

**THE CORNWALL  
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE  
SUR CORNWALL**

**Public Hearing**

**Audience publique**

**Commissioner**

**The Honourable Justice /  
L'honorable juge  
G. Normand Glaude**

**Commissaire**

**VOLUME 84**

**Held at :**

Hearings Room  
709 Cotton Mill Street  
Cornwall, Ontario  
K6H 7K7

Wednesday, January 17, 2007

**Tenue à:**

Salle des audiences  
709, rue de la Fabrique  
Cornwall, Ontario  
K6H 7K7

Mercredi, le 17 janvier 2007



**Appearances/Comparutions**

Mr. Pierre Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. John E. Callaghan Mr. Marc Crane	Cornwall Police Service Board
Mr. Neil Kozloff Actg.Det.Supt.Colleen McQuade Ms. Suzanne Costom Ms. Diane Lahaie Dect.Staff Sgt.Colin Groskopf	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Bryce Geoffrey	Mr. John MacDonald

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1 --- Upon commencing at 9:34 a.m./

2 L'audience débute à 9h34

3 **THE REGISTRAR:** Order; all rise. À l'ordre;  
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry  
6 is now in session. The Honourable Mr. Justice Normand  
7 Glaude presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you. Good morning  
10 all. Mr. Dumais, good morning.

11 **MR. DUMAIS:** Good morning, Commissioner.

12 Just one housekeeping matter. There is a  
13 reference made and questions asked by the Diocese and  
14 Cornwall Police Services yesterday on a transcript and it's  
15 a transcript dated May 29<sup>th</sup>, 1996. Some of the parties made  
16 reference to Exhibit 255. I believe we had advised that  
17 possibly it was Exhibit 236 and it wasn't, so we need to  
18 re-file that exhibit which should be now Exhibit 257.

19 So all questions by both of those parties  
20 yesterday using either numbers Exhibit 236 or 255 should  
21 actually be corrected 257.

22 **THE COMMISSIONER:** Good. So, I don't know  
23 if it's possible for the reporters to put a correction on  
24 the front page of yesterday's transcript so that when we  
25 are re-reading these matters that we won't be waylaid.

1 Thank you.

2 **MR. DUMAIS:** Thank you.

3 So then, we are continuing with the cross-  
4 examination of Mr. MacDonald ---

5 **THE COMMISSIONER:** Yes we are.

6 **MR. DUMAIS:** --- and I believe the Ontario  
7 Provincial Police is up.

8 **MR. CARROLL:** No questions, thank you.

9 **THE COMMISSIONER:** Thank you.

10 So now, we come to Mr. Geoffrey.

11 **MR. DUMAIS:** That's correct; examination by  
12 Mr. Geoffrey.

13 **THE COMMISSIONER:** Thank you.

14 **MS. McINTOSH:** Mr. Commissioner, I wonder if  
15 I might address something before Mr. Geoffrey starts.

16 **THE COMMISSIONER:** Yes.

17 **MS. McINTOSH:** It's not clear to me under  
18 the Rules, the extent to which counsel for a witness who is  
19 not a party has standing to conduct an independent  
20 examination. So that's one issue.

21 The second issue that I'm concerned about is  
22 the possibility of new matters being canvassed at this late  
23 stage after the institutional parties have completed their  
24 cross-examinations. So those are my two concerns with this  
25 procedure.

1 I've had a word with Mr. Geoffrey and he has  
2 assured me that his questions are in the nature of re-  
3 direct that are arising out of questions that were asked in  
4 cross-examination. And if that is so, then I am content to  
5 have it go ahead but I may be back up on my feet very  
6 quickly if it's not so. I wanted to let you know my  
7 concerns Mr. Commissioner.

8 **THE COMMISSIONER:** Okay. All right. Any  
9 other comments arising out of that?

10 Mr. Geoffrey?

11 **MR. GEOFFREY:** Yes, Mr. Commissioner, what  
12 I'm going to suggest is now that Mr. MacDonald has  
13 concluded his cross-examination, I am in a position to  
14 speak with him. And if I'm given five or ten minutes, I  
15 may be able to narrow the scope of my examination of him  
16 and I can indicate to you and to my friends that it is my  
17 anticipated process that it will be very much of a re-  
18 examination.

