

**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 85

Held at :

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

Monday, January 29, 2007

Tenue à:

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

Lundi, le 29 janvier 2007

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Mr. Pierre Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Mr. Marc Crane	Cornwall Police Service Board
Mr. Neil Kozloff	Ontario Provincial Police
Ms. Suzanne Costom	
Ms. Diane Lahaie	
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Stephen Scharbach	Attorney General for Ontario
Mr. Robert Duncan	The Children's Aid Society of the United Counties
Mr. Steven Canto	Citizens for Community Renewal
Mr. Dallas Lee	Victims Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Dominic Lamb	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Ms. Jill Makepeace	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Ms. Jennifer Birrell	Catholic District School Board

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1 --- Upon commencing at 2:04 p.m./

2 L'audience débute à 14h04

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.

10 Good morning all -- or good afternoon.

11 What I'd like to do today is commence the
12 afternoon with a few comments, the year in review and the
13 year that is about us, and that will be followed by Mr.
14 Engleman's comments, and then we'll take a short break, and
15 then I anticipate we'll begin with the evidence to be heard
16 this afternoon.

17 So let me begin by saying that there is a
18 long and, I suppose, sensible tradition of taking time at
19 the beginning of a new year to look at the year to come in
20 its entirety before turning to the individual tasks that
21 will consume our days.

22 So I want to take the opportunity today to
23 look a little bit at the big picture of the Inquiry's work
24 in 2007 so you'll see how the many parts of our important
25 endeavour in Cornwall fit together.

1 Il est également traditionnel de se pencher
2 sur l'année précédente pour se faire une idée des progrès
3 accomplis. L'année dernière a été une année productive
4 pour l'enquête. Nous avons fait notre chemin avec
5 professionnalisme et je pense, avec compassion en vue
6 d'atteindre l'objectif qui nous a été assigné.

7 Voici notamment ce que nous avons accompli:
8 détermination des parties; et dans certains cas, versements
9 de fonds aux avocats pendant trois jours d'audience sur la
10 qualité pour agir et le financement; témoignages d'experts.
11 En fait, nous avons entendu le témoignage de huit personnes
12 considérées unanimement comme des experts dans leur domaine
13 prescrit; 36 jours d'audience pour établir le contexte dans
14 lequel ont agi les parties institutionnelles avec des
15 témoignages de dirigeants de ces organismes; 17 témoins
16 entendus au cours de 25 jours d'audition de témoins, étape
17 qui jouera un rôle tout aussi important en 2007.

18 I also issued 18 rulings, directions and
19 orders to ensure the effective and diligent progression of
20 the Inquiry.

21 Turning to this year, it is clear that the
22 receipt of evidentiary testimony, such as we've heard last
23 fall and earlier this month, will constitute our main task
24 in 2007. It is my goal to conclude Phase 1 evidentiary
25 hearings in 2007 or early 2008.

1 In this regard, I have a plan to accomplish
2 this work and to fulfill this task. However, I do have an
3 important caveat. What is most important is to do our work
4 thoroughly and correctly. If something comes up that
5 requires extra time, I will not just simply walk by, but
6 will take the time needed to get the job done.

7 I expect to complete hearing from individual
8 victims during the spring of 2007. I have extended the
9 opportunity to testify to those who either face charges
10 related to sexual abuse of children and young people or
11 those investigated, but not charged. To date, these
12 individuals have declined the opportunity. If these
13 individuals decide to appear, that evidence would logically
14 begin in late spring.

15 Following that evidence, I have instructed
16 Commission counsel to schedule time for what I have termed
17 'community evidence'. By that, I mean to canvass community
18 members, both individual and corporate, including the
19 media, to assess whether or not there was any attempt of a
20 cover up.

21 Indeed, some of the parties have said in
22 their opening statements that their institutional response
23 was not determined in a vacuum, but, in fact, was made
24 within an atmosphere of distrust and uncertainty and of
25 allegations swirling within the community of Cornwall. We

1 will hear evidence that addresses this key issue.

2 Nous allons ensuite passer à l'intervention
3 des institutions. Nous allons entendre le témoignage d'un
4 certain nombre de représentants de chaque institution
5 publique. Maître Engleman, avocat principal de la
6 Commission, vous présentera aujourd'hui un aperçu de la
7 production des éléments de preuve.

8 Dès que nous aurons terminé les auditions
9 des témoignages des institutions, les parties disposeront
10 d'une certaine période pour travailler d'arrache pieds à la
11 préparation de leur exposé. Elles déposeront ensuite leur
12 exposé écrit et auront également la possibilité de
13 présenter des observations oralement.

14 Si on veut être réaliste, ces étapes-là
15 n'auront pas lieu avant l'an 2008. Pour que la Commission
16 puisse s'atteler à la tâche de rédiger son rapport et ses
17 recommandations, il faut passer par toutes ces étapes.
18 Nous aurons des quantités énormes de preuves à examiner et
19 à synthétiser. Cet effort exigera une attention soutenue
20 et prendra au moins quatre (4) mois.

21 Phase 2 is about supporting healing and
22 reconciliation. Its 2007 work includes parties, but also
23 reaches beyond parties to the community of Cornwall. Phase
24 2 is also engaged in issues of importance to people beyond
25 Cornwall. This is because I do believe that many of the

1 activities and the knowledge gained will be of value across
2 this province.

3 Phase 2 has already started and much of its
4 work occurs in parallel to Phase 1, although Phase 2 is
5 likely to continue longer than the Phase 1 evidentiary
6 hearings.

7 I would like to set out the components of
8 Phase 2 in some reform and then talk about some of the
9 activities in more detail.

10 These components are as follows: counseling
11 and witness support; the work of an exceptional advisory
12 panel who will be engaging with people in Cornwall to find
13 out what people need, want and don't want, and what to do
14 with others in Cornwall; activities that focus on practical
15 research and educational opportunities; consultation of
16 fulfilling the part of the Inquiry mandate that provides
17 opportunities that are not formal evidentiary hearings for
18 people affected by abuse or allegations of abuse to express
19 their experiences and their impact and that impact on their
20 lives; broad concluding opportunities for parties in the
21 public to make submissions on what processes, services or
22 programs they consider would foster community healing and
23 reconciliation in Cornwall.

24 In terms of counseling support, in late
25 December 2006, I made a statement regarding its evaluation

1 and extension, the work I promised is proceeding, and I
2 expect to be on track to provide a decision on this no
3 later than the first week of March of this year.

4 Les membres de mon comité consultatif se
5 réunissent régulièrement avec moi et aussi avec diverses
6 personnes dans la région de Cornwall. Se fondant sur ce
7 qu'ils ont entendu au cours de l'été et de l'automne, ils
8 envisagent d'organiser d'autres réunions formelles entre
9 février et juillet.

10 Pour l'instant, ils ont cerné quatre
11 domaines à analyser avant de m'en faire rapport. Nous
12 voulons atteindre un consensus sur les efforts qui
13 devraient être déployés pour reconstruire les relations au
14 besoin et tirer partie des idées et des perspectives émises
15 par diverses personnes.

16 J'espère que s'ils sont sollicités, les gens
17 viendront assister aux réunions dans cet esprit.
18 Toutefois, il ne fait pas de doute que certains aspects de
19 la Phase 2 ne passeront pas facilement et qu'ils
20 nécessiteront l'intervention de notre comité consultatif et
21 de notre personnel.

22 Par exemple, nous voulons être sûrs qu'un
23 solide plan sera mis en place pour les adultes ayant
24 survécu à des mauvais traitements sexuels pendant leur
25 enfance, qui leur garantirait à eux et à leur famille des

1 soins et du respect à l'avenir. Nous n'épargnerons aucun
2 effort pour assurer la mise en œuvre d'un plan de ce genre.

3 J'ai également demandé aux parties de nous
4 proposer des activités dans le cadre de la Phase 2 qu'elles
5 seraient prêtes à exécuter.

6 J'ai le plaisir de vous annoncer que nous
7 avons reçu un certain nombre de propositions qui sont en
8 train d'être évaluées par le comité consultatif. Ce
9 dernier me soumettra ensuite ses recommandations que
10 j'examinerai. Je déciderai alors quelles propositions
11 méritent d'être financées. Je pense pouvoir donner une
12 réponse aux parties proposantes et au public au plus tard à
13 la fin mars 2007.

14 In addition, there is an initial phase to
15 research agenda already posted on our website. We've asked
16 for proposals for people to do some of the work such as
17 coordinating workshops here in Cornwall on examples of best
18 practices for helping people who have experienced childhood
19 sexual abuse and a mentorship program.

20 We intend to hold workshops and other events
21 in Cornwall that will be opened to the public as well as
22 specialized events such as training workshops for
23 professionals.

24 Many of our processes will involve putting
25 forward what we think are good ideas for developing the

1 right environment for healing.

2 Sometimes people will agree these are the
3 right approaches and some will prove to be less than on the
4 mark. We will be flexible and opened to changes in this
5 area. We are not just simply checking off a list, but
6 working with people involved, genuinely responding to their
7 views and the views of others.

8 When public inquiries by the Government of
9 Ontario are established, they have specific tasks to carry
10 out; obligations carefully considered and committed to
11 paper in each Commission's mandate.

12 Our Phase 2 mandate includes, and here I
13 quote

14 "The Commission may provide community
15 meetings or other opportunities apart
16 from formal evidentiary hearings for
17 individuals affected by the allegations
18 of historical abuse of young people in
19 the Cornwall area to express their
20 experiences".

21 Many people affected by sexual abuse never
22 had an opportunity to tell their story. The impacts of
23 sexual abuse, their reasons for keeping their secrets and
24 their recommendations for healing must be explored.

25 The term 'people affected by sexual abuse'

1 will be interpreted broadly to include victims and alleged
2 victims and their families, perpetrators and alleged
3 perpetrators and their families, and any other persons who
4 through their contacts or employment have experiences they
5 wish to share, and determining how best to meet the needs
6 of people in this unique mandate is very important to me.
7 I have decided that a broad consultation is needed, but not
8 an open-ended consultation.

9 I want some very concrete examples of what
10 we could do in this area fleshed out so people can really
11 consider what work -- what would work well, and what might
12 need to be managed, and what expectations can be reasonably
13 met.

14 I expect to release a consultation paper to
15 facilitate structured and constructive debate. There will
16 be opportunities for comment from counsel, party
17 representatives and the public.

18 In addition, to presenting several possible
19 models, some of the specifics that will be addressed will
20 include preparation, witness support, record keeping,
21 ensuring an environment of safety and role of lawyers and
22 other professionals.

23 We will also want to discuss the
24 possibilities of an element of choice between models.

25 In particular, I have asked my advisory

1 panel to meet with those who may want to speak in their own
2 words, in a situation that does not involve all the
3 processes of a public hearing, to get their views on how to
4 handle this area. This is an important aspect of
5 reconciliation.

6 I want to make a decision on how to handle
7 this part of our mandate before our summer recess.

8 Phase 2, like Phase 1, will conclude with
9 the process of submissions and recommendations. However,
10 although we will solicit and value recommendations of
11 parties in Phase 2, there will also be an -- opportunities
12 for others to make submissions on Phase 2. This process
13 will occur several months after we receive the Phase 1
14 submissions I referenced earlier.

15 In summary, Phase 2 work will be active
16 throughout 2007 and into the year 2008. It is not one
17 activity but many. I hope some of the initiatives from
18 Phase 2 will continue on after our Inquiry ends. Our
19 mandate and work here is limited in time and in its tasks.
20 But our hope for healing and reconciliation in Cornwall
21 really has no limit.

22 And so that is the view for 2007. Now I'll
23 ask Mr. Engelman to provide me with his comments.

24 **MR. ENGELMANN:** Thank you, Mr. Commissioner,
25 and good afternoon.

1 Just before making some comments, we've had
2 a time on our tradition here of introducing faces that
3 perhaps not regularly before you, and I just wanted to
4 introduce a couple: Dominic Lamb is here for Father
5 Charles MacDonald ---

6 **THE COMMISSIONER:** Thank you.

7 Good afternoon, sir.

8 **MR. ENGELMANN:** Robert Duncan is here for
9 the Children's Aid Society.

10 **THE COMMISSIONER:** Yes, Mr. Duncan.

11 Good afternoon.

12 **MR. ENGELMANN:** Steven Canto for the CCR.

13 **THE COMMISSIONER:** Good afternoon, sir.

14 **MR. ENGELMANN:** And Jennifer Birrell for the
15 Catholic School Board.

16 **THE COMMISSIONER:** Thank you.

17 Good afternoon.

18 **MR. ENGELMANN:** I think the other faces,
19 you've seen a number of times.

20 **THE COMMISSIONER:** I think so.

21 **MR. ENGELMANN:** I have some comments with
22 respect to the work of Commission counsel and staff for the
23 year 2007, and I also want to address some issues that have
24 arisen over time.

25 But as you have stated, Mr. Commissioner, we

1 have heard from a number of victims and alleged victims in
2 2006 and the beginning of 2007. We are going to be
3 completing that evidence this spring. We have meetings
4 that are ongoing with witnesses. The disclosure of this
5 evidence is complete for the most part. Some continuing
6 requests are being made of a few institutions. New
7 individuals have continued to come forward, and we are
8 still discovering that there are documents we need.

9 Summaries of anticipated evidence, and these
10 are the summaries that we send out in advance to the
11 parties about what we anticipate witnesses will be saying,
12 are in the works, and several of them are about to be
13 disclosed, and that happens on a running basis.

14 It is the expectation of Commission counsel
15 that at least 20 additional witnesses from this stage of
16 the Inquiry, that dealing with victims and alleged victims,
17 are still to testify.

18 We are looking into introducing some
19 evidence from a number of individuals who did not report
20 their allegations of abuse to an institution and looking at
21 some of the causal explanations for that non-reporting.

