

**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 257

Held at :

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

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

Vendredi, le 18 juillet 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
Ms. Karen Jones Ms. Reena Lalji	Cornwall Community Police Service and Cornwall Police Service Board
Mr. Neil Kozloff Ms. Diane Lahaie	Ontario Provincial Police
Mr. Joe Neuberger	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Darrell Kloeze	Attorney General for Ontario
Ms. Michele R.J. Allinotte	The Children's Aid Society of the United Counties
Ms. Helen Daley	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Ms. Marie Henein M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Jacques Leduc	Mr. Jacques Leduc

Table of Contents / Table des matières

	Page
List of Exhibits :	iv
JACQUES LEDUC, Resumed/Sous le même serment	1
Cross-Examination by/Contre-interrogatoire par Mr. David Sherriff-Scott	1
Cross-Examination by/Contre-interrogatoire par Ms. Marie Henein	93
Re-Examination by/Ré-interrogatoire par Ms. Karen Jones	188

LIST OF EXHIBITS/LISTE D'EXHIBITS

NO.	DESCRIPTION	PAGE NO
P-1924	(118882) Lettre d'Eugene LaRocque (Comité) - 12 Juin, 86	25
P-1925	(737821) CPS Project Name Index	39
P-1926	(738064) Letter from Peter Annis to Denis Power - 08 May, 95	73
P-1927	(738093) Letter from Denis Power to Peter Annis - 07 Sep, 95	75
P-1928	(738121) Letter From Peter Annis To Denis Power 19 Oct, 95	76
P-1929	(738223) Trial Brief (DS vs. Father Charles MacDonald, Bishop Adolphe Proulx and the Roman Catholic Episcopal Corp. for the Diocese of Alexandria-Cornwall in Ontario)	77
P-1930	(738191) Letter from Denis Power to Peter Annis - 13 Jan, 97	78
P-1931	(738194) Letter from Denis Power to Peter Annis - 31 Jan, 97	79
P-1932	(703734) Interview Report of Gordon Bryan by Tim Smith and Mike Fagan - 13 Sep, 94	80
P-1933	(721672) Excerpt: 7081866-68 CAS Case Service Record Notes of Mr. Bell - 18-19 Oct, 93	147

1 --- Upon commencing at 8:33 a.m. /

2 L'audience débute à 8h33

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

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

8 Please be seated. Veuillez vous asseoir.

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

11
12 **THE COMMISSIONER:** Thank you. Good morning,
13 all. Mr. Leduc.

14 **MR. LEDUC:** Good morning.

15 **THE COMMISSIONER:** Haven't done this in a
16 long time. Eight-thirty sitting. Barbaric.

17 Good morning, sir. So Mr. LeDuc how are you
18 doing today?

19 **MR. LEDUC:** I'm here.

20 **THE COMMISSIONER:** Well, it looks like it
21 will be your last day. So there you go.

22 Mr. Sherriff-Scott, good morning.

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

24 **JACQUES LEDUC:** Resumed/Sous le même serment

25 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

1 **SHERRIFF-SCOTT:**

2 **MR. SHERRIFF-SCOTT:** Good morning, Jacques.

3 **MR. LEDUC:** Good morning, sir.

4 **MR. SHERRIFF-SCOTT:** How are you today?

5 **MR. LEDUC:** As I said, I'm here.

6 **MR. SHERRIFF-SCOTT:** Okay. Well, I'll try
7 and be as quick as I can.

8 I want to start with a few points that arose
9 first out of yesterday's examination and then the day
10 before on the Silmsier matter, the David Silmsier matter and
11 then I'll return more chronologically to the Deslaurier
12 affair. Okay?

13 **MR. LEDUC:** Yes.

14 **MR. SHERRIFF-SCOTT:** The first issue arises
15 out of what Mr. Lee discussed with you yesterday in
16 connection with the letter of January 19th which was sent to
17 my client from you in terms of your removal from the file.

18 **MR. LEDUC:** Yes.

19 **MR. SHERRIFF-SCOTT:** On the Silmsier affair.
20 And that was exhibit 1912, if you could just turn that up?

21 **MR. LEDUC:** I have it.