19 I don't anticipate taking him to places that  
20 he hasn't already gone within the main context of his  
21 cross-examination. I propose simply to go back and re-  
22 visit certain areas where perhaps he wasn't given a chance  
23 to give all of his evidence with respect to that, and there  
24 is one area as I indicated yesterday when I spoke to you  
25 that he had brought to my attention before he began his

1 cross-examination ---

2 **THE COMMISSIONER:** M'hm.

3 **MR. GEOFFREY:** --- a specific area of  
4 concern that he had. And now, if I could have the ability  
5 to speak with him for five or ten minutes, we can simply  
6 focus our efforts and probably save everybody a little bit  
7 of time and effort here today.

8 **THE COMMISSIONER:** All right. Anything  
9 arising out of that?

10 **MR. DUMAIS:** Perhaps, Commissioner, I can  
11 just point out what our Rules provide on Mr. Geoffrey's  
12 role.

13 So it is Rule 25 that is applicable in these  
14 circumstances which deals with the order of cross-  
15 examination. So subsection (a) deals with the role of  
16 Commission counsel and subsection (b) deals with the cross-  
17 examination by the parties to the proceeding and the order  
18 of cross-examination. I think the application subsection  
19 here is (c) and I'll read out loud:

20 "Counsel for a witness regardless of  
21 whether or not counsel is also  
22 representing a party will examine last  
23 unless he or she has adduced evidence  
24 of that witness-in-chief in which case  
25 there will be a right to re-examine the

1 witness".

2 **MR. DUMAIS:** I think Mr. Geoffrey is not in  
3 a different position than let's say what Mr. Dallas Lee was  
4 when one of his clients was on the stand, or what position  
5 Ms. McIntosh would be in when one of the Crowns is led into  
6 evidence. So that's my view on that.

7 **THE COMMISSIONER:** Thank you.

8 **MS. McINTOSH:** I think the confusion arose  
9 in my mind, Mr. Commissioner, because of Rule 22 which says  
10 that:

11 "Counsel for a witness will have  
12 standing for the purpose of that  
13 witness's testimony to make any  
14 objections thought appropriate".

15 **MS. McINTOSH:** So that, to me, created a bit  
16 of an ambiguity in terms of a witness who wasn't a witness  
17 from an institution that was a party. So I don't know that  
18 we need to resolve that today. But those are my concerns.

19 **THE COMMISSIONER:** I understand, and in that  
20 regard, I am going to permit Mr. Geoffrey to ask questions  
21 but they should be in the form of re-examination unless, of  
22 course, there are some very cogent a reason why it  
23 shouldn't be.

24 With respect to the new matter, I don't know  
25 what it was again, can you mention it again? You want to

1 be able to speak to him on that issue only, is that right?

2 **MR. GEOFFREY:** Yes, Mr. Commissioner. It's  
3 not new in the sense that it's certainly something he was  
4 questioned at at length within the context of his cross-  
5 examination. And what it is is it was the letter from Mr.  
6 Pelletier as he then was with respect to the conflict  
7 issue. It's about a seven or eight page letter, I have the  
8 reference; it's actually an exhibit before the Commission  
9 when he was cross-examined by a number of individuals.  
10 We're simply going to go back to that letter and discuss  
11 certain portions of it. So it's not like a new document or  
12 anything like that.

13 **MR. SHERRIFF-SCOTT:** Yes, Commissioner, Rule  
14 25, just on the subject of this communications with the  
15 witness, says:

16 "Except with permission of the  
17 Commissioner ..."

18 **MR. SHERRIFF-SCOTT:** -- which is, I guess,  
19 you could consider being sought:

20 "... no counsel other than the  
21 Commission counsel may speak to a  
22 witness about the evidence that he or  
23 she has given until it is complete".

24 **MR. SHERRIFF-SCOTT:** And then it  
25 distinguishes between that and cross-examination by

1 Commission counsel and I think that, when I look at that,  
2 it seems to me that it encapsulates the policy that while  
3 Commission counsel can do that, unless cross-examination is  
4 finished, any other counsel can't.

5 Moreover, Commission counsel has the final  
6 right of examination which includes the right of cross-  
7 examination. So, technically, it may not be over and  
8 that's why presumably the rules speaks in that fashion.  
9 So, I would say it wouldn't be appropriate for Mr. Geoffrey  
10 to consult with the witness before the evidence is in.

11 **THE COMMISSIONER:** Unless I give him ---

12 **MR. SHERRIFF-SCOTT:** Unless you give leave,  
13 yes.

14 **THE COMMISSIONER:** Okay, and do you have any  
15 problems with me giving him leave?