22 In the vast majority of cases so far, the
23 witnesses have not been asking for confidentiality
24 measures, and there are some exceptions to that rule and
25 there will be some exceptions in the future.

1 For example, even today, the witness who
2 will be testifying will ask that the camera -- and there
3 are three cameras in this hearing room -- that the camera
4 -- the webcam, not be on when he is testifying and we'll
5 cross that bridge when he arrives. But there are some
6 confidentiality issues that some of the witnesses who will
7 be testifying will be asking for.

8 For those members of the community and
9 members of the public who are interested in who will be
10 testifying in a given week, they can visit the Inquiry
11 website and again that www.cornwallinquiry.ca.

12 We continue to update the witness list on
13 the website, so that individuals can know who is coming in
14 the week to come. Following the evidence of the
15 Commission's next witness, and that is Mr. Silmsler, likely
16 beginning sometime in the week of February 5th, we will
17 continue to hear from victims and alleged victims.

18 Mr. Commissioner, you've mentioned community
19 evidence and I wanted to say a few words about that. This
20 evidence would be either from witnesses or from documents.
21 These would be witnesses who are not victims or alleged
22 victims, nor are they offenders or alleged offenders, nor
23 are they directly linked to a public institution.

24 They may well be residents of the community
25 who will provide a different perspective than members of

1 any of those three groups. This will set the stage for the
2 institutional response.

3 We are contemplating factual overviews of
4 some of the relevant new stories. And, as you'll recall,
5 sir, in the Order-in-Council itself, there are various
6 means by which Commission counsel can introduce evidence,
7 including transcripts or records of public preliminary
8 matters, trial or appeal proceedings before any court or
9 tribunal, factual overviews prepared by any party,
10 testimony of any representative witness of a party,
11 including parties electing to file a factual overview
12 report, and medical professional, social science and
13 similar evidence background information related to the
14 causes, consequences and responses to the abuse of young
15 people.

16 Of course, as you have said in your opening
17 remarks, we've had a fair bit of that expert evidence
18 already in 2006.

19 These shortcuts, for lack of a better word,
20 are set out in section 5 of the Order-in-Council and some
21 of them will likely be utilized both for reasons of
22 necessity and efficiency.

23 As you know, we have commissioned Phase I
24 research evidence to survey what other public institutions
25 were doing over the timeframes and questions to deal with

1 allegations of child sexual abuse in their own communities.
2 That evidence will be coming out in this Phase prior to the
3 institutional response, so that the institutions have an
4 opportunity to respond to that.

5 As well in this Phase, we anticipate the
6 possibility of several witnesses; one of them has been
7 mentioned before, and that is Perry Dunlop.

8 Many of the parties to this Inquiry, if not
9 all of them, have indicated to the Commission they feel
10 that he is an important part of the circumstances that this
11 Inquiry is examining. He dealt with many of the victims
12 and alleged victims personally and, for a time, he was also
13 part of the institutional response.

14 We understand that he had some involvement
15 with a number of different public institutions. As a
16 result, we feel Mr. Dunlop has a unique perspective on the
17 events that this Inquiry has to examine. His evidence may
18 serve to link some of the victims' evidence to the
19 institutional response.

20 I just wanted to inform you and the public
21 we have invited Mr. Dunlop to attend as a witness. We've
22 explained to him why we feel it is important that he do so
23 and that he play a role in this Inquiry.

24 In inviting him to attend, we have also
25 offered him a number of accommodations that we hope will

1 facilitate his attendance, including covering travel and
2 related expenses, recommending counsel -- I mean legal
3 counsel, and that those costs be covered.

4 To date, he has not responded to our
5 invitation. We hope he will reconsider and respond, and
6 Commission counsel and investigators will make themselves
7 available to meet with him at any time.

8 If this evidence cannot be given in person
9 by Mr. Dunlop, we will be introducing evidence of what he
10 did, who he contacted and how by way of a factual overview.

11 As you indicated, sir, we have made
12 invitations or sent out invitations to offenders, alleged
13 offenders and their families to see if they wanted to
14 express any concerns about the institutional response to
15 those allegations that involve them and their families, and
16 we believe that they might wish to publicly air these
17 concerns.

18 To date, none of these offenders -- alleged
19 offenders or their families have expressed their
20 willingness to do so.

21 Again, without those witnesses, we may not
22 be able to examine that evidence directly -- we will not be
23 able to examine that evidence directly. We'll look at
24 other means by which we might be able to examine that. And
25 that invitation remains open.

1 As for the institutional response,
2 Commission counsel have begun meeting with counsel for the
3 various institutions that are here before us. Witnesses
4 have been identified by Commission counsel and interviews
5 will be beginning in the near future with individuals
6 associated with many of these institutions.

7 The Commission looks forward to working with
8 the parties to deal with the institutional evidence in an
9 efficient manner.

10 The Commission is welcoming suggestion from
11 these parties and also from members of the public regarding
12 the identification of witnesses and why certain people
13 should be called and for what reason.

14 Of course, we will be addressing a number of
15 themes and issues that have arisen already in the evidence
16 that has been expressed through a number of victims and
17 alleged victims and also by some of the context experts;
18 allegations of systemic failures on the part of
19 institutions; connections and interactions or lack of
20 connections and interactions between institutions;
21 connections between individuals employed both within
22 institutions and between institutions.

23 We will be looking at such issues as a lack
24 of resources, insufficient training, conflicts of interest,
25 supervision or lack thereof, internal audits, et cetera.

1 We have had some concerns expressed about
2 inadequate or incomplete investigations; concerns about
3 prosecutions; concerns about lack of sensitivity or
4 interest. We have had concerns about delays that have led
5 to other issues and a lack of follow-up. We have had
6 concerns expressed with respect to sufficiency of
7 supervision, conflicts of interest, et cetera.

8 So we will be examining those issues as we
9 look into the responses by a number of the institutions
10 here before us.

11 And when we are talking about meeting with
12 individuals from public institutions, I want to be clear
13 that we intend to interview individuals from the top to the
14 bottom of these institutions.

15 So whether we are talking about a chief of
16 police or a deputy-chief, a Bishop or a Monsignor, an
17 executive director or directors of the Children's Aid
18 Society or a board of education or a senior Crown counsel,
19 we intend to examine the practices and the direction that
20 was being given and taken by heads of various institutions.

21 Of course, we intend to call a number of
22 individuals from these institutions and we will be calling
23 lists after interviews.

24 Again, in some situations, we'll be working
25 with counsel to file factual overviews and/or agreed

1 statement of facts on uncontested issues. We have,
2 obviously, the powers that I've mentioned earlier in
3 section 5 of the Order-in-Council.

4 Now, the number of institutions involved,
5 the number of relevant individual witnesses within these
6 institutions, and the need and willingness to be thorough
7 in this Inquiry means, as you've said, that it is unlikely
8 that all of the Phase I evidence will be completed this
9 year and may well roll into early 2008.

10 We are attempting all the time to balance
11 efficiency with completeness and/or thoroughness and, of
12 course, doing the best job we can with all. To be thorough
13 may mean, in certain aspects of the evidence, that it will
14 need to take more time.

15 At the end of the day, we want everybody to
16 be satisfied that we are not leaving stones unturned.

17 As you have indicated, sir, the parties will
18 need sufficient time to prepare and present closing
19 submissions to the Inquiry.

20 I mentioned earlier about some of the
21 alternatives or shortcuts that might be taken with respect
22 to the *viva voce* or the live witness evidence, and some of
23 the reasons for that include that some of the individuals
24 who are important to this Inquiry are now deceased; some
25 are now outside of the jurisdiction; some are unwilling to

1 testify; and some just haven't been located.

2 We continue to encourage individuals that
3 may have relevant information to communicate with the
4 Inquiry staff. Such communication can be done in the
5 strictest of confidence and if individuals become
6 witnesses, there are ways to protect identities through
7 confidentiality measures, et cetera. I just wanted to
8 repeat that, as we've had a number of inputs from the
9 public and the parties to date.

10 The schedule for this year has been posted
11 on the Website. There have been some corrections made as
12 recently as last week. So I would invite people to look at
13 that. The changes are minor. There are approximately 26
14 weeks of this calendar year where there will be hearing
15 dates, so there will be a number of hearing dates
16 throughout 2007.

17 We have only provided dates to December of
18 this year. We will be assessing the necessity of further
19 dates, either late summer or early fall. Obviously, new
20 dates will be posted as soon as those decisions are made.

21 Sir, I wanted to speak to a few outstanding
22 issues. One (1) of the issues I wanted to speak to, and
23 you commented on it in your remarks, about the rulings and
24 orders that you have made and, as we all know in this room,
25 some of those rulings or decisions have been taken to

1 courts for review. And I simply want to comment on those
2 that are outstanding, that I know of.

3 There was a judicial review filed by the
4 Children's Aid Society. They brought a judicial review
5 after you ruled that you would not grant a publication ban
6 on certain documents within CAS files that had been created
7 for the Child Abuse Register.

8 The hearing of this judicial review took
9 place last Friday, January 26th. Submissions were made by
10 the CAS and the Ministry for the Attorney General in
11 support of the CAS application.

12 The Commission participated through counsel,
13 and those were the three parties that presented arguments
14 before the court.

15 The three judges hearing the matter have
16 reserved their decision and we are waiting their decision
17 within the next couple of weeks. I believe that all of the
18 parties who participated agree that in no way does this
19 judicial review impede the ongoing work of the Commission.

20 As well, sir, there has been a judicial
21 review filed by counsel for Father MacDonald, and that
22 dealt with your refusal to grant a publication ban with
23 respect to certain specific allegations in statements and
24 documents that were made with respect to Father MacDonald.

25 The judicial review has now been filed for

1 some time, but to the knowledge of Commission counsel,
2 there have been no steps taken by Father MacDonald's
3 counsel to expedite the hearing of this matter and as I've
4 indicated earlier, there is no interim ban in place in
5 respect of Father MacDonald's name or any details
6 concerning the allegations against him.

7 As you recall, you had originally granted an
8 interim ban of some of the identifying information, but
9 this ban elapsed some time ago. As there is no interim
10 ban, matters can be published in any event.

11 Sir, lastly, the end of the review process
12 involved an application by the Diocese on behalf of the
13 name of one of its employees, one of its priests, which
14 resulted in a motion before you, a judicial review
15 application to the Divisional Court and then, finally, an
16 appeal to the Ontario Court of Appeal.

17 The Ontario Court of Appeal released its
18 decision on January 16th, 2007, denying the Diocese's
19 appeal. The Court in doing so granted a 10-day period for
20 an interim publication ban. That ban has now expired and,
21 therefore, there is no ban now on the publication of this
22 individual's name.

23 There is simply a publication ban in effect
24 with respect to some details which you ruled on that are
25 contained in, I believe, two or three exhibits, and that

1 the publication ban on those exhibits was not challenged by
2 any party before this Inquiry.

3 I have spoken briefly to counsel for the
4 Diocese and although parties have 60 days to file a leave
5 application with the Supreme Court of Canada, I am advised
6 that they will not be doing so.

7 So what does this mean? What does it mean
8 with respect to the 10-day interim ban not being in place?

9 What this means is that the transcript and
10 the videotape of Mr. Marleau's evidence of November 29th,
11 2006, concerning this individual can be made public, will
12 be made public and posted on the Commission's website. I'm
13 not sure how this will work technically with respect to
14 providing the webcam, but that's something we can advise
15 the parties of.

16 There is a portion of the November 29th
17 hearing that was heard in camera, which should not be made
18 public, in my respectful submission, and that's the portion
19 dealing with the arguments on the permanent non-publication
20 order and the details of alleged abuse.

21 Otherwise, I believe the in camera
22 transcripts of November 27th, dealing with the hearing of
23 the motion itself, should be public as well, unless there
24 are parties who feel strongly against that, but those are
25 essentially what is now available to the press. The

1 individual's name and the transcripts are now available.
2 There is no publication ban.

3 Sir, another matter that came up, and I
4 believe it came up quite recently in the evidence of John
5 MacDonald, was a concern that he expressed to you about the
6 possible conflict of a member of the Inquiry's Advisory
7 Panel; that is Father J.A. Loftus.

8 I believe Mr. MacDonald expressed some
9 concern that some of the materials on the Inquiry website
10 indicate that Father Loftus, who not only is a member of
11 the Commission Advisory Panel, but a potential context
12 witness, was a Director at the Southdown Clinic.

13 And there is no question that Father Loftus
14 was a Director; in fact, he was the Executive Director of
15 the Southdown Clinic here in Ontario, and we know that
16 Father Charles MacDonald, a party to this Inquiry, attended
17 the Southdown Clinic for assessment and then for in-patient
18 treatment.

19 The confusion is, I believe, in a short-form
20 bio, it suggests that Father Loftus was actually the
21 Executive Director until 1994 and that is not accurate.

22 Many months ago, prior to asking Father
23 Loftus -- or in the course of asking him to be a potential
24 context expert and to be on the Advisory Panel, he was
25 asked if there were any conflicts. He advised that there

1 were none.

2 As per the request that you made of
3 Commission staff, sir, our staff has followed up again with
4 Father Loftus to explore this matter. He has reconfirmed
5 that there is no conflict.

6 It is unfortunate there was some ambiguity
7 in his materials with respect to the date he left
8 Southdown, and we will get that corrected, but he left
9 there in September of 1993, and we know from the records
10 that Father MacDonald was assessed in October, and then
11 began his treatment there sometime towards the end of 1993.

12 Father Loftus never treated Father MacDonald
13 and there is absolutely no overlap in respect of their
14 times at Southdown. At the time Father MacDonald was
15 there, the Executive Director of Southdown was Ms. Donna
16 Markham.

17 So I wanted to clarify that. A letter has
18 been sent to John MacDonald with respect to that
19 information, but as it was raised here publicly, I wanted
20 to tell you about our inquiries.