22 **MR. SHERRIFF-SCOTT:** The second last
23 paragraph, first page, starting with the word "However"?

24 **MR. LEDUC:** Yes.

25 **MR. SHERRIFF-SCOTT:** You remember this was

1 put to you ---

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: --- as if there was no
4 interpretation to be gleaned from the document other than
5 one interpretation and therefore you must have been wrong
6 when you were saying this, essentially?

7 MR. LEDUC: Yes.

8 MR. SHERRIFF-SCOTT: What I suggest is that
9 the message you were trying to convey here, and thus turned
10 out to be the battleground in the litigation in which you
11 were third-partied by my client; correct?

12 MR. LEDUC: That's correct.

13 MR. SHERRIFF-SCOTT: Was essentially that --
14 the main question was whether or not paragraph 2 from the
15 agreement was severable and therefore void on its own, thus
16 leaving the agreement in tact on quantum as opposed to
17 whether or not the entire agreement was void and thus the
18 plaintiff would be allowed to sue for additional damages

19 MR. LEDUC: Yes, that was a very live issue
20 that was developed afterwards.

21 MR. SHERRIFF-SCOTT: And what Mr. Geoffrey
22 was driving for in terms of his position in his letter to
23 you of 17 January, '94, which predated your resignation,
24 was essentially that the entire agreement was void *ab*
25 *initio* and that he was going to sue the Diocese for more

1 damages?

2 MR. LEDUC: That seemed to be the thrust of
3 his intention, yes.

4 MR. SHERRIFF-SCOTT: Okay, may I infer then
5 that your purpose in suggesting that the matter was not as
6 clearly defined, as is suggested by Mr. Geoffrey, was that
7 issue?

8 MR. LEDUC: Yes.

9 MR. SHERRIFF-SCOTT: Thank you.

10 Now, Ms. Daley raised some issues with you
11 in connection with a media article that appeared in the
12 Standard Freeholder that dealt with the subject of whether
13 there had been prior settlements with the Diocese and so on
14 that subject, I want to draw your attention to a few
15 things.

16 And if we can turn up first Exhibit 1911.

17 MR. LEDUC: I have it.

18 MR. SHERRIFF-SCOTT: All right. This is the
19 package of materials that was prepared for the press
20 conference on the 14th of January; correct?

21 MR. LEDUC: Yes.

22 MR. SHERRIFF-SCOTT: And you'll see on the
23 front page it says in the second -- or the first full
24 paragraph after "Dear Members":

25 "The enclosed fax includes statements

1 made by myself and our legal counsel,
2 Mr. Jacques Leduc, at the press
3 conference at the press conference this
4 morning."

5 Correct?

6 **MR. LEDUC:** That's correct.

7 **MR. SHERRIFF-SCOTT:** And the documents that
8 follow, the next page, "Bishop's Statement", you see that?

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** That's the statement he
11 read.

12 **MR. LEDUC:** Yes.

13 **MR. SHERRIFF-SCOTT:** And the document that
14 follows that, "Press Release 14 January, 9:30 a.m." is the
15 document you read?

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

17 **MR. SHERRIFF-SCOTT:** And you wrote?

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

19 **MR. SHERRIFF-SCOTT:** Okay.

20 Now, let's turn to page 3 of that document.

21 And if we can just focus in on the last four paragraphs
22 starting with "In subsequent communications".

23 Now, first of all to situate ourselves, you
24 were never aware of any other claim against the Diocese?

25 **MR. LEDUC:** Not for sexual misconduct.

1 **MR. SHERRIFF-SCOTT:** Okay.

2 **MS. JONES:** I'm just concerned because Mr.
3 Sherriff-Scott's style does seem to also provide the
4 witness with an answer to the question.

5 I'm wondering if the questions could be a
6 little bit more fairly put to the witness. This is not
7 cross-examination and in order to allow this witness to
8 come to his own conclusion, I'm concerned just to say that
9 Mr. Sherriff-Scott's providing a reply to the witness as
10 well.

11 **MR. SHERRIFF-SCOTT:** Well, let me be
12 absolutely clear, I intend to cross-examine this witness.
13 The Diocese sued the witness. And on these issues there
14 was no question of adversity of interest I submit.