16 **MR. SHERRIFF-SCOTT:** Yes, I don't think it's  
17 appropriate. I think that Mr. Geoffrey sat here, the  
18 evidence is what it is and presumably had ample time to  
19 meet with his witness and I am not sure I understand what  
20 the imperative is.

21 **THE COMMISSIONER:** When would he have had --  
22 before any examination began?

23 **MR. SHERRIFF-SCOTT:** Yes. Thank you.

24 **THE COMMISSIONER:** Okay. Mr. Geoffrey, the  
25 reason why you'd like to meet with your client is simply to

1 save time?

2 **MR. GEOFFREY:** Exactly. I think that there  
3 are certain issues that arose during his cross-examination  
4 that are likely not going to have to be re-visited if I  
5 have a few minutes with him.

6 As well, with respect to that issue that  
7 came up before he began to be cross-examined, I haven't had  
8 an opportunity to canvass that with him in a -- obviously,  
9 during his cross-examination. So it may be that I am going  
10 to be able to reduce substantially the number of questions  
11 I have to ask with respect to those issues if I'm given  
12 five minutes with him.

13 **THE COMMISSIONER:** Mr. Dumais, any comments?

14 **MR. DUMAIS:** No, your Honour. I think  
15 cross-examination by other counsel is clearly over now and  
16 I think he can meet with his client for five or ten minutes  
17 certainly if it can save everyone time.

18 **THE COMMISSIONER:** All right. Mr. Geoffrey,  
19 I'm going to permit you a short, very short, break on the  
20 clear understanding that what you're going to be discussing  
21 with him, as an officer of this court obviously, is the  
22 matter of the letter from Mr. Pelletier and what else?

23 **MR. GEOFFREY:** I can certainly restrict my  
24 discussions with him to that Mr. Commissioner. I undertake  
25 to the court to do so, sir.

1                   **THE COMMISSIONER:** Thank you. On that  
2 basis, we will take 10 minutes and will come back.

3                   **THE REGISTRAR:** The hearing will resume at  
4 9:55 a.m.

5                   **THE REGISTRAR:** Order; all rise. À l'ordre;  
6 veuillez vous lever.

7 --- Upon recessing at 9:44 a.m. /

8 L'audience est suspendue à 9h44

9 --- Upon resuming at 9:55 a.m. /

10 L'audience est reprise à 9h55

11                   **THE REGISTRAR:** Order; all rise. À l'ordre;  
12 veuillez vous lever.

13                   This hearing of the Cornwall Public Inquiry  
14 is now in session. Please be seated. Veuillez vous  
15 asseoir.

16 **JOHN MacDONALD, Resumed/Sous affirmation solennelle:**

17                   **MR. GEOFFREY:** That was actually most  
18 useful.

19                   **THE COMMISSIONER:** Thank you.

20 --- **CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.**

21 **GEOFFREY:**

22                   **MR. GEOFFREY:** Mr. MacDonald, before we move  
23 on to the letter from Robert Pelletier, there are just a  
24 couple of points, sir, that arose within the context of  
25 your cross-examination by various counsel yesterday that I

1 would like to re-visit with you.

2 Initially, you recall you were cross-  
3 examined by Mr. Ertel who is that counsel for Father  
4 Charles MacDonald?

5 **MR. MacDONALD:** Yes.

6 **MR. GEOFFREY:** And within the context of his  
7 cross-examination, Mr. Ertel drew your attention to the  
8 fact that in the various processes and procedures you'd  
9 been involved with over the years, you sometimes had a  
10 problem recalling dates. You recall giving that evidence,  
11 sir?

12 **MR. MacDONALD:** Yes.

13 **MR. GEOFFREY:** And within the various  
14 processes over the years, Mr. Ertel gave you a couple of  
15 examples. He talked about the year you became an altar  
16 boy; he talked about the year you began your sobriety as a  
17 couple of examples with respect to times you had difficulty  
18 recalling dates and years.

19 **MR. MacDONALD:** Correct.

20 **MR. GEOFFREY:** Mr. MacDonald, as these  
21 various processes evolved over the years, the examinations  
22 for discovery and the civil processes or the cross-  
23 examination within the context of the Preliminary Inquiry,  
24 was there ever a time, sir, where those dates were actually  
25 nailed down for you in some way?

1                   **MR. MacDONALD:** Documents were provided that  
2 proved dates that I was at certain spots at certain times.