21 Sir, in closing, this will be a busy but I
22 believe productive year here at the Inquiry. There are a
23 number of witnesses who need to be interviewed and a
24 number, of course, to be called to give evidence relevant
25 to the mandate.

1 As always, we continue to seek the support
2 of all of the parties to these proceedings and from members
3 of the public who continue to provide us advice in the form
4 of e-mails, calls and what have you, to permit us to
5 achieve our goal of being thorough, effective, fair and
6 open in the fulfillment of our mandate.

7 Those are my comments for now, sir.

8 **THE COMMISSIONER:** Thank you.

9 So I take it a break would be appropriate
10 now and then you will be proceeding to call your witness to
11 the stand?

12 **MR. ENGELMANN:** Yes. Mr. Silmser is in the
13 building, as is his counsel Mr. Culic. So if we could have
14 a few minutes before we start up.

15 **THE COMMISSIONER:** Sure. Let's start at
16 3:00 then.

17 Thank you.

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

20 The hearing will resume at 3:00 p.m.

21 --- Upon recessing at 2:41 p.m. /

22 L'audience est suspendue à 14h41

23 --- Upon resuming at 3:08 p.m. /

24 L'audience est reprise à 15h08

25 **THE REGISTRAR:** This hearing of the Cornwall

1 Public Inquiry is now in session. Please be seated.

2 Veuillez vous asseoir.

3 **THE COMMISSIONER:** Thank you.

4 Good afternoon, sir.

5 **MR. ENGELMANN:** Mr. Commissioner, the next
6 witness for the Inquiry is Mr. David Silmsers. If the
7 witness could be sworn?

8 **THE COMMISSIONER:** Yes.

9 **DAVID SILMSER, Sworn/Assermenté:**

10 **THE COMMISSIONER:** Good afternoon, sir.

11 Thank you again for coming.

12 As I want to do with all of the witnesses
13 that come here, I want you to feel comfortable here. I
14 want you to know that if there are any questions or if
15 there is something that bothers you at some point that you
16 simply have to turn over to me and I'll address the issues.

17 If you need a break at any time, let me
18 know. If there is something you don't understand, if
19 there's a question that you don't understand, just simply
20 say you don't understand and it's okay to say that "I don't
21 know the answer," because you're not -- unless you're
22 brighter than many of us, you won't know all of the
23 answers.

24 Is that okay?

25 **MR. SILMSER:** Thank you.

1 **THE COMMISSIONER:** Do you have any questions
2 of me at this time?

3 **MR. SILMSER:** No, I don't.

4 **THE COMMISSIONER:** All right.

5 So if you could come forward just a little
6 bit so the microphone can pick you up.

7 Mr. Engelmann?

8 **MR. ENGELMANN:** Thank you.

9 **--- EXAMINATION-IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.**
10 **ENGELMANN:**

11 **MR. ENGELMANN:** Sir, I mentioned earlier in
12 the day, Mr. Silmsers has requested that the webcam camera
13 that usually is pointed at the witness be turned off.

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

15 **MR. ENGELMANN:** That has been done.

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

17 **MR. ENGELMANN:** The audio is on. He's in no
18 way trying to keep his evidence from the public.

19 Correct, Mr. Silmsers?

20 **MR. SILMSER:** That's right.

21 **MR. ENGELMANN:** It's just you don't want
22 your face on the webcam.

23 **MR. SILMSER:** I have family here in
24 Cornwall. I have my son here in Cornwall and I'd rather
25 not make it a media circus type of thing. I'd rather keep

1 my face off the TV.

2 **MR. ENGELMANN:** Okay.

3 Sir, of course, there are provisions for
4 doing this. I don't know if any counsel has any objection
5 to Mr. Silmser's request.

6 **THE COMMISSIONER:** All right.

7 So rather than doing a role call, if there
8 is anyone here that has any objection or a barn which -- I
9 don't know if the media has any ---

10 **MR. ENGELMANN:** I haven't asked, to be
11 frank. I'm sorry.

12 **THE COMMISSIONER:** All right.

13 **MR. ENGELMANN:** Mr. Silmser has made this
14 request through his counsel. His counsel is present by the
15 way, Clint Culic.

16 **THE COMMISSIONER:** Good afternoon, sir.

17 **MR. ENGELMANN:** It's a new face for you, Mr.
18 Commissioner.

19 **THE COMMISSIONER:** Thank you.

20 **MR. ENGELMANN:** So the webcam is presently
21 off.

22 **THE COMMISSIONER:** Right.

23 **MR. ENGELMANN:** And I was not trying to be
24 presumptuous. I just asked that that happen at the
25 beginning.

1 **THE COMMISSIONER:** That's a precautionary
2 measure. That's fine.

3 I take it there are no counsel that are
4 objecting to this measure. The media are in the media
5 room, and so I will give them a few seconds to open that
6 door and come forward if they have any serious objections.

7 And failing which, we will proceed.

8 Thank you.

9 **MR. ENGELMANN:** Mr. Silmsers, you are not a
10 member of the Victims Group.

11 Is that correct?

12 **MR. SILMSER:** That's correct.

13 **MR. ENGELMANN:** Nor are you a member or
14 involved with any of the parties before this Inquiry?

15 **MR. SILMSER:** That's correct.

16 **MR. ENGELMANN:** And you're represented by
17 counsel, Mr. Culic?

18 **MR. SILMSER:** Yes, I am.

19 **MR. ENGELMANN:** And I understand that Mr.
20 Culic was your counsel when you brought an action against
21 the Ministry of Community Safety and Corrections for
22 alleged abuse by one of its employees?

23 **MR. SILMSER:** Yes, he was.

24 **MR. ENGELMANN:** Okay.

25 I just want to start if I can, Mr. Silmsers,

1 with the spelling of your last name so that we can avoid
2 mispronunciation.

3 Can you spell it for us, please?

4 **MR. SILMSER:** S-I-L-M-S-E-R. The 'L' is
5 silent; so it's Silmser.

6 **MR. ENGELMANN:** Silmser.

7 Mr. Silmser, could you give us your date of
8 birth, please?

9 **MR. SILMSER:** March 24th, 1958.

10 **MR. ENGELMANN:** Sir, I understand you were
11 born and raised here in the City of Cornwall?

12 **MR. SILMSER:** Yes, I was.

13 **MR. ENGELMANN:** Can you tell us
14 approximately when you would have left the City of Cornwall
15 for a lengthy period of time?

16 **MR. SILMSER:** At the age of 15, 16,
17 something like that.

18 **MR. ENGELMANN:** Okay.

19 And have you returned since then to live in
20 Cornwall from time-to-time?

21 **MR. SILMSER:** From the age of 16 to 20, I
22 did, off and on.

23 **MR. ENGELMANN:** Okay.

24 **MR. SILMSER:** From 20 on, I basically lived
25 in Ottawa and different places.

1 MR. ENGELMANN: All right.

2 And where do you reside now, sir?

3 MR. SILMSER: I live in Prescott, Ontario.

4 MR. ENGELMANN: And sir, do you have
5 siblings?

6 MR. SILMSER: Yes, I do.

7 MR. ENGELMANN: Brother, sister?

8 MR. SILMSER: I have one brother and one
9 sister.

10 MR. ENGELMANN: Are they older or younger?

11 MR. SILMSER: My brother is four years older
12 and my sister is one year younger.

13 MR. ENGELMANN: And, sir, I understand that
14 only of your parents is still living?

15 MR. SILMSER: Yes.

16 MR. ENGELMANN: That's your mother?

17 MR. SILMSER: My mother.

18 MR. ENGELMANN: And how old would she be
19 now?

20 MR. SILMSER: My mom just turned 74.

21 MR. ENGELMANN: And, sir, what is your
22 present marital status?

23 MR. SILMSER: Married.

24 MR. ENGELMANN: Can you tell us for
25 approximately how long?

1 MR. SILMSER: Nineteen (19) years.

2 MR. ENGELMANN: And do you have any
3 children?

4 MR. SILMSER: I have two children I raised.
5 They are not my children, but I raised them since birth;
6 Joshua since birth.

7 MR. ENGELMANN: And how old would they be
8 now?

9 MR. SILMSER: Erin is 24 and Josh is 21.

10 MR. ENGELMANN: And, sir, do you have any
11 grandchildren?

12 MR. SILMSER: Yes, one.

13 MR. ENGELMANN: And I understand that's
14 recent.

15 MR. SILMSER: Yes, it is.

16 MR. ENGELMANN: Mr. Silmsers, until the time
17 you left home -- and we'll come to when that was -- were
18 both your parents in the home?

19 MR. SILMSER: Yes, they were.

20 MR. ENGELMANN: And can you tell us what
21 religion you were raised in?

22 MR. SILMSER: Roman Catholic.

23 MR. ENGELMANN: Was your family devout?

24 MR. SILMSER: My mom was; not my dad.

25 MR. ENGELMANN: What about yourself growing

1 up?

2 **MR. SILMSER:** When I first started as an
3 altar boy, in grade six, I was very devout. I really
4 enjoyed it. That's when old Father Monsignor MacDonald was
5 the head priest then. He actually said that I'd probably
6 be the next priest of the church. I was very close to my
7 faith. I really believed in ---

8 **MR. ENGELMANN:** All right.

9 And when you say old Monsignor MacDonald,
10 you're not referring to Charles MacDonald?

11 **MR. SILMSER:** No, I'm not.

12 **MR. ENGELMANN:** And which parish were you in
13 at the time?

14 **MR. SILMSER:** St. Columbans.

15 **MR. ENGELMANN:** St. Columbans?

16 **MR. SILMSER:** Yes.

17 **MR. ENGELMANN:** And that's right here in the
18 City of Cornwall?

19 **MR. SILMSER:** Yes, it is.

20 **MR. ENGELMANN:** And aside from being an
21 altar boy, excuse my ignorance, are there other things one
22 does if one aspires to be a priest at an early age?

23 **MR. SILMSER:** Well, as an altar boy, you
24 also serve funerals and weddings. You went on retreats.
25 You got involved with the church.

1 **MR. ENGELMANN:** Okay.

2 And at that time, were altar boys just altar
3 boys? There weren't girls doing this?

4 **MR. SILMSER:** No, it was just altar boys.

5 **MR. ENGELMANN:** Sir, let's just talk a
6 little bit about where you were going to school.

7 I understand that from kindergarten through
8 grade four, you attended St. Anne's Catholic School?

9 **MR. SILMSER:** Yes.

10 **MR. ENGELMANN:** And is that a school here in
11 the City of Cornwall?

12 **MR. SILMSER:** Yes, it is.

13 **MR. ENGELMANN:** Sir, I understand for grade
14 five and six, you attended another school.

15 **MR. SILMSER:** It would St. Columban's West,
16 or, yes, I believe West.

17 **MR. ENGELMANN:** And why is it that you
18 switched schools?

19 **MR. SILMSER:** My parents moved.

20 **MR. ENGELMANN:** All right.

21 So they moved from one part of Cornwall to
22 another?

23 **MR. SILMSER:** Yes, they did.

24 **MR. ENGELMANN:** And after St. Columban's,
25 you went to middle school?

1 **MR. SILMSER:** Yes, Bishop Macdonell.

2 **MR. ENGELMANN:** And would that be grades
3 seven and eight?

4 **MR. SILMSER:** Grade seven and eight.

5 **MR. ENGELMANN:** And after that, did you
6 attend a secondary or a high school here in the City of
7 Cornwall?

8 **MR. SILMSER:** C CVS, which is also in
9 Cornwall.

10 **MR. ENGELMANN:** That's the Cornwall
11 Collegiate Vocation School?

12 **MR. SILMSER:** Yes.

13 **MR. ENGELMANN:** Can you give us a sense, at
14 least through the first six or seven grades, whether you
15 enjoyed school?

16 **MR. SILMSER:** I enjoyed school. My marks
17 were fairly well. Whatever I really put my mind to, I'd
18 practically do -- I could do. Even the first grade five,
19 when I first moved to downtown, I did excellently. My
20 marks started to fall after the abuses.

21 **MR. ENGELMANN:** Okay.

22 So just give us a sense as to when that
23 happened; when your marks started to fall.

24 **MR. SILMSER:** Grade seven and eight and
25 onwards.

1 **MR. ENGELMANN:** You say this was after you
2 were abused?

3 **MR. SILMSER:** Yes.

4 **MR. ENGELMANN:** Can you give us some sense
5 as to your home life, whether it was happy?

6 You've told us your parents were both
7 at home ---

8 **MR. SILMSER:** Yes.

9 **MR. ENGELMANN:** -- whether or not your home
10 life changed at any point in time.

11 **MR. SILMSER:** The only time my home life
12 changed is when I changed it, when I started to live on the
13 streets at an early age. I didn't listen to their rules or
14 regulations, and that would be in the grade seven, eight
15 area.

16 **MR. ENGELMANN:** This would have been during
17 the time you were at Bishop Macdonell?

18 **MR. SILMSER:** Yes.

19 **MR. ENGELMANN:** That's when it would have
20 started.

21 **MR. SILMSER:** And then nine, ten.

22 **MR. ENGELMANN:** Now you have told us a
23 little bit about your religious upbringing and your
24 aspirations and some of the activities you pursued as an
25 altar boy at St. Columban's.

1 I know this was a matter of great
2 discussion, at least in the Preliminary Inquiry and perhaps
3 also, I believe, in the Examination for Discovery, when it
4 was you became an altar boy at St. Columban's.

5 Do you have some sense, sir, as to
6 approximately when you became an altar boy?

7 **MR. SILMSER:** I believe in the grade six
8 area.

9 **MR. ENGELMANN:** Okay.

10 And you would have been approximately 11 at
11 that time?

12 **MR. SILMSER:** I believe so.

13 **MR. ENGELMANN:** All right.

14 And I think you have told us that was at St.
15 Columban's Church.

16 **MR. SILMSER:** Yes, it was.

