affiliated Board of Trade, persons involved in the Martex Study, all the suppressed news releases and T.V. releases which never appeared in public.

Thank you so much for your time and consideration, we hope that you will try to solve our case and look forward to your early reply.

Sincerely,

Mike Bock  
Bridgetown  
665 4232

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