3                   **MR. GEOFFREY:** So, ultimately, you were  
4 assisted by documents and you were able to say, for  
5 example, what year you did in fact become an altar boy.

6                   **MR. MacDONALD:** Correct.

7                   **MR. GEOFFREY:** So, at some point in time,  
8 those things were all clarified then?

9                   **MR. MacDONALD:** Correct.

10                  **MR. GEOFFREY:** Okay. Also within the  
11 context of Mr. Ertel's cross-examination of you, he asked  
12 you certain questions in connection with the original  
13 letter that you had written to Father Maloney and that  
14 letter is Exhibit 202 on this Inquiry.

15                  And within the context of those questions,  
16 Mr. Ertel drew your attention to the fact that you had  
17 disclosed the existence of two incidents of abuse at the  
18 hands of Father MacDonald and had not, in fact, disclosed  
19 the fact that there was a third incidence of abuse. Do you  
20 recall giving that evidence, sir?

21                  **MR. MacDONALD:** Yes, I do.

22                  **MR. GEOFFREY:** And are you able to explain  
23 why it is that you did not disclose that third incident of  
24 abuse within the context of that first letter?

25                  **MR. MacDONALD:** I remember meeting with you

1 on September 11<sup>th</sup> and I had a difficult time being able to  
2 put that across to you at the time. It was certainly the  
3 most difficult and traumatic event that took place and I  
4 just wasn't ready to share that with anybody.

5 **MR. GEOFFREY:** And, ultimately, you did in  
6 fact share the details with respect to that third incident  
7 I take it?

8 **MR. MacDONALD:** Yes, I did.

9 **MR. GEOFFREY:** Okay. And also within the  
10 context of Mr. Ertel's cross-examination, he asked you  
11 certain questions with respect to a statement that had been  
12 given to police by a gentleman by the name of Aza  
13 Morrisette and in Mr. Morrisette's statement, I think there  
14 was a typed version which was Exhibit 246, and a  
15 handwritten version which was 247. You told Mr. Ertel  
16 within the context of your cross-examination that you did,  
17 in fact, recall speaking to Mr. Morrisette in the summer of  
18 1995 when you ran into him on the street in Cornwall?

19 **MR. MacDONALD:** That's correct.

20 **MR. GEOFFREY:** And within the context of  
21 your conversation with Mr. Morrisette, did you disclose to  
22 him at that point in time that you had been subjected to  
23 any abuse by Father MacDonald?

24 **MR. MacDONALD:** I hadn't even told my wife  
25 yet; I certainly wasn't going to tell him.

1                   **MR. GEOFFREY:** All right, Mr. MacDonald,  
2                   we're going to move away from the points raised in your  
3                   cross-examination yesterday and we're going to turn now to  
4                   a document that's made the main exhibit number 228 within  
5                   the context of this Inquiry which is Robert Pelletier's  
6                   memorandum dated April 2<sup>nd</sup>, 1997.

7                   Now, Mr. MacDonald, as I understand it this  
8                   was a document that you had an opportunity to review prior  
9                   to beginning your evidence in-chief and your cross-  
10                  examination.

11                  **MR. MacDONALD:** That's correct.

12                  **MR. GEOFFREY:** And as a result of your  
13                  review of this document, I understand, sir, that you had a  
14                  certain concern with respect to one portion of the  
15                  document.

16                  **MR. MacDONALD:** That's correct.

17                  **MR. GEOFFREY:** And I'll just point you there  
18                  and then perhaps you can explain to the Commissioner what  
19                  exactly your concern was.

20                  It's my understanding, sir, it's the portion  
21                  found on page 9 of the document, the second large  
22                  paragraph. It would be the end sentence or two of that  
23                  paragraph and I'll just read it to you, just to make sure  
24                  we're all on the same page.

25                  "It is in this connection that my

1 personal as well as professional  
2 affiliations with Murray MacDonald  
3 become a complicating factor, your  
4 views in this regard would of course be  
5 very much appreciated."

6 Is that in fact the portion of the document,  
7 Mr. MacDonald, that caused you some concern?

8 **MR. MacDONALD:** Yes it is.

9 **MR. GEOFFREY:** Could you please explain to  
10 the Commissioner what concerns you had as a result of that?

11 **MR. MacDONALD:** I can't remember when I  
12 heard -- I can't remember what year it was that I heard  
13 that Mr. Pelletier stepped aside for the very same reasons  
14 that he's stating here. I believe it was around 1999 and  
15 upon further review of some other documents that I've had a  
16 chance to go through, it in fact did put him on the case as  
17 late as September 7<sup>th</sup>, 1999 when he finally stepped aside  
18 for a conflict of interest because of Murray MacDonald.