17 **MR. ENGELMANN:** And were you ever an altar
18 boy at any other church or any other parish?

19 **MR. SILMSER:** No, I wasn't.

20 **MR. ENGELMANN:** All right.

21 And can you tell us, sir, who it was that
22 would have been in charge of the altar boys at St.
23 Columban's when you were an altar boy?

24 **MR. SILMSER:** I believe it was Charles
25 MacDonald was the priest involved then. He had more of the

1 interest in the altar boys, I guess for numerous reasons,
2 but I think he was the one that was mostly in charge,
3 unless you were doing a funeral or wedding or something and
4 whoever was the priest then, like Father MacDougal or
5 somebody, he would be in charge.

6 MR. ENGELMANN: So it was usually Father
7 Charles MacDonald?

8 MR. ENGELMANN: Yes.

9 MR. ENGELMANN: You mentioned an older
10 Father MacDonald.

11 MR. SILMSER: Father -- Monsignor MacDonald.

12 MR. ENGELMANN: Was he there at the
13 beginning?

14 MR. SILMSER: He was there at the beginning,
15 yes.

16 MR. ENGELMANN: All right.

17 Were there other priests that you would have
18 had some interaction with?

19 MR. SILMSER: There were other priests. I
20 think there was around three or four of them, but I didn't
21 really have much interaction; there was nothing --

22 MR. ENGELMANN: Right.

23 So, principally, it was Father Charles
24 MacDonald?

25 MR. SILMSER: That's right.

1 **MR. ENGELMANN:** Do you know approximately
2 how many altar boys there were at any one time at St.
3 Columban's?

4 **MR. SILMSER:** I would say close to 20.

5 **MR. ENGELMANN:** And would they change from
6 year-to-year?

7 **MR. SILMSER:** I would imagine a few have
8 changed. There'd be a few different changes, but most of
9 them stayed with it and some dropped out. We wondered why
10 some dropped out.

11 **MR. ENGELMANN:** And when you say most of
12 them stayed, was there sort of a standard period of time
13 that an altar boy might stay as an altar boy?

14 **MR. SILMSER:** I'm looking at a year, you
15 know ---

16 **MR. ENGELMANN:** That would be a minimum time
17 or ---

18 **MR. SILMSER:** Well, I think I was an altar
19 boy for maybe two years. So I really can't tell you much
20 more than that.

21 **MR. ENGELMANN:** I understand, again, at both
22 the Preliminary Inquiry and I think at an Examination for
23 Discovery, you had some difficulty in remembering exactly
24 when you finished being an altar boy.

25 **MR. SILMSER:** That's correct.

1 **MR. ENGELMANN:** You believe you started in
2 or about 1969?

3 **MR. SILMSER:** Right.

4 **MR. ENGELMANN:** I believe in some of the
5 documents we have, and we have an awful lot of documents,
6 there is a church bulletin that indicates in early 1973,
7 you're still serving or helping serve Mass.

8 **MR. SILMSER:** That's possible. I can't
9 remember exactly how long or ---

10 **MR. ENGELMANN:** Okay.

11 So, if it's early 1973, you would be 14,
12 coming on 15.

13 **MR. SILMSER:** Okay.

14 **MR. ENGELMANN:** With your birthday in March.

15 **MR. SILMSER:** That's fine.

16 **MR. ENGELMANN:** So would it make sense that
17 being an altar boy for three, three-and-a-half years
18 thereabout?

19 **MR. SILMSER:** That's fair.

20 **MR. ENGELMANN:** Now, Mr. Silmsers, you know
21 what we're doing here, that we're examining institutional
22 response to allegations of child sexual abuse?

23 **MR. SILMSER:** That's correct.

24 **MR. ENGELMANN:** And, sir, you're here to
25 give evidence today as an alleged victim of child sexual

1 abuse.

2 Is that correct?

3 **MR. SILMSER:** That's correct.

4 **MR. ENGELMANN:** And you have alleged, sir,
5 that three different individuals sexually abused you when
6 you were a young person?

7 **MR. SILMSER:** That's correct.

8 **MR. ENGELMANN:** And we have just talked
9 about the time you spent as an altar boy, approximately
10 three years or so.

11 Did the first alleged abuse occur at that
12 time?

13 **MR. SILMSER:** Yes, it did.

14 **MR. ENGELMANN:** And who was the alleged
15 abuser?

16 **MR. SILMSER:** Charles MacDonald.

17 **MR. ENGELMANN:** And my understanding is you
18 allege that he abused you on at least four occasions?

19 **MR. SILMSER:** That's right.

20 **MR. ENGELMANN:** Sir, there were two other
21 individuals you allege sexually abused you as a child?

22 **MR. SILMSER:** That's right.

23 **MR. ENGELMANN:** And just in chronological
24 order if I can - you've told us the alleged abuse starts
25 with Father MacDonald?

1 MR. SILMSER: Right.

2 MR. ENGELMANN: And who is it that you
3 allege abused you after that?

4 MR. SILMSER: Marcel Lalonde, a school
5 teacher.

6 MR. ENGELMANN: And he was a school teacher
7 in which school, sir?

8 MR. SILMSER: Bishop Macdonell.

9 MR. ENGELMANN: And then, again, to follow
10 in chronological order, who was the third individual?

11 MR. SILMSER: Ken Seguin.

12 MR. ENGELMANN: And, sir, I understand he
13 was a probation parole officer here in the City of
14 Cornwall?

15 MR. SILMSER: Yes, he was.

16 MR. ENGELMANN: So we have the names and the
17 order of the alleged abuse?

18 MR. SILMSER: Yes, you do.

19 MR. ENGELMANN: Mr. Silmsers, let's just turn
20 them to the first alleged abuser, Father MacDonald.

21 MR. SILMSER: Okay

22 MR. ENGELMANN: You've talked about at least
23 four incidents. I'm not going to go into the details. I
24 just want to establish location, jurisdiction.

25 The first incident, as I understand it, you

1 allege sexual abuse in the sacristy room of a church.

2 **MR. SILMSER:** St. Columban's Church on 4th
3 Street.

4 **MR. ENGELMANN:** Is that a church here in the
5 City of Cornwall?

6 **MR. SILMSER:** Yes, it is.

7 **MR. ENGELMANN:** The second incident where
8 you allege sexual abuse, I understand that's on a retreat?

9 **MR. SILMSER:** Yes.

10 **MR. ENGELMANN:** And where is that retreat?

11 **MR. SILMSER:** St. Andrews.

12 **MR. ENGELMANN:** Is that the village north of
13 Cornwall on the 138?

14 **MR. SILMSER:** Yes, it is.

15 **MR. ENGELMANN:** And the third incident where
16 you allege sexual abuse by Father MacDonald, where does
17 that occur?

18 **MR. SILMSER:** In his office at the church on
19 4th Street.

20 **MR. ENGELMANN:** Okay.
21 So that's an office at St. Columban's
22 Church?

23 **MR. SILMSER:** Yes, it is.

24 **MR. ENGELMANN:** And again that would be in
25 the City of Cornwall?

1 MR. SILMSER: Yes.

2 MR. ENGELMANN: And, lastly, there is an
3 allegation of sexual abuse after you are taken for a ride
4 in his car.

5 MR. SILMSER: That's right.

6 MR. ENGELMANN: And can you tell us location
7 of that abuse, whether that was in the City of Cornwall or
8 not?

9 MR. SILMSER: I think it was outside the
10 City of Cornwall. I'm not a 100 per cent sure what
11 jurisdiction it was in. It was in the area of Martintown
12 area. It was in a bush. So I really couldn't tell you
13 what bush or what area that was.

14 MR. ENGELMANN: So it was not in the City of
15 Cornwall?

16 MR. SILMSER: That's right.

17 MR. ENGELMANN: Let's then turn to the
18 school teacher, Marcel Lalonde.

19 MR. SILMSER: Okay.

20 MR. ENGELMANN: You said he was a teacher of
21 yours at Bishop Macdonell School.

22 MR. SILMSER: Yes.

23 MR. ENGELMANN: And you told us you were
24 there for grades seven and eight.

25 MR. SILMSER: That's correct.

1 **MR. ENGELMANN:** Was he your teacher in both
2 grades or just one grade?

3 **MR. SILMSER:** Just one; grade eight.

4 **MR. ENGELMANN:** The alleged abuse with
5 Marcel Lalonde, was that when you were his student or was
6 it at a different time?

7 **MR. SILMSER:** The alleged was first when I
8 was a student in grade eight.

9 **MR. ENGELMANN:** So you would have been
10 approximately 13 or 14?

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

12 **MR. ENGELMANN:** And I believe you indicate
13 in one of your statements that he picked you up on the
14 street and drove you to his home and that you were molested
15 there?

16 **MR. SILMSER:** Yes.

17 **MR. ENGELMANN:** Was that home in/or outside
18 of the City of Cornwall?

19 **MR. SILMSER:** Inside the City of Cornwall.

20 **MR. ENGELMANN:** And I believe, at least in
21 one the statements, you allege you were abused on more than
22 one occasion by Marcel Lalonde?

23 **MR. SILMSER:** Twice.

24 **MR. ENGELMANN:** And were they both at the
25 same location, or was the second location different?

1 **MR. SILMSER:** Both same location.

2 **MR. ENGELMANN:** Sir, I want to ask you about
3 the allegations concerning the probation officer, Mr.
4 Seguin.

5 **MR. SILMSER:** Okay.

6 **MR. ENGELMANN:** Can you first tell us how it
7 is you came to know him?

8 I mean we have Father MacDonald involved
9 with the altar boys. We have Marcel Lalonde as your
10 teacher.

11 How was it you come to know Ken Seguin?

12 **MR. SILMSER:** I was put on juvenile
13 probation by Justice of the Peace Jodoin. I was living on
14 the streets at the time and I stole money from the parish
15 centre to feed myself.

16 **MR. ENGELMANN:** Which parish centre?

17 **MR. SILMSER:** St. Columban's Parish Centre -
18 - which was Justice of the Peace Jodoin; he was the manager
19 of the parish centre at the time. When I went in front of
20 him he sentenced me to a year's probation with Ken Seguin
21 and he also told me if I ever went near his parish centre
22 again, I'd never see the daylight.

23 **MR. ENGELMANN:** And how old were you then,
24 sir?

25 **MR. SILMSER:** I was 15 years old.

1 **MR. ENGELMANN:** Was that the first time that
2 you had been convicted of any type of an offence?

3 **MR. SILMSER:** That's correct.

4 **MR. ENGELMANN:** So Mr. Seguin was your first
5 probation officer?

6 **MR. SILMSER:** Yes, he was.

7 **MR. ENGELMANN:** Can you tell us where -- can
8 you tell us, sir, the allegations of child sexual abuse by
9 Ken Seguin.

10 Did that happen once or more than once?

11 **MR. SILMSER:** More than once.

12 **MR. ENGELMANN:** Can you tell us where it
13 first occurred?

14 **MR. SILMSER:** In his office.

15 **MR. ENGELMANN:** Where was his office
16 located?

17 **MR. SILMSER:** On the fourth floor of the
18 police station.

19 **MR. ENGELMANN:** Of the Cornwall Police
20 Services station?

21 **MR. SILMSER:** Yes.

22 **MR. ENGELMANN:** So that's here in the City
23 of Cornwall?

24 **MR. SILMSER:** Yes, yes.

25 **MR. ENGELMANN:** In the same place that it is

1 now -- the police station?

2 MR. SILMSER: Yes, it is.

3 MR. ENGELMANN: Approximately how old were
4 you when that happened; you were on Juvenile Probation?

5 MR. SILMSER: Fifteen (15).

6 MR. ENGELMANN: Do you allege that he abused
7 you anywhere else, sir?

8 MR. SILMSER: Yes, I do.

9 MR. ENGELMANN: Where was that?

10 MR. SILMSER: At his apartment in the west
11 -- in the east end of 2nd Street, the Eastcourt Mall. He
12 had an apartment, an apartment building right beside it.

13 MR. ENGELMANN: East end of 2nd Street;
14 that's here in the city of Cornwall?

15 MR. SILMSER: Yes.

16 MR. ENGELMANN: Near Eastcourt Mall?

17 MR. SILMSER: Yes.

18 MR. ENGELMANN: Did he abuse you anywhere
19 else?

20 MR. SILMSER: Yes, he did.

21 MR. ENGELMANN: Is there an alleged abuse
22 anywhere else?

23 MR. SILMSER: Yes, he did.

24 MR. ENGELMANN: Where was that?

25 MR. SILMSER: On Alguire Street, in

1 Cornwall.

2 MR. ENGELMANN: What's on Alguire Street, in
3 Cornwall?

4 MR. SILMSER: He owned a house.

5 MR. ENGELMANN: Do you recall the sequence
6 of those, which came first?

7 MR. SILMSER: Yes.

8 MR. ENGELMANN: What would that be?

9 MR. SILMSER: The office.

10 MR. ENGELMANN: Followed by?

11 MR. SILMSER: Eastcourt and then the house
12 on Alguire.

13 MR. ENGELMANN: Can you give us a sense --
14 you were 15 when this first occurred?

15 MR. SILMSER: Yes.

16 MR. ENGELMANN: Can you give us a sense as
17 to how old you were when you were last allegedly abused by
18 Ken Seguin?

19 MR. SILMSER: I would think at the age of
20 17, 18, somewhere in there. I'm not 100 per cent sure.

21 MR. ENGELMANN: All right.
22 So this occurred over two or three years?

23 MR. SILMSER: Yes.

24 MR. ENGELMANN: Do you know how many times?
25 At least three?

1 **MR. SILMSER:** At least three; maybe more.

2 **MR. ENGELMANN:** When that happened, were you
3 on probation with him as your Probation Officer?

4 **MR. SILMSER:** Always on probation with him
5 -- when it happened.