15 Thank you.

16 **THE COMMISSIONER:** Just a minute.

17 **MR. SHERRIFF-SCOTT:** Yes.

18 **THE COMMISSIONER:** You are, of course, free
19 to cross-examine. I guess the only thing is that what
20 weight is to be given to it in the sense of if you leave
21 him room to answer it -- words coming out of his mouth may
22 be given more weight than you putting it to him, that's the
23 only little thing I would say.

24 **MR. SHERRIFF-SCOTT:** Well, I would submit
25 that the question of weight, this is not a direct

1 examination by me of my own witness.

2 **THE COMMISSIONER:** No, no, Mr. Sherriff-
3 Scott, just go ahead.

4 **MR. SHERRIFF-SCOTT:** Okay.

5 **THE COMMISSIONER:** Okay.

6 **MR. SHERRIFF-SCOTT:** All right, we
7 understand each other. I understand your point. Thank
8 you.

9 **THE COMMISSIONER:** Yeah.

10 **MR. SHERRIFF-SCOTT:** Okay, sir, to situate
11 ourselves, you testified already in these proceedings that
12 you had never (a) been consulted in connection with any
13 complaint against the Diocese ever prior to this?

14 **MR. LEDUC:** That's correct.

15 **MR. SHERRIFF-SCOTT:** Aside from the
16 Deslauriers affair on which you sat on the ad hoc
17 committee?

18 **MR. LEDUC:** Yes.

19 **MR. SHERRIFF-SCOTT:** And you testified that
20 you were never aware of any such complaints against the
21 Diocese that had been made?

22 **MR. LEDUC:** That's correct.

23 **MR. SHERRIFF-SCOTT:** Okay. So what had
24 happened you testified in the Deslauriers affair was there
25 was the ad hoc committee; correct?

1 MR. LEDUC: Yes.

2 MR. SHERRIFF-SCOTT: In the ad hoc committee
3 there was discussion of the payment of monies to defray
4 psychological or counselling costs?

5 MR. LEDUC: With respect to Mr. Silmser?

6 MR. SHERRIFF-SCOTT: No, no, I'm coming back
7 to Deslauriers ---

8 MR. LEDUC: You're going back to Deslaurier?

9 MR. SHERRIFF-SCOTT: Yes.

10 MR. LEDUC: Yes. Yes.

11 MR. SHERRIFF-SCOTT: Those discussions ---

12 MR. LEDUC: Yes, yes, that committee, yes,
13 sorry.

14 MR. SHERRIFF-SCOTT: And although you were
15 not involved in that process, your understanding was, I
16 submit, that it had happened at least to some degree?

17 MR. LEDUC: That the Diocese had defrayed
18 some costs for therapy, yes.

19 MR. SHERRIFF-SCOTT: Was that your
20 understanding?

21 MR. LEDUC: Yes.

22 MR. SHERRIFF-SCOTT: Okay. And so when you
23 look at paragraph -- starting with, "In subsequent
24 communications", is that what you're intending to capture
25 in terms of -- you're talking about compensation here to

1 defray costs for therapy in connection here with Mr.
2 Silmser; correct?

3 MR. LEDUC: That's correct.

4 MR. SHERRIFF-SCOTT: And when I look at the
5 second last paragraph starting with, "As is often done in
6 similar circumstances" -- now you wrote this?

7 MR. LEDUC: Yes.

8 MR. SHERRIFF-SCOTT: Right? You had never
9 been retained in connection with any situation where there
10 had been a prior settlement?

11 MR. LEDUC: That's correct.

12 MR. SHERRIFF-SCOTT: I'm assuming, and you
13 tell the Commissioner, whether the Bishop told you when you
14 wrote this that there had been such settlements. Did he
15 ever tell you there had been prior settlements?

16 MR. LEDUC: No.

17 MR. SHERRIFF-SCOTT: Okay. So -- and having
18 wrote this document, what was your intention to capture
19 here?

20 MR. LEDUC: Well, I think by reading the
21 document it's clear that I'm saying that when other people
22 came forth and requested assistance, and it can only be in
23 the Deslauriers matter that I'm aware of, help was
24 afforded.