19 Some other documents that I've come across  
20 put Mr. Pelletier on the case as early as the summer of  
21 1993, which is a span of six years.

22 I just don't know how it's possible and he  
23 was put on the case by Crown Attorney, Murray MacDonald,  
24 upon Mr. MacDonald's suggestion. I don't know how it's  
25 possible that somebody can hold a conflict, especially when

1 he's saying to his boss as early as April 2<sup>nd</sup>, 1997,  
2 claiming conflict and then hold that conflict for a further  
3 two and a half years before he finally steps aside for that  
4 reason.

5 Mr. Pelletier wrote to Mr. Griffiths and it  
6 seems Mr. Griffiths didn't act on that conflict either. In  
7 fact, he put Mr. Pelletier back onto the case.

8 The time issue has been with me for a long  
9 time; that this thing got tossed on a Charter -- on a  
10 Charter call. I feel that it's borderline criminal what  
11 these guys have done. They've handed Father MacDonald's  
12 defence -- how much time had a different Crown been put on  
13 when Mr. Pelletier was stating he had a conflict of  
14 interest? Different decisions may have been made. The  
15 charges may not have been married or joined and carried on.

16 This is sickening what I see here. I just  
17 don't know what more to say about it. It's just eating me  
18 up and that's the last thing I wanted to do was leave you  
19 with any nagging questions.

20 **MR. GEOFFREY:** All right, Mr. MacDonald,  
21 thank you very much.

22 Those are all my questions.

23 **THE COMMISSIONER:** Thank you.

24 Mr. Dumais?

25 **MR. DUMAIS:** I have no re-examination,

1 Commissioner.

2 Thank you, Mr. MacDonald.

3 **THE COMMISSIONER:** Mr. MacDonald, I would  
4 like to thank you for coming. As I've indicated to all of  
5 the other witnesses, your contribution to this Inquiry is  
6 nothing short of, I would say, a public service that you  
7 have done and I thank you for that.

8 With respect to any outstanding questions  
9 you may have, I'm sure that through the institutional  
10 response, many if not a great deal of those questions may  
11 well be answered.

12 **MR. MacDONALD:** There's just one more thing  
13 that's bothering me, Mr. Commissioner, and that's more of  
14 an issue with the Inquiry itself.

15 **THE COMMISSIONER:** All right.

16 **MR. MacDONALD:** The Advisory Panel that  
17 you've appointed --

18 **THE COMMISSIONER:** Yes.

19 **MR. MacDONALD:** -- there's a Father John  
20 Loftus that sits on the Advisory Panel.

21 **THE COMMISSIONER:** Yes.

22 **MR. MacDONALD:** He was due to testify in  
23 mid-December.

24 **THE COMMISSIONER:** M'hm.

25 **MR. MacDONALD:** I shot in from out of town

1 at that time. I didn't know what I was going to do when I  
2 got here but Father Loftus in his CV that's on the Cornwall  
3 Inquiry website, he was quite proud to say that he was  
4 Director of Southdown Treatment Centre from the years 1986  
5 to 1994.

6 If your Advisory Panel is supposed to be an  
7 impartial panel Father Charles MacDonald attended Southdown  
8 in 1993 and I just can't understand what that type of  
9 connection to the case -- how Father Loftus can be sitting  
10 on your Advisory Panel.

11 That's another thing I had to get off my  
12 chest before I leave here.

13 **THE COMMISSIONER:** And that's fine. I'll  
14 take that under advisement and act accordingly.

15 **MR. MacDONALD:** Thank you.

16 **THE COMMISSIONER:** All right?

17 **MR. MacDONALD:** Thank you.

18 **THE COMMISSIONER:** All right, so now I  
19 understand that we are going to close a tad early this  
20 morning but that counsel will take this opportunity to have  
21 the all-counsel's meeting and so all is not lost.

22 We'll return on January 29<sup>th</sup>, at 2 o'clock.

23 Thank you.

24 **THE REGISTRAR:** Order; all rise. À l'ordre;  
25 veuillez vous lever. The hearing is now adjourned.

1 L'audience est ajournée.

2 --- Upon adjourning at 10:06 a.m./ L'audience est ajourné

3 à 10h06

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



---

Sean Prouse, CVR-CM