6 **MR. ENGELMANN:** I'm sorry?

7 **MR. SILMSER:** Always on probation with him
8 when it happened.

9 **MR. ENGELMANN:** Okay.

10 **MR. SILMSER:** I was living on the streets at
11 the time.

12 **MR. ENGELMANN:** Tell us about that, Mr.
13 Silmsers, approximately when did that start, living on the
14 streets?

15 **MR. SILMSER:** The age around 15.

16 **MR. ENGELMANN:** Okay.

17 **MR. SILMSER:** I was living on the streets
18 just trying to find a place to stay warm in the wintertime.
19 The police actually had picked me out of a snow bank once.
20 I had fallen asleep in a snow bank and nearly froze to
21 death. They brought me into the hospital for three or four
22 days, but I was on probation the whole time with Ken
23 Seguin.

24 I had told him about situations like that,
25 and he was not ready to help me out whatsoever, except that

1 he always invited me over to his house, ready to give me
2 some rye or beer or something like that at an early age, so
3 that he could take advantage, sexually abuse me.

4 And at times even when I -- he would
5 threaten me to put me back in jail, revoke my parole or
6 probation, if I didn't do a few things.

7 **MR. ENGELMANN:** Just to follow up on a
8 couple of areas then; so by the age of 15, you were on the
9 streets pretty well full time?

10 **MR. SILMSER:** Yes.

11 **MR. ENGELMANN:** What about before then?

12 Had you been on and off, partially at your
13 parents, partially elsewhere?

14 What were things when you were 13 and 14?

15 **MR. SILMSER:** After the abuses had started,
16 I was in and out of the house. I was troubled. Before the
17 abuses with Charles MacDonald, I was fine.

18 **MR. ENGELMANN:** When you say you were
19 troubled, how were you reacting?

20 **MR. SILMSER:** I was just mixed up. I was
21 very, very insecure. I couldn't face anybody. Actually,
22 people asked me why did I walk around with my head tucked
23 down all the time. Because I was ashamed of myself. I was
24 ashamed of what had happened, and I couldn't face anybody.
25 So that's why I couldn't talk to anybody and that's why I

1 ended up living on the streets.

2 MR. ENGELMANN: I think you told us you
3 started to get into trouble.

4 MR. SILMSER: Yes. Basically, it was for
5 survival. I would rob to eat. Sometimes it was churches.
6 I think I broke into three or four churches. I'd steal the
7 money out of the poor fund and it was basically to eat and
8 survive.

9 MR. ENGELMANN: Did you know at the time,
10 was there any particular reason why you were stealing or
11 breaking into churches?

12 MR. SILMSER: To survive.

13 MR. ENGELMANN: Okay.

14 Fair enough. I'm just wondering why a
15 church and not somewhere else or maybe that wasn't in front
16 of your mind at the time.

17 MR. SILMSER: I don't -- now, I know why.
18 Now, I can figure it out. I had no respect for the
19 churches, because I know what happened to me, but at that
20 time, I don't think I thought like that or if I did, I
21 didn't ---

22 MR. ENGELMANN: You were engaged in some
23 property-related offences?

24 MR. SILMSER: Yes.

25 MR. ENGELMANN: As you say to survive?

1 **MR. SILMSER:** Yes, sir, that's right.

2 **MR. ENGELMANN:** You told us about the first
3 offence at the Parish Centre and then some of these other
4 offences, were they here in the City of Cornwall?

5 **MR. SILMSER:** Some of them were, yes.

6 **MR. ENGELMANN:** Some of them were elsewhere
7 in the province?

8 **MR. SILMSER:** Yes.

9 **MR. ENGELMANN:** Now, you were supervised by
10 Ken Seguin when you were on Juvenile Probation?

11 **MR. SILMSER:** Yes, I was.

12 **MR. ENGELMANN:** What about when you turned
13 16? Would have then been considered an adult, sir?

14 **MR. SILMSER:** At that age, yes.

15 **MR. ENGELMANN:** And did he also supervise
16 adults?

17 **MR. SILMSER:** Yes, he did.

18 **MR. ENGELMANN:** Sir, it is my understanding
19 that your adult criminal record starts in late 1974, when
20 you're 16 and runs through to a final conviction sometime
21 in 1987 -- the early part of 1987.

22 Is that how you recall it?

23 **MR. SILMSER:** That's correct.

24 **MR. ENGELMANN:** Sir, I just want to mention
25 a few things. Your property related offences include

1 theft, possession of stolen property, break and enter,
2 fraud, things of that nature?

3 MR. SILMSER: Jail escape.

4 MR. ENGELMANN: Sorry?

5 MR. SILMSER: Jail escape.

6 MR. ENGELMANN: You did escape from jail
7 once?

8 MR. SILMSER: That's right.

9 MR. ENGELMANN: Okay.

10 Is there any violence in your record of any
11 sort?

12 MR. SILMSER: No.

13 MR. ENGELMANN: So let's just look at the
14 years from the mid '70s to the mid '80s. That's during the
15 time when you're committing some crime. Can you tell us --
16 and I'm assuming from records I've looked at, you are
17 incarcerated for several portions of time in that
18 timeframe.

19 MR. SILMSER: That's correct.

20 MR. ENGELMANN: We know as well that you're
21 paroled at various points in time during that timeframe as
22 well?

23 MR. SILMSER: That's correct.

24 MR. ENGELMANN: Where were you living
25 between '75 and '85-'86 other than in jail and sometimes

1 here, in the City of Cornwall?

2 MR. SILMSER: Anywhere. I lived on the
3 streets like I said.

4 MR. ENGELMANN: Okay.

5 MR. SILMSER: I was -- went down even to
6 California and Mexico, you name it.

7 MR. ENGELMANN: Can you give us a sense of
8 how long you were homeless?

9 MR. SILMSER: Basically, from the age of 16
10 or 15 to the age of 23. My home was usually jail.

11 MR. ENGELMANN: Okay.

12 And then you were in various communities in
13 Canada and the United States?

14 MR. SILMSER: That's right.

15 MR. ENGELMANN: Mr. Silmsers, I want to take
16 you to a particular point in time, if I can, and it's early
17 1976. I want to just show you a document, sir, to try and
18 refresh your memory.

19 Madam Clerk, the document number is 724310.

20 Do you have a copy for the witness?

21 THE COMMISSIONER: That will be Exhibit No.
22 258. It's a letter from the Reverend Father Charles
23 MacDonald dated February 9, 1976, from someone from the law
24 firm of McDougall, Dancause, Shields and McDerby.

25 --- EXHIBIT NO./PIÈCE NO P-258:

1 Letter from McDougall, Dancause, Shields &
2 McDerby to Father MacDonald - February 9,
3 1976

4 **MR. ENGELMANN:** It appears to be a letter
5 from an individual with the initials B.J. Shields, and it
6 appears to be about you, Mr. Silmsler, just looking at the
7 re-clause?

8 **MR. SILMSER:** Yes.

9 **MR. ENGELMANN:** Have you ever seen this
10 document before?

11 **MR. SILMSER:** Never.

12 **MR. ENGELMANN:** Okay.

13 Do you know a lawyer here in town by the
14 name of Shields?

15 **MR. SILMSER:** No, I don't.

16 **MR. ENGELMANN:** Okay.

17 Is it possible he was your lawyer at that
18 time?

19 **MR. SILMSER:** I've had many lawyers, so it's
20 very possible.

21 **MR. ENGELMANN:** Okay.

22 And this was at a time when you were living
23 on the street?

24 **MR. SILMSER:** Yes.

25 **MR. ENGELMANN:** You had some property

1 related convictions.

2 Is that fair?

3 **MR. SILMSER:** That's fair.

4 **MR. ENGELMANN:** Mr. Shields is writing to
5 Father MacDonald, and I notice he is talking about your
6 being sentenced to four months in jail to run concurrent
7 with any penalty that he might receive because of the
8 violation of parole.

9 It is my understanding that at/or about this
10 time you were convicted of theft under \$200 and you were
11 given this sentence of four months in jail plus three years
12 probation.

13 Do you have some recollection of that?

14 **MR. SILMSER:** Like I said, most of my
15 younger years I was on probation or in jail. So this one
16 just doesn't ring a bell.

17 **MR. ENGELMANN:** All right.

18 Now, what the lawyer seems to be suggesting
19 is that -- I'm looking about midway through the page,

20 "it is the writer's considered opinion
21 that his application for parole will be
22 granted because his Parole Officer is
23 in agreement with what you and others
24 are attempting to do for this young
25 lad."

1 That parole officer, who would that be at
2 that time?

3 **MR. SILMSER:** It was always Ken Seguin on
4 probation or parole.

5 **MR. ENGELMANN:** All right.

6 I am just looking at the date; you would be
7 15 going on 16?

8 No, hang on, March of '58, you would be 17
9 going on 18.

10 **MR. SILMSER:** Okay.

11 **MR. ENGELMANN:** I better check my math here.

12 **THE COMMISSIONER:** He would be 17 going on
13 18.

14 **MR. ENGELMANN:** Yes.

15 So there is a suggestion that -- a
16 suggestion that after the incarceration you're on probation
17 for three years on the following conditions: You're
18 reporting to a probation officer, living at your rectory.
19 And Father MacDonald appears to be at Apple Hill.

20 Were you aware that he had a parish in Apple
21 Hill?

22 **MR. SILMSER:** Yes, I am aware of it.

23 **MR. ENGELMANN:** Okay.

24 And that is somewhere in the Diocese of
25 Alexandria, Cornwall?

1 It is not far from Cornwall, is it?

2 **MR. SILMSER:** No, it's not.

3 **MR. ENGELMANN:** And there is talk of
4 returning to high school, not associating with known
5 criminals and then, on the next page, essentially
6 direction. It says:

7 "The following were not conditions as
8 we understand of the probation, but
9 David was directed to follow the ground
10 rules that you lay out for him."

11 Do you recall, Mr. Silmsler, ever living at
12 the Rectory at Apple Hill?

13 **MR. SILMSER:** No, I didn't.

14 **MR. ENGELMANN:** All right.

15 Do you have some recollection of some
16 contact or interaction with Father MacDonald in the mid
17 '70s?

18 **MR. SILMSER:** I believe I wrote him a few
19 letters.

20 **MR. ENGELMANN:** All right.

21 Did you have any other contact with him
22 either directly or indirectly through Mr. Seguin or others?

23 **MR. SILMSER:** I don't remember if I did or
24 not. I don't believe so, but ---

25 **MR. ENGELMANN:** Do you recall, for example,

1 whether, when you were approximately 16, you might have had
2 a brief meeting at St. Columban's Church when Mr. Seguin
3 may have offered to help find you some accommodation?

4 **MR. SILMSER:** I remember a meeting of some
5 sort, but I don't remember what it consisted of. I don't
6 believe it was anything to do with a place to live.

7 **MR. ENGELMANN:** All right.
8 With both of them or just with one of them?

9 **MR. SILMSER:** I believe they were both
10 there.

11 **MR. ENGELMANN:** All right.
12 Do you remember after -- I believe at some
13 point you were accused and possibly convicted of stealing
14 money from a hotel in Ottawa.

15 **MR. SILMSER:** Yes.

16 **MR. ENGELMANN:** I'm just wondering if you
17 recall Father MacDonald driving you to a halfway house in
18 Cornwall?

19 **MR. SILMSER:** Yes, I do remember that now.

20 **MR. ENGELMANN:** Do you recall stopping once
21 in Apple Hill, at the church where he was the pastor?

22 **MR. SILMSER:** Yes.

23 **MR. ENGELMANN:** Having some interaction or
24 contact with him?

25 **MR. SILMSER:** Yes, I do.

1 **MR. ENGELMANN:** All right.

2 This is all after you allege he's abused you
3 sometime earlier?

4 **MR. SILMSER:** That's right.

5 **MR. ENGELMANN:** And at or about this time,
6 and I'm thinking the mid '70s, there may or may not have
7 been some abuse -- allegations of abuse by Ken Seguin, at
8 that time?

9 You told us that carried on 15, 16, 17,
10 possibly or 18.

11 **MR. SILMSER:** That's right.

12 **MR. ENGELMANN:** You have to see Ken Seguin.
13 He's your probation officer.

14 **MR. SILMSER:** That's right.

15 **MR. ENGELMANN:** So if you don't see him, you
16 can be breached on parole or whatever?

17 **MR. SILMSER:** That's right.

18 **MR. ENGELMANN:** What about -- let me ask you
19 this first.

20 Did Ken Seguin and Charles MacDonald know
21 each other?

22 **MR. SILMSER:** Oh! Yes.

23 **MR. ENGELMANN:** Were they acquaintances or
24 friends?

25 **MR. SILMSER:** They were friends.

1 **MR. ENGELMANN:** Okay.

2 How do you know that?

3 **MR. SILMSER:** They used to talk about each
4 other.

5 **MR. ENGELMANN:** And on one or more
6 occasions, you were with both of them?

7 **MR. SILMSER:** With both of them -- only on
8 one occasion, I believe.

9 **MR. ENGELMANN:** Just that one?

10 **MR. SILMSER:** Yes.

11 **MR. ENGELMANN:** You've never alleged that
12 there was any abuse by both of them at the same time?

13 **MR. SILMSER:** Oh! No.

14 **MR. ENGELMANN:** Or by one in front of the
15 other?

16 **MR. SILMSER:** No.

17 **MR. ENGELMANN:** Why is it, sir, that you
18 might have had some contact with Father MacDonald at that
19 time?

20 I understand you have to have the contact
21 with Ken Seguin.

22 Do you have some sense ---

23 **MR. SILMSER:** Well, at that time, I was --
24 again, I was living on the street.

25 **MR. ENGELMANN:** Yes.

1 **MR. SILMSER:** Very few friends. I always
2 found the winter time the hardest because you had to stay
3 warm. These are the only people that would help. I always
4 thought they were my best buddies. They always said they
5 would help me out and be my best buddy and my best friend.