25 MR. SHERRIFF-SCOTT: All right. Now you're

1 the author of this document?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: Is that what -- is that
4 the message you were trying to capture here?

5 MR. LEDUC: Well, those are the only similar
6 circumstances that I knew about.

7 MR. SHERRIFF-SCOTT: All right. And so
8 therefore was that the message you were trying to convey?

9 MR. LEDUC: Yes, that's the previous conduct
10 of the Diocese, yes.

11 MR. SHERRIFF-SCOTT: All right.

12 Now if we look at -- this is another
13 document. It's Exhibit 857. It's a draft of this press
14 statement but it has a cover page on it which is addressed
15 to Mr. Adams.

16 MR. LEDUC: Page?

17 THE COMMISSIONER: Eight-five-seven (857).

18 MR. SHERRIFF-SCOTT: Eight-five-seven (857).
19 I'm sorry, Mr. Leduc.

20 MR. LEDUC: Yes.

21 MR. SHERRIFF-SCOTT: Look at the handwriting
22 at the bottom of the page.

23 MR. LEDUC: Yes.

24 MR. SHERRIFF-SCOTT: Okay. This is almost
25 9:30 at night, the night before the press conference?

1 **MR. LEDUC:** Yes.

2 **MR. SHERRIFF-SCOTT:** So you are still
3 amending the document, in effect, late the night before the
4 matter is to take place?

5 **MR. LEDUC:** Well, I noticed that the fax
6 indication is January 13th, '94 at 14:41.

7 **MR. SHERRIFF-SCOTT:** And it says at the
8 bottom January 13th, 9:28 p.m.:

9 "Spoke to Jacques. He agreed to delete
10 reference to Sean Adams and said don't
11 worry, he would take care of it."

12 **MR. LEDUC:** I agree that's what it says, but
13 that's not my handwriting.

14 **MR. SHERRIFF-SCOTT:** No, I know. I
15 appreciate that's Mr. Adams' handwriting.

16 **MR. LEDUC:** Okay.

17 **MR. SHERRIFF-SCOTT:** But it's suggestive of
18 a communication reasonably late at night between you and
19 he, which may have caused you to amend the document
20 further?

21 **MR. LEDUC:** I would think so.

22 **MR. SHERRIFF-SCOTT:** Okay.

23 And so was there a whole lot of time to
24 discuss your draft with the Bishop or do you -- even a
25 matter of putting it to him?

1 **MR. LEDUC:** I don't recall. I don't recall.

2 **MR. SHERRIFF-SCOTT:** All right. Now then,
3 let's -- given that's what you were intending to convey,
4 let's look at the document Ms. Daley put in front of you,
5 which was the press article of The Standard Freeholder, and
6 that's Exhibit 1915.

7 And I am going to focus in, Madam Registrar,
8 on the left margin towards the bottom. The fifth paragraph
9 from the bottom, which starts with "I gave in because..."
10 There it is.

11 All right. Do you see that?

12 **MR. LEDUC:** Yes.

13 **MR. SHERRIFF-SCOTT:** Now, the first 10 or 15
14 words are in quotations:

15 "I gave in because this young man had a
16 considerable bill with counselling,"

17 Now, that is consistent with your press
18 release and what you had formulated, as your understanding
19 for that document which you read?

20 **MR. LEDUC:** Yes.

21 **MR. SHERRIFF-SCOTT:** All right. What
22 follows is the inter-lineation of the media author saying
23 "Larocque said" adding, not in parentheses "the Diocese has
24 in the past agreed to similar settlements involving alleged
25 victims of child molesting priests."

1 I submit to you, sir, the Bishop never said
2 in this press conference there were similar settlements.
3 If anything, he talked about the fact that on prior
4 occasions, payments for therapies had been made.

5 MR. LEDUC: That's correct.

6 MR. SHERRIFF-SCOTT: All right.

7 Now, one other little point that arises out
8 of the examination of Ms. Daley. She questioned you as to
9 whether or not you sent Malcolm MacDonald a draft of this
10 press release that you read. Do you recall that exchange?