6 And even though I was ashamed of the abuses,
7 you still had to survive; you still had to feed yourself.
8 And I fought back many a time, trying to not let it happen,
9 but they were -- when you're that age, you're so mixed up
10 and these people are so powerful that you're walking in a
11 trance. You're doing things that you never thought, you
12 know, even stealing, you know, to feed yourself. You never
13 thought you'd be there, but you are there. It was
14 basically survival.

15 **MR. ENGELMANN:** You say that you had some
16 contact with Father MacDonald in the mid-'70s. We know you
17 had some contact with Ken Seguin.

18 **MR. SILMSER:** Yes.

19 **MR. ENGELMANN:** Did you continue to have
20 some contact with him because he was your probation or
21 parole officer?

22 **MR. SILMSER:** I had to have contact with
23 him. Like I said, at times he would -- I remember once,
24 they said you have to come over to the house tonight
25 because we've got to talk to find a place for you to live.

1 You just can't live on the streets. And I made it over
2 there and all he did was give me some rye and coke and
3 sexually abuse me. So -- and when I was sleeping actually,
4 in one of the beds.

5 So he wasn't interested. The next morning I
6 was still back on the street. I slept there the night or
7 got up in the middle of the night and took off, but he
8 didn't care where I slept, as long as he abused me. That's
9 all he was worried about -- happy about.

10 **MR. ENGELMANN:** You said you were mixed up
11 or ashamed.

12 **MR. SILMSER:** Ashamed, yes, for many, many,
13 many years and I didn't tell anybody the abuses, I was so
14 ashamed. At a later time, when I felt I was ready, I came
15 forward.

16 **MR. ENGELMANN:** Okay.
17 You mentioned that you might have written
18 some letters?

19 **MR. SILMSER:** Yes.

20 **MR. ENGELMANN:** To?

21 **MR. SILMSER:** Charles MacDonald.

22 **MR. ENGELMANN:** Okay.

23 Do you know ---

24 **MR. SILMSER:** Again, for the same reason. I
25 wrote a letter through -- when I was in jail. And when

1 you're in jail, you have no friends. You have nobody to
2 talk to and at such an early age, at 16 or 17, even though
3 he abused you -- which you bury in your mind don't forget;
4 you bury this down in your mind -- you think that you're at
5 fault for some of this, as a young victim.

6 **MR. ENGELMANN:** That's how you felt?

7 **MR. SILMSER:** Yes.

8 You still talk to him and you write him like
9 a friend, thinking that he'll help you out somehow. I was
10 really ashamed of that letter a few years ago, when I saw
11 that letter.

12 **MR. ENGELMANN:** Did you see any other
13 letters he might have written to you?

14 **MR. SILMSER:** Yes. I saw one and I wrote a
15 letter to both him and Ken Seguin saying it's time for them
16 to come forward and tell the truth.

17 **MR. ENGELMANN:** Did you get a response to
18 that letter?

19 **MR. SILMSER:** No, I didn't.

20 **MR. ENGELMANN:** Did you get a response to
21 the other letter you wrote; you say you're ashamed of now?

22 **MR. SILMSER:** I don't believe I did.

23 **MR. ENGELMANN:** Okay.

24 Mr. Silmser, I want to just show you a few
25 other documents. You may or may not have seen them before.

1 Before, I mean, before very recently.

2 The next one is document number 715401.

3 **THE COMMISSIONER:** Exhibit 259.

4 **--- EXHIBIT NO./PIÈCE NO P-259:**

5 David Silmsers - Certificate of Parole -
6 October 18, 1978.

7 **MR. ENGELMANN:** Thank you.

8 **THE COMMISSIONER:** Being a certificate of
9 parole dated October 19th, 1978.

10 **MR. ENGELMANN:** October 19th, 1978, I
11 believe. Although it's signed the 18th.

12 Mr. Silmsers, I'm showing you a document; on
13 the second page, is that your signature?

14 **MR. SILMSER:** Yes, it is.

15 **MR. ENGELMANN:** And this talks about a
16 release from parole -- or release on parole, for you?

17 **MR. SILMSER:** That's correct.

18 **MR. ENGELMANN:** The conditions are set out
19 at the bottom of page 7057532; in other words, the first
20 page.

21 "Shall make every effort to obtain
22 gainful employment."

23 Do you see that?

24 **MR. SILMSER:** Yes, I do.

25 **MR. ENGELMANN:** And then as well. You're:

1 "... to report to the Cornwall Police
2 Station, live at home with your
3 parents, report to Canada Manpower, not
4 associate with known criminals."

5 This would indicate that your parole
6 supervisor would be Kenneth Seguin?

7 **MR. SILMSER:** Yes.

8 **MR. ENGELMANN:** So he continued to supervise
9 you even at this time, in 1978?

10 **MR. SILMSER:** Yes.

11 **MR. ENGELMANN:** And you say he continued to
12 supervise you even after that, as I understand it.

13 **MR. SILMSER:** I believe so.

14 **MR. ENGELMANN:** I'll show you a couple of
15 other documents, if I may.

16 Were you living at home or do you recall?

17 **MR. SILMSER:** No, I don't recall.

18 **MR. ENGELMANN:** All right.

19 Perhaps ---

20 **MR. SILMSER:** If I did live at home, it
21 would just be for a very short period. I might have went
22 home for like, a week or so and then ---

23 **MR. ENGELMANN:** Do you know -- and I'm just,
24 I'm looking at the reference to Manpower -- when Mr. Seguin
25 was your probation or parole officer, is there anybody in

1 particular at Canada Manpower he would refer you to?

2 MR. SILMSER: I believe there's a name but I
3 can't remember.

4 MR. ENGELMANN: Okay.

5 And that was a Manpower office here in the
6 City of Cornwall?

7 MR. SILMSER: Yes, it was.

8 MR. ENGELMANN: All right.

9 And if I could have you look at document
10 number 715403.

11 THE COMMISSIONER: Exhibit No. 260, which is
12 a pre-parole report dated January 14th, 1981, from Mr.
13 Seguin -- Ken Seguin.

14 --- EXHIBIT NO./PIÈCE NO P-260:

15 David Silmsers -- Pre-Parole Report --
16 January 14th, 1981

17 MR. ENGELMANN: All right.

18 So we're now in early 1981. So Mr. Silmsers,
19 you're 22 and Mr. Seguin is still your parole officer.

20 MR. SILMSER: Okay.

21 MR. ENGELMANN: Does that make sense with
22 you, with respect to time lines?

23 MR. SILMSER: I just can't remember.

24 MR. ENGELMANN: Fair enough.

25 So the assessment that's being written about

1 you; for example that you're capable of manipulating the
2 system; craftiness is a cause of concern. Some of these
3 comments -- these are presumably -- this is an assessment
4 by Mr. Seguin.

5 **MR. SILMSER:** Okay.

6 **MR. ENGELMANN:** You're not sure?

7 All right.

8 It says:

9 "If granted parole, the subject will be
10 supervised by the undersigned."

11 I note it's signed by Mr. Seguin.

12 **MR. SILMSER:** Okay.

13 **MR. ENGELMANN:** All right.

14 If you could also look at document number
15 715402?

16 **THE COMMISSIONER:** Exhibit 261.

17 **MR. ENGELMANN:** Thank you.

18 **THE COMMISSIONER:** Which is ---

19 **MR. ENGELMANN:** It's a release order, is it
20 not, by the Ontario Board of Parole?

21 **THE COMMISSIONER:** Okay.

22 And it's dated the 10th of February '81.

23 **--- EXHIBIT NO./PIÈCE NO P-261:**

24 David Silmsler -- Conditions of Release
25 Document - February 3, 1981.

1 **MR. ENGELMANN:** Okay.

2 Mr. Silmsers, is that your signature that
3 appears on the second page of the document, 7057535?

4 **MR. SILMSER:** Yes, it is.

5 **MR. ENGELMANN:** Right.

6 Sir, again, it's suggesting that while on
7 parole, Mr. Seguin will be your parole supervisor. I'm
8 looking at paragraph 8 on the second page.

9 **MR. SILMSER:** Okay.

10 **MR. ENGELMANN:** One of the special
11 conditions while on parole is that you:

12 "... accept counselling and guidance from
13 your probation/parole officer on all
14 matters."

15 **MR. SILMSER:** Okay.

16 **MR. ENGELMANN:** Again, I note there's a
17 reference to living with your parents or residing with
18 them. That would have been short-term if it ---

19 **MR. SILMSER:** Definitely!

20 **MR. ENGELMANN:** Yes.

21 At this point in time, when you're in your
22 early 20s, you're not alleging there's ongoing abuse by Mr.
23 Seguin, at that age?

24 **MR. SILMSER:** At what age?

25 **MR. ENGELMANN:** At the time of this ---

1 **MR. SILMSER:** No. No.

2 **MR. ENGELMANN:** No. You said 15, 16, 17,
3 possibly 18?

4 **MR. SILMSER:** That's correct.

5 **MR. ENGELMANN:** All right.

6 During the period of time you were on
7 probation or parole, I mean, it got you from 1973 when
8 you're 15, right through 1981, possibly 1982; it's about
9 eight or nine years, were you -- do you recall if you were
10 supervised by any other probation or parole officers from
11 the Cornwall office?

12 **MR. SILMSER:** No, I don't believe so.

13 **MR. ENGELMANN:** Okay.

14 Does the name Nelson Barque sound familiar
15 to you at all?

16 **MR. SILMSER:** Yes, it does.

17 **MR. ENGELMANN:** Why is that?

18 Did he ever supervise you?

19 **MR. SILMSER:** No, but when I was on juvenile
20 probation, he had come into the office and Ken Seguin was
21 in the office. I was sitting down. And they were talking
22 about -- and looking right at me when they were talking --
23 about a bar they were going to in Montreal where guys were
24 wearing g-strings. And I was 15 years old and I just went
25 into shock, like usual. I just didn't say nothing. I just

1 blanked everything out. But they were laughing and joking
2 around like it was just something normal. And then he
3 left.

4 **MR. ENGELMANN:** Did you have any other
5 contact with him, sir, that you know of?

6 **MR. SILMSER:** No. No.

7 **MR. ENGELMANN:** So you've talked to us about
8 three individuals you alleged abused you when you were a
9 young person.

10 Did you tell anybody about it at that time?

11 **MR. SILMSER:** No, I didn't.

12 **MR. ENGELMANN:** And the reasons for that,
13 sir?

14 **MR. SILMSER:** I was ashamed.

15 **MR. ENGELMANN:** Mr. Silmsers, you've talked
16 to us about living on the streets, you've talked to us
17 about spending a fair bit of time in jail and we know that
18 you have convictions up to and including I think early 1987
19 and then it seems to stop.

20 **MR. SILMSER:** That's correct.

21 **MR. ENGELMANN:** Was there a change in your
22 life at that time?

23 What's happening?

24 **MR. SILMSER:** I ended up marrying my wife
25 Pam and from that day on it's - basically, I had a lot of

1 support from her. I wasn't a well person still, but she is
2 a very understanding person and she got me through the hard
3 times. And then I had some responsibility with the kids.
4 So it took up some of my time also. I tried to do the best
5 I could there and ---

6 **MR. ENGELMANN:** Can you give us a sense,
7 sir, about your ability to work from '87 on and whether
8 you've been gainfully employed or ---

9 **MR. SILMSER:** You mean recently; the last
10 eight years or so?

11 Every since this case has -- in '92, even
12 before that. All the stress involved, all the -- just the
13 depression I went through, I haven't been able to -- and
14 I'm getting better now, it is just counseling, I had to go
15 through a lot of counseling. But back then, I -- and still
16 today I still have anger problems.

17 **THE COMMISSIONER:** I am sorry.
18 You have what kind of problem?

19 **MR. SILMSER:** I have anger problems. Anger.

20 **THE COMMISSIONER:** Right.

21 **MR. SILMSER:** Frustration, lots of
22 frustration. Just in how the system handled my situation.
23 I thought when I came forward and told the abuses to the
24 Catholic Church that they would do something about it, even
25 give me an apology, the only thing I asked for in the first

1 place. But they were the first ones to cover it up. They
2 are the first ones to try and keep my mouth shut on this
3 thing.

4 And from that day on, it has just been one
5 frustration after another. This whole thing took a life of
6 its own. And it's not because I was prompting it, I was
7 trying to do -- I actually sat at home and did nothing and
8 this thing just exploded with media coverage telling the
9 wrong stories in the media; the police handling things in a
10 terrible way many times; Crown attorneys where they did not
11 believe a word I said, even though, when I wrote my
12 statement out, it came back one 100 per cent truthful when
13 they had a professional analyze it. Still the Crown
14 attorney wouldn't lay charges. Heidi Sebalj at the time
15 said "We can't lay charges because the Crown doesn't want
16 to go ahead with it". So my hands were tied. It was just
17 one frustration after another.

18 **MR. ENGELMANN:** Okay.

19 You sort of got off on to this one, just
20 like he wished the ---

21 **MR. SILMSER:** No.

22 **MR. ENGELMANN:** --- ability to work.

23 No that's fine! That's fine!

24 So this frustration because of how it was
25 dealt with or maybe how it wasn't being dealt with, caused

1 you difficulties?

2 You had depression, anger issues?

3 **MR. SILMSER:** That's right.

4 **MR. ENGELMANN:** Were you ever diagnosed with
5 posttraumatic stress disorder?

6 **MR. SILMSER:** Yes, I am.

7 **MR. ENGELMANN:** The depression,
8 posttraumatic stress disorder, was this occurring in the
9 1990s, sir?

10 **MR. SILMSER:** Yes.

11 **MR. ENGELMANN:** As a result, have you had
12 difficulty working or holding jobs?

13 **MR. SILMSER:** I still today can't hold a
14 job.

15 **MR. ENGELMANN:** Are you in receipt of any
16 form of pension ---

17 **MR. SILMSER:** Yes, I'm ---

18 **MR. ENGELMANN:** --- disability or otherwise?

19 **MR. SILMSER:** I'm on a disability pension
20 right now.

21 **MR. ENGELMANN:** Okay.

22 Is that for the posttraumatic stress
23 disorder or for depression or both?

24 **MR. SILMSER:** Yes, both.

25 **MR. ENGELMANN:** Okay.

1 How long have you been on that?

2 **MR. SILMSER:** Approximately eight years.

3 **MR. ENGELMANN:** All right.

4 So let's then start with when it was you
5 first told someone about the alleged child sexual abuse?

6 **MR. SILMSER:** I told the OPP officers in
7 Long Sault.

8 **MR. ENGELMANN:** Okay.

9 Now, it's my understanding that it was some
10 time in 1992?

11 Is that correct?

12 **MR. SILMSER:** That's correct.

13 **MR. ENGELMANN:** And this relates to being
14 arrested for a driving infraction, a driving offense?

15 **MR. SILMSER:** Yes, it was.

16 **MR. ENGELMANN:** Okay.

17 I want you to think back, you were
18 incarcerated in the mid to late '80s in Ottawa.

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

20 **MR. ENGELMANN:** Would you have spoken at all
21 about the alleged abuse then?

22 **MR. SILMSER:** Yes, I did, come to think of
23 it.

24 **MR. ENGELMANN:** All right.

25 And do you recall to whom you would have

1 spoken?

2 MR. SILMSER: To a friend of mine, Gordon
3 Chauvin and to a Minister that was in there.

4 MR. ENGELMANN: Okay.

5 And this friend of yours, was he also an
6 inmate at the time?

7 MR. SILMSER: Yes, he was.

8 THE COMMISSIONER: What is his last name
9 again?

10 MR. SILMSER: Chauvin.

11 THE COMMISSIONER: Okay.

12 MR. ENGELMANN: And did he stay your friend
13 after you were both released from jail?

14 MR. SILMSER: For a few years.

15 MR. ENGELMANN: And do you recall if you
16 talked about when, where, who or whether it was just a
17 general description that you had been sexually abused?

18 MR. SILMSER: Actually, I was in a big
19 depression at the time and I was sentenced to a jail term.
20 And they had put me in segregation in what they call 'the
21 hole' and I did some soul searching in the hole.

22 MR. ENGELMANN: This is about 20 years ago.
23 Is that fair?

24 MR. SILMSER: That's right.

25 MR. ENGELMANN: Right.

1 **MR. SILMSER:** And things started to make
2 more sense. First time I actually started looking at
3 myself and seeing where I went wrong and what happened.
4 And it just seemed all of a sudden things started to make
5 sense. And when it started to make sense, the first person
6 I told was my friend Gordon. And the next person I told
7 was the Minister, thinking maybe something -- maybe get
8 help or talk to me about it. But nothing was said or done
9 at that time.

10 **MR. ENGELMANN:** Okay.

11 Again, just getting back to the question, do
12 you recall if you gave much detail?

13 **MR. SILMSER:** No, I didn't.

14 **MR. ENGELMANN:** All right.

15 This would have just been comments, you
16 didn't put anything in writing?

17 **MR. SILMSER:** No, I didn't.

18 **MR. ENGELMANN:** Now, you say you got married
19 in the late '80s, about 19 years ago.

20 **MR. SILMSER:** Yes.

21 **MR. ENGELMANN:** Next person you told, was
22 that the OPP officer or might that have been your wife, or
23 do you recall, or did she come later?

24 **MR. SILMSER:** That's a good question. I
25 don't really know.

1 **MR. ENGELMANN:** All right.
2 You do recall saying something to an OPP
3 officer?
4 **MR. SILMSER:** Yes.
5 **MR. ENGELMANN:** All right.
6 Can you describe for us the circumstances?
7 How does it come about?
8 **MR. SILMSER:** I was pulled over north of
9 Cornwall. It was -- they brought me in for a breathalyzer.
10 The charges were -- they had me in the office down there
11 and I was ---
12 **MR. ENGELMANN:** Office down where?
13 **MR. SILMSER:** Down OPP station in Long
14 Sault.
15 **MR. ENGELMANN:** Do you recall whether there
16 was one officer or two?
17 **MR. SILMSER:** I believe there was one
18 officer.
19 **MR. ENGELMANN:** Male or female?
20 **MR. SILMSER:** Male.
21 **MR. ENGELMANN:** Okay.
22 **MR. SILMSER:** And I started to talk to him
23 and saying "I have to get my life together," and I told him
24 about the abuse and saying "This is why my life is screwed
25 up."

1 **MR. ENGELMANN:** Right.

2 **MR. SILMSER:** I just -- I can't get over it;
3 I can't get my life over that hurdle.

4 **MR. ENGELMANN:** And this conversation occurs
5 when and where?

6 At the station?

7 **MR. SILMSER:** Yes, it does.

8 **MR. ENGELMANN:** All right.

9 Do you remember when this was,
10 approximately?

11 **MR. SILMSER:** Probably around '92 --
12 somewhere in '92.

13 **MR. ENGELMANN:** All right.

14 We know, Mr. Silmsers, that you have some
15 contact with the Cornwall Police Service and also with the
16 Diocese in Ottawa in early December of '92.

17 So this discussion with the OPP officer the
18 night of your arrest, that precedes that.

19 Is that fair?

20 **MR. SILMSER:** Okay.

21 **MR. ENGELMANN:** Do you know by how many
22 weeks or months?

23 **MR. SILMSER:** No, I don't.

24 **MR. ENGELMANN:** So do you have a sense sir
25 whether you gave much details that night to the officer?

1 **MR. SILMSER:** I gave some details; I don't
2 know how much. I can't remember. But I remember him
3 writing it down on a piece of paper. But I don't know.

4 **MR. ENGELMANN:** All right.

5 And do you remember whether you mentioned
6 one or more of the individuals ---

7 **MR. SILMSER:** I can't remember.

8 **MR. ENGELMANN:** --- you alleged were abusing
9 you?

10 **MR. SILMSER:** I can't remember.

11 **MR. ENGELMANN:** All right.

12 Do you know if you gave any names?

13 **MR. SILMSER:** Oh! Yes. I definitely gave
14 Charles MacDonald's name.

15 **MR. ENGELMANN:** All right.

16 **MR. SILMSER:** Ken Seguin's, I am not sure if
17 I went into that.

18 **MR. ENGELMANN:** Marcel Lalonde?

19 **MR. SILMSER:** I don't believe so; not at
20 that time.

21 **MR. ENGELMANN:** Okay.

22 Do you know whether you would have given any
23 details about where it occurred or what occurred?

24 **MR. SILMSER:** I told him it happened in
25 Cornwall.

1 **MR. ENGELMANN:** All right.

2 **MR. SILMSER:** So it was out of their
3 jurisdiction they said the next -- or whenever they called
4 me back.

5 **MR. ENGELMANN:** All right.

6 So did he tell you that right then or did he
7 tell you that at a later time?

8 **MR. SILMSER:** He told me that at a later
9 time.

10 **MR. ENGELMANN:** And how was that told to
11 you?

12 **MR. SILMSER:** Through the telephone.

13 **MR. ENGELMANN:** All right.

14 So you received a phone call?

15 **MR. SILMSER:** Yes. Yes, I did.

16 **MR. ENGELMANN:** And you were told that it
17 wasn't their jurisdiction?

18 **MR. SILMSER:** That's correct.

19 **MR. ENGELMANN:** And were you told where you
20 could go?

21 **MR. SILMSER:** The Cornwall police.

22 **MR. ENGELMANN:** All right.

23 And do you know if this was while the
24 charges were pending against you?

25 **MR. SILMSER:** Well ---

1 **MR. ENGELMANN:** Were you charged with
2 something that night?

3 **MR. SILMSER:** Oh! Yes. But that got
4 dropped to careless driving. I was ---

5 **MR. ENGELMANN:** Okay.
6 So there was no criminal conviction?

7 **MR. SILMSER:** No criminal conviction.

8 **MR. ENGELMANN:** All right.

9 Do you have a sense of how much time would
10 have passed between the time you made your comments to this
11 police officer and the time you later got a phone call
12 back?

13 **MR. SILMSER:** No, I don't.

14 **MR. ENGELMANN:** All right.

15 Now, did you, in fact, sir, follow up and
16 report to the Cornwall Police Service as had been
17 suggested?

18 **MR. SILMSER:** Yes, I did.

19 **MR. ENGELMANN:** All right.

20 And if I told you that they have a note of a
21 phone call from you on December 9th, 1992, does that seem
22 about right as to when you would have contacted them?

23 **MR. SILMSER:** Like I wouldn't be able to
24 tell you the date. No.

25 **MR. ENGELMANN:** All right.

1 **MR. SILMSER:** But it sounds probably about
2 right.

3 **MR. ENGELMANN:** All right.

4 And do you recall if your first contact with
5 them was by phone?

6 **MR. SILMSER:** Yes, it was.

7 **MR. ENGELMANN:** All right.

8 And you spoke to an officer?

9 **MR. SILMSER:** Yes, I did.

10 **MR. ENGELMANN:** You don't remember his or
11 her name?

12 **MR. SILMSER:** No, I don't.

13 **MR. ENGELMANN:** It was a man at the time?

14 **MR. SILMSER:** I think it was Heidi Sebalj; I
15 am not sure but I think it was Heidi.

16 **MR. ENGELMANN:** Do you remember how it was
17 left with that officer?

18 **MR. SILMSER:** No, I don't.

19 **MR. ENGELMANN:** Okay.

20 There's a note suggesting that it was an
21 Officer Nakic.

22 Does that name mean anything to you?

23 **MR. SILMSER:** No, it doesn't.

24 **MR. ENGELMANN:** All right.

25 Is it possible that that was the person that

1 you spoke to?

2 **MR. SILMSER:** Oh! It's very possible. I
3 just spoke to so many police officers at the time.

4 **MR. ENGELMANN:** All right.

5 And do you know how it was left, did this
6 officer tell you that they'd get back to you or were you to
7 get back to them, do you remember it was left?

8 **MR. SILMSER:** I can't remember, I would
9 imagine a meeting was set though. I am not sure.

10 **MR. ENGELMANN:** There's an indication that a
11 few days later, a Sergeant Claude Lortie, from the Cornwall
12 Police Service, called you back and that would have been
13 mid-December; December 14th, 1992.

14 **MR. SILMSER:** Okay.

15 **MR. ENGELMANN:** Does that ring a bell at
16 all?

17 **MR. SILMSER:** Again, no. I mean I remember
18 phone calls from police officers, but I don't know who was
19 ---

20 **MR. ENGELMANN:** You don't know if it was
21 him?

22 **MR. SILMSER:** Him or not, no.

23 **MR. ENGELMANN:** Do you remember when it was
24 you first met them, whether it was in December or early
25 January?

1 **MR. SILMSER:** No, I don't remember the month
2 or the -- no.

3 **MR. ENGELMANN:** Okay.

4 Do you recall if there was some passage of
5 time between your first contact on the phone and then your
6 actual first meeting with the Cornwall Police Service?

7 **MR. SILMSER:** I believe it probably was a
8 certain period of time, like a month or so, but I'm not
9 sure.

10 **MR. ENGELMANN:** Okay.

11 I understand, Mr. Silmsers, that when you
12 spoke to Sergeant Lortie in mid-December that both of you
13 agreed that you would meet sometime in mid-January.

14 **MR. SILMSER:** Okay.

15 I don't -- it doesn't ring a bell, no.

16 **MR. ENGELMANN:** All right.

17 Now, I want to ask you, sir, if at the same
18 time as you had phoned the police and you haven't had the
19 meeting with him yet, whether you made any efforts to
20 contact someone from the Diocese, whether that's the
21 Diocese here in Cornwall or in Ottawa?

22 **MR. SILMSER:** Well, I did take a trip to
23 Ottawa and we were living in Bourget at the time. And we
24 had to go to a clinic and I believe I dropped into the
25 Diocese on Kilmor or one of those streets down the south

1 end of Ottawa and I spoke to Monsignor Schonenbach and I
2 explained to him what had happened to me.

3 **MR. ENGELMANN:** Okay.

4 So we have a record that you might have met
5 with him on December 10th, 1992, in the City of Ottawa ---

6 **MR. SILMSER:** It's very possible.

7 **MR. ENGELMANN:** --- the day after you would
8 have phoned the Cornwall Police Service for the first time.

9 **MR. SILMSER:** It's very possible.

10 **MR. ENGELMANN:** All right.

11 So the meeting with the Diocese, in Ottawa,
12 was before you had a meeting with anybody at the Cornwall
13 Police Service.

14 **MR. SILMSER:** Okay.

15 It is very possible, yeah.

16 **MR. ENGELMANN:** Now, before meeting with
17 Monsignor Schonenbach, do you know whether you would have
18 called ahead to either the Diocese here in Alexandria-
19 Cornwall or in Ottawa?

20 Do you recall that?

21 **MR. SILMSER:** I don't remember that, no.

22 **MR. ENGELMANN:** All right.

23 So you're not sure whether it happened?

24 **MR. SILMSER:** No, I'm not.

25 **MR. ENGELMANN:** Let's just -- do you have

1 some recollection of the meeting with Monsignor
2 Schonenbach?

3 **MR. SILMSER:** Yes, I do.

4 **MR. ENGELMANN:** All right.

5 And what was your purpose?

6 What were you trying to achieve?

7 What were you hoping to achieve by meeting
8 with a priest or a monsignor?

9 **MR. SILMSER:** Again, when you first come
10 forward as a victim, you need to get that information out.
11 You need to tell people. For some reason, I don't know why
12 that is but that's the way it is and you're looking for an
13 apology. That's it. All I was looking for was somebody to
14 accept responsibility and to give me an apology and I left
15 it with him.