11 MR. LEDUC: Yeah.

12 MR. SHERRIFF-SCOTT: You weren't sure, but I
13 have here something I want to show you, see whether or not
14 it refreshes your memory. And it is part of your Affidavit
15 of Documents that was produced in the subsequent litigation
16 at Tab 9. So it is Document Number 738135 starting at
17 Bates page -- you want the Bates page? It's a large
18 exhibit and we gave notice of the Bates pages only.

19 THE REGISTRAR: Yes, give me the Bates page.

20 MR. SHERRIFF-SCOTT: Seven one six five one
21 seven eight (7165178) through inclusive to 91.

22 THE REGISTRAR: (off mic) it's 1914, I
23 believe.

24 MR. SHERRIFF-SCOTT: Nineteen fourteen
25 (1914)?

1 Okay, so what I would like to turn to Bates
2 page 5185, the last four digits of the Bates page. It is a
3 fax transmission cover page.

4 **THE COMMISSIONER:** I'm sorry, what Bates
5 page again?

6 **MR. SHERRIFF-SCOTT:** Five one eight five
7 (5185), Commissioner.

8 **THE COMMISSIONER:** Thanks.

9 **THE COMMISSIONER:** I have it.

10 **MR. SHERRIFF-SCOTT:** I think it will come up
11 on the screen very quickly. Do you see that Mr. Leduc?

12 **MR. LEDUC:** Yes, I do.

13 **MR. SHERRIFF-SCOTT:** Commissioner, do you
14 want the witness to have a hard copy?

15 **THE COMMISSIONER:** No, if you've seen it,
16 that's fine.

17 **MR. SHERRIFF-SCOTT:** It's an exhibit
18 already. I'm content to -- thank you.

19 Just looking at this, is this a fax
20 transmission from your office, a cover page^

21 **MR. LEDUC:** It is, yes.

22 **MR. SHERRIFF-SCOTT:** Now, if we can go to
23 the proceeding Bates page, Bates page 5184. Now, when I
24 looked at this in the paper, I scratched my head and said,
25 "Well, how do I know this is Malcolm MacDonald's?" And

1 Miss Levesque who works with me said, "Well, I compared the
2 phone numbers on his correspondence and it's the same."
3 This appears to be a fax transmission recording the
4 transmission of six pages, including the cover, and the
5 document that precedes is indicating:

6 "Please find enclosed herewith final
7 version of press release."

8 **MR. LEDUC:** So I gather I would have faxed
9 it.

10 **MR. SHERRIFF-SCOTT:** Do you have a memory of
11 that?

12 **MR. LEDUC:** No.

13 **MR. SHERRIFF-SCOTT:** There is a document
14 that is Bates pages 5179 through to 5183 that is a draft of
15 the press release with some markings on it; interestingly
16 markings not on the critical paragraphs, and the witness
17 doesn't need to see it, but it's there. I'm assuming this
18 is not your handwriting?

19 **MR. LEDUC:** I have to look at it.

20 **MR. SHERRIFF-SCOTT:** Okay.

21 **THE COMMISSIONER:** Okay, but if you're
22 looking at exhibit -- Bates page 184, you're saying that's
23 a confirmation report on the fax?

24 **MR. SHERRIFF-SCOTT:** Yes.

25 **THE COMMISSIONER:** Okay, well, unless Mr.

1 Leduc -- see it says "From" and there's a fax number there
2 "7868."

3 **MR. SHERRIFF-SCOTT:** "To," "From."

4 **THE COMMISSIONER:** Oh, yes, okay and it's --
5 so is that the "To" or "From"?

6 **MR. SHERRIFF-SCOTT:** My understanding is
7 that it's to Malcolm MacDonald which -- and that those
8 numbers comport with his fax numbers, and it confirms six
9 pages.

10 **THE COMMISSIONER:** Okay. Well, I didn't
11 know whether it was "To" or "From."

12 **MR. SHERRIFF-SCOTT:** Oh, I think it's "To"
13 and the preceding page, which is the fax transmission says,
14 "Number of pages: 5 plus cover page."

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

16 **MR. SHERRIFF-SCOTT:** "To Malcolm MacDonald.
17 Please find enclosed herewith final
18 version -- revision of press release."

19 **THE COMMISSIONER:** Okay, and just to satisfy
20 my curiosity, can we have -- we must have a letter from
21 Malcolm MacDonald?

22 **MR. SHERRIFF-SCOTT:** In the database?

23 **THE COMMISSIONER:** In here, even in one of
24 the exhibits.

25 **MR. SHERRIFF-SCOTT:** Let me see if I can

1 find one.

2 **THE COMMISSIONER:** I'm just trying to see
3 where he would have sent -- I'm sure we've seen his
4 letterhead.

5 **MR. SHERRIFF-SCOTT:** There's a bundle of
6 documents ---

7 **THE COMMISSIONER:** Here we go, here we go.
8 Document number 4 in the Affidavit of Documents.

9 **MR. SHERRIFF-SCOTT:** Right.

10 **THE COMMISSIONER:** And his fax number is the
11 same that you've got there. So that's confirmed. Okay.

12 **MR. SHERRIFF-SCOTT:** Okay. So that's just a
13 small point that I wanted to cover off.

14 **MS. HENEIN:** Sorry ---

15 **MR. SHERRIFF-SCOTT:** It's the same as that
16 which is on the fax transmission page.

17 **MS. HENEIN:** Sorry, my friend asked whether
18 the markings of handwriting were Mr. Leduc's or not, and
19 Mr. Leduc responded he needed to see that document to
20 either confirm or deny it. I'm just wondering if we could
21 round that out.

22 **MR. SHERRIFF-SCOTT:** Sure. Those were the
23 Bates pages that preceded the fax transmission. Just let
24 me get those for you.

25 The several pages that come before, Mr.

1 Leduc, there's some ---

2 MR. LEDUC: What's the Bates page, please?

3 MR. SHERRIFF-SCOTT: There's some markings
4 on it. I believe it was Bates page 5179 ---

5 MR. LEDUC: seven nine (79)?

6 MR. SHERRIFF-SCOTT: --- yes, or 77. There
7 is the first page.

8 MR. LEDUC: I'm looking at 5179?

9 MR. SHERRIFF-SCOTT: Yes. There's only a
10 small amount of handwriting on the document. I'm just
11 wondering whether or not you recognize that as your own?

12 MR. LEDUC: The first where it says "Final
13 draft and clarifying" that's my handwriting.

14 MR. SHERRIFF-SCOTT: Okay.

15 MR. LEDUC: That's it.

16 MR. SHERRIFF-SCOTT: Okay.

17 So likely some iteration of the document was
18 sent to Malcolm before the press conference?

19 MR. LEDUC: Yes.

20 MR. SHERRIFF-SCOTT: All right.

21 Now, coming back to the Deslauriers matter,
22 I want to try and establish a couple of propositions with
23 you.

24 First, that the ad hoc committee, during its
25 deliberations, had knowledge that Father Deslauriers had

1 been removed from his functions and resigned before the ad
2 hoc committee had convened.

3 And second, that the committee knew that he
4 had been required to go to a retreat centre and told to
5 attend psychological therapy.

6 And just to deal with this issue, I'd like
7 you to turn up Exhibit 72, which is the Ad Hoc Committee
8 Report. And particularly, I'll start with Bates page 7091.

9 **THE COMMISSIONER:** It's in here. Sorry, the
10 Bates page again; 72?

11 **MR. SHERRIFF-SCOTT:** Bates page 7091,
12 Commissioner.

13 **THE COMMISSIONER:** Zero nine one, (091).
14 Thank you.

15 **MR. SHERRIFF-SCOTT:** This is the record of
16 the testimony of Father Denis Vaillancourt.

17 **MR. LEDUC:** Seven zero nine one (7091), yes.

18 **MR. SHERRIFF-SCOTT:** Yes. Okay. Now, just
19 read to yourself, starting with "Allons maintenant," which
20 is the second full paragraph, down to the bottom of the
21 large textual paragraph where there is highlight with your
22 name on it. Just if you could take a moment, sir, and then
23 I'll ask you a few questions.

24 **(SHORT PAUSE/COURTE PAUSE)**

25 **MR. LEDUC:** Yes.

1 **MR. SHERRIFF-SCOTT:** Okay. So you were
2 there when Denis Vaillancourt gave his evidence ---

3 **MR. LEDUC:** Yes.

4 **MR. SHERRIFF-SCOTT:** --- before the ad hoc
5 committee?

6 **MR. LEDUC:** Yes.

7 **MR. SHERRIFF-SCOTT:** This is a transcription
8 of what he is purported to have said.

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** May I take it that the
11 propositions I advanced before were within the knowledge of
12 the committee?

13 **MR. LEDUC:** Yes.

14 **MR. SHERRIFF-SCOTT:** All right.

15 Now, when did you first know about the
16 allegations against Father Deslauriers? Was it before you
17 got on the committee, after you got on the committee; when?

18 **MR. LEDUC:** I don't recall.

19 **MR. SHERRIFF-SCOTT:** All right.

20 Well, let me ask you this. Do you recall
21 being consulted in advance of being asked to sit on the ad
22 hoc committee?

23 **MR. LEDUC:** Yes.

24 **MR. SHERRIFF-SCOTT:** Okay. Was it in
25 February when these revelations were first being brought to

1 the attention of the Diocese or was it later?

2 MR. LEDUC: I can't help you.

3 MR. SHERRIFF-SCOTT: All right.

4 Were you consulted before he left the
5 Diocese or after?

6 MR. LEDUC: I can't help you with that
7 either.

8 MR. SHERRIFF-SCOTT: All right.

9 Well, let's start with this proposition at
10 least. After February 13th, when the committee and you knew
11 that he had been asked to leave and had to resign, were you
12 aware of any facts pertaining to abuse of a child or a
13 minor in need of protection?

14 MR. LEDUC: Before the interview?

15 MR. SHERRIFF-SCOTT: No, anytime after
16 February 13th, say; let's start with that. Let me back up,
17 all right?

18 MR. LEDUC: Yes.

19 MR. SHERRIFF-SCOTT: There's much debate
20 about reporting obligations here to the CAS.

21 MR. LEDUC: Yes.

22 MR. SHERRIFF-SCOTT: Okay. The question I
23 have for you is after February 13th, when this man has gone
24 from the Diocese, were you personally aware of any facts
25 which tended to show a reasonable foundation that a minor

1 person was being abused?

2 MR. LEDUC: No.

3 MR. SHERRIFF-SCOTT: All right.

4 MR. LEDUC: No.

5 MR. SHERRIFF-SCOTT: And when you sat on the
6 ad hoc committee, and those with you who were on the ad hoc
7 committee sat there and heard the evidence, did you hear
8 evidence that at that time there were facts tending to show
9 that a minor in Cornwall was being abused?

10 MR. LEDUC: Not at that time, no.

11 MR. SHERRIFF-SCOTT: All right.

12 MR. LEDUC: Because Father Deslauriers, I
13 understand, was gone.

14 MR. SHERRIFF-SCOTT: All right.

15 And the victims who were coming before the
16 committee, what was their general age range at the time the
17 committee was sitting?

18 MR. LEDUC: They were young adults in their
19 twenties.

20 MR. SHERRIFF-SCOTT: All right.

21 Now, Pierrefonds, do you understand that as
22 a retreat and formation centre?

23 MR. LEDUC: Yes.

24 MR. SHERRIFF-SCOTT: All right.

25 It's not a psychological treatment centre?

1 **MR. LEDUC:** I don't believe so.

2 **MR. SHERRIFF-SCOTT:** Okay. Now, just to
3 clarify a couple of points that were raised by Commission
4 counsel, if you could go to page 7073 of the same document,
5 it's the Table of Contents.

6 **MR. LEDUC:** Yes.

7 **MR. SHERRIFF-SCOTT:** And this is on the
8 subject of Pierrefonds and the information from Father
9 Lebrun. You see at the bottom of the page it says
10 "Correspondence" ---

11 **MR. LEDUC:** Yes.

12 **MR. SHERRIFF-SCOTT:** "B Letter de l'Abbé de
13 R. Lebrun to Monsignor Larocque"?

14 **MR. LEDUC:** Yes.

15 **MR. SHERRIFF-SCOTT:** So the committee had
16 some letter from Monsignor Lebrun at