16 **MR. ENGELMANN:** All right.

17 When you met with him, do you have some
18 sense as to how long the meeting was?

19 **MR. SILMSER:** Oh! I imagine it was an hour.

20 **MR. ENGELMANN:** Okay.

21 And you told him about child sexual abuse?

22 **MR. SILMSER:** Yes, I did.

23 **MR. ENGELMANN:** And did you tell him about
24 who the alleged offender or perpetrator was?

25 **MR. SILMSER:** Yes, I did.

1 **MR. ENGELMANN:** And did you mention one of
2 them or more than one because you told us about three?

3 **MR. SILMSER:** I mentioned Charles MacDonald.

4 **MR. ENGELMANN:** All right.

5 Why was it you would have mentioned him with
6 the Diocese?

7 **MR. SILMSER:** Because he was the Diocese's
8 responsibility I figured.

9 **MR. ENGELMANN:** All right.

10 And did you discuss in any detail when this
11 happened or where or what, to your recollection?

12 **MR. SILMSER:** To my recollection, I think I
13 gave him the whole story what had happened to me.

14 **MR. ENGELMANN:** And did you ask for an
15 apology from him or from the Diocese?

16 **MR. SILMSER:** Yes, I did.

17 **MR. ENGELMANN:** And were you seeking it from
18 the Diocese or were you seeking it from Father MacDonald?

19 **MR. SILMSER:** I think I was seeking it from
20 anybody that was -- even a Catholic on the street would
21 have been helpful.

22 **MR. ENGELMANN:** Why were you seeking an
23 apology?

24 Why was that important to you?

25 **MR. SILMSER:** One of the main reasons is,

1 again, being ashamed of what had happened to me as a youth,
2 for what I got caught up in and then realizing "Hey, this
3 wasn't all my fault. This was -- this was people with
4 power. This was people that had influence over me." And I
5 put my parents through hell as a young lad. And I needed
6 for them to understand that this wasn't all my fault and
7 that the people involved that had something to do with what
8 happened to me should also apologize to my parents; not
9 only be me that apologized to my parents, but they should
10 apologize to my parents also.

11 **MR. ENGELMANN:** In 1992 -- late 1992, were
12 both your parents alive?

13 **MR. SILMSER:** No. My dad passed away at the
14 age of 52.

15 **MR. ENGELMANN:** All right.
16 Your mother was alive?

17 **MR. SILMSER:** Yes, she is.

18 **MR. ENGELMANN:** And you said your mother was
19 the devout one?

20 **MR. SILMSER:** Yes, she was.

21 **MR. ENGELMANN:** Was it important for you to
22 have that letter for her?

23 **MR. SILMSER:** It's still important for me to
24 have that letter to her. My mom is a strong, strong
25 Christian and she still goes to Catholic Church. She has a

1 really strong faith and I give her all the credit in the
2 world for it, but she deserves an apology. I have
3 apologized. I think she deserves an apology from the men
4 that caused some of this problem too.

5 **MR. ENGELMANN:** Do you remember how things
6 were left with the monsignor in Ottawa?

7 **MR. SILMSER:** I believe I told him my story.
8 He said he would get back to me. Father MacDougal I
9 believe was the head of whatever, down in this area, and he
10 would talk to the Diocese down here and then get back to
11 me.

12 **MR. ENGELMANN:** Okay.

13 So Monsignor Schonenbach was going to get in
14 touch with Father MacDougal?

15 **MR. SILMSER:** Yes.

16 **MR. ENGELMANN:** All right.

17 And someone was to get back to you?

18 **MR. SILMSER:** That's right.

19 **MR. ENGELMANN:** And you mentioned you were
20 living in Bourget at the time?

21 **MR. SILMSER:** Yes.

22 **MR. ENGELMANN:** And excuse me my ignorance,
23 but is that in between Ottawa and Cornwall?

24 **MR. SILMSER:** It's more north of Cornwall.

25 **MR. ENGELMANN:** All right.

1 **MR. SILMSER:** That's right.

2 **MR. ENGELMANN:** All right.

3 Now, you've said something -- by the way,
4 when you called the Cornwall Police Service, and we know
5 you first called December 9th, 1992, did you tell them that
6 you were a victim of child sexual abuse?

7 **MR. SILMSER:** I told them but I think they
8 already were previously notified by the OPP that I was.

9 **MR. ENGELMANN:** How did ---

10 **MR. SILMSER:** Because ---

11 **MR. ENGELMANN:** The first time you called
12 December 9th, '92.

13 **MR. SILMSER:** That's right. They already
14 were aware by the OPP.

15 **MR. ENGELMANN:** Why do you say that?

16 **MR. SILMSER:** Because they told me about the
17 complaint I put in at the OPP station.

18 **MR. ENGELMANN:** Do you remember who would
19 have done that?

20 **MR. SILMSER:** The OPP officer that -- you
21 mean who wrote the statement down there?

22 **MR. ENGELMANN:** No.

23 Who would have told you that they already
24 had knowledge?

25 **MR. SILMSER:** The officer that told me, that

1 set up a meeting.

2 MR. ENGELMANN: All right.

3 That was the second call?

4 MR. SILMSER: That was the first call.

5 MR. ENGELMANN: Well, you had a call. We
6 believe it was with a fellow by the name of Constable
7 Nakic.

8 MR. SILMSER: Okay.

9 MR. ENGELMANN: December 9th.

10 MR. SILMSER: Okay.

11 MR. ENGELMANN: And then there's a record of
12 a Sergeant Lortie calling you back on December 14th.

13 MR. SILMSER: Okay.

14 MR. ENGELMANN: And speaking to you about
15 setting up a meeting in mid-January.

16 MR. SILMSER: Okay.

17 MR. ENGELMANN: Because of the holidays and
18 other things as I understand it.

19 And are you saying that one of them would
20 have spoken to you about knowing about your complaint?

21 MR. SILMSER: That's right. They did know
22 about my complaint.

23 MR. ENGELMANN: Well, Sergeant Lortie would
24 have known because the first person had taken the call.

25 You're saying you think they knew from the

1 OPP officers as well?

2 MR. SILMSER: That's right.

3 MR. ENGELMANN: Do you recall, sir, when you
4 were speaking to either -- do you recall when you spoke
5 with the Cornwall Police in December of '92, perhaps the
6 second time? And I realize you can't remember the dates.

7 Do you recall if you would have mentioned to
8 them that you had already met with a priest or Monsignor
9 Schonenbach about this issue?

10 MR. SILMSER: I believe so. I don't think I
11 would have kept anything from them.

12 MR. ENGELMANN: So about this time, and
13 we're talking about 1992, you first revealed the child
14 sexual abuse allegations to an OPP officer in Long Sault.

15 MR. SILMSER: That's correct.

16 MR. ENGELMANN: You talked to a couple of
17 Cornwall Police Service officers on the telephone and you
18 meet with a monsignor in Ottawa.

19 Are you telling anybody else at or about
20 this time what happened to you as a youth?

21 MR. SILMSER: I don't remember.

22 MR. ENGELMANN: Okay.

23 Would you recall if you would have told your
24 wife at this time or your mother or people that were very
25 close to you?

1 MR. SILMSER: Yes, I believe so.

2 MR. ENGELMANN: And do you remember if it
3 was at or about this time?

4 MR. SILMSER: It was at the beginning, yes.

5 MR. ENGELMANN: All right.

6 So you would have told your wife probably in
7 December of '92?

8 MR. SILMSER: That's right.

9 MR. ENGELMANN: And what about your mother?

10 MR. SILMSER: The same way; the same thing.

11 MR. ENGELMANN: And would you have told your
12 brother and sister?

13 MR. SILMSER: Yes.

14 MR. ENGELMANN: Anyone else that you can
15 think of?

16 MR. SILMSER: I told a few people. I don't
17 know exactly who.

18 MR. ENGELMANN: Okay.

19 Now, we understand that -- before we get to
20 January, sir, do you recall if anybody from the Diocese
21 either in Ottawa or Alexandria-Cornwall would have gotten
22 back to you at some time in December?

23 MR. SILMSER: I can't remember anybody
24 getting back to me.

25 MR. ENGELMANN: All right.

1 Well, at some point later and we'll come to
2 it, you actually have a meeting ---

3 MR. SILMSER: That's right.

4 MR. ENGELMANN: --- with some officials from
5 the Diocese of Alexandria-Cornwall?

6 MR. SILMSER: That's right.

7 MR. ENGELMANN: And presumably before then -
8 --

9 MR. SILMSER: I don't believe any ---

10 MR. ENGELMANN: --- they would have had some
11 contact with you by telephone to set that up?

12 MR. SILMSER: That's correct.

13 MR. ENGELMANN: All right.

14 Do you recall getting a phone call possibly
15 from Father MacDougal?

16 MR. SILMSER: I talked to Father McDougall
17 on numerous times.

18 MR. ENGELMANN: All right.

19 MR. SILMSER: Definitely he would be the one
20 that would set it up.

21 MR. ENGELMANN: You're just not sure when
22 you talked to him.

23 MR. SILMSER: Just not sure when.

24 MR. ENGELMANN: All right.

25 What about Malcolm MacDonald?

1 Do you know if he might have been in touch
2 with you before the meeting with the Diocese which we know
3 was in February of '93?

4 **MR. SILMSER:** I don't believe so.

5 **MR. ENGELMANN:** Okay.

6 Did he contact you on a few occasions?

7 **MR. SILMSER:** That's when we -- the
8 arrangement for the settlement, the \$32,000.

9 **MR. ENGELMANN:** Yes?

10 **MR. SILMSER:** That's one occasion.

11 **MR. ENGELMANN:** Okay.

12 Would he have contacted you earlier in the
13 year, before then, on one or more occasions?

14 **MR. SILMSER:** I don't believe so.

15 **MR. ENGELMANN:** All right.

16 Now, do you recall getting a phone call from
17 the Cornwall Police sometime before you met with them in
18 January, from a Constable Sebalj?

19 **MR. SILMSER:** Yes, I do.

20 **MR. ENGELMANN:** Did she tell you that she
21 was going to be the officer investigating your complaint?

22 **MR. SILMSER:** Yes, she did.

23 **MR. ENGELMANN:** Do you recall your reaction
24 at the time to that?

25 **MR. SILMSER:** I really was not comfortable

1 having a female officer. I told her that, and she kind of
2 tried to convince me that there would be no big problem
3 with it, but I was pretty adamant. I said I don't want a
4 female officer. There was a few phone calls like that,
5 anyways. Even when I met her the first time, I told her I
6 didn't want to have a female officer.

7 **MR. ENGELMANN:** Did you tell her why?

8 **MR. SILMSER:** I just didn't feel
9 comfortable. It was not because of her as a person.
10 Actually, later on, I got along with Heidi very well. I
11 thought Heidi was a super lady. But as a young man, trying
12 to talk about something like this, and you are still
13 ashamed of it, it is very hard to talk to a woman, I found.

14 **MR. ENGELMANN:** About what happened?

15 **MR. SILMSER:** Yes, but it turned out to be
16 -- Heidi certainly turned out to be a very nice person.

17 **MR. ENGELMANN:** But in January, you say that
18 on two or three occasions, maybe more, you told her you
19 didn't want a female officer.

20 **MR. SILMSER:** That's correct.

21 **MR. ENGELMANN:** Did you express that view to
22 other members of the Cornwall Police service, to your
23 knowledge?

24 **MR. SILMSER:** I believe so. The Chief of
25 Police, a few others.

1 **MR. ENGELMANN:** Claude Shaver?

2 **MR. SILMSER:** Yes. I wasn't shy when I
3 phoned them.

4 **THE COMMISSIONER:** I'm sorry, you said you
5 weren't ---

6 **MR. SILMSER:** I wasn't shy, I said, when I
7 was on the phone with them.

8 **MR. ENGELMANN:** Did you express some anger
9 when you were on the phone with them?

10 **MR. SILMSER:** Frustration. I don't call it
11 anger; I call it frustration. Sure. There's -- I guess
12 they are both the same, but the anger is out of
13 frustration.

14 **MR. ENGELMANN:** So this would have all been
15 in January of 1993, approximately?

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

17 **MR. ENGELMANN:** Do you recall the reaction -
18 - you talk about telling people very close to you in
19 December about this.

20 Your mother, your wife, how did that -- how
21 was that for you at that time?

22 **MR. SILMSER:** It was difficult. My wife
23 wasn't so difficult because she is such an understanding
24 person, and she has such a good heart with something like
25 this. I didn't have a problem telling my wife. My Mom, I

1 had a much harder time telling. I didn't want to hurt her,
2 yet I had to tell her the truth, and knowing that she was
3 such a strong Catholic, and a good Catholic, I knew it hurt
4 her. But she has been a strong woman and she has kept her
5 faith through the years and I give her all the credit in
6 the world.

7 **THE COMMISSIONER:** Do you want to pick a
8 convenient spot to close off the day then, Mr. Engelmann.

9 **MR. ENGELMANN:** Actually, maybe this is a
10 good time, sir.

11 **THE COMMISSIONER:** All right.

12 **MR. ENGELMANN:** If that's okay.

13 **THE COMMISSIONER:** How about if we come back
14 at 9:30 tomorrow morning.

15 All right.

16 In the meantime, I'm asking you not to
17 discuss your testimony with anyone else. And if anyone
18 tries to speak with you, you are to report that again
19 tomorrow.

20 All right?

21 Thank you.

22 **MR. SILMSER:** Thank you.

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

25 The hearing is now adjourned.

1 L'audience est ajournée.

2 --- Upon adjourning at 4:36 p.m./

3 L'audience est ajournée à 16h36

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

I, Marc Demers 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, Marc Demers, 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.



Marc Demers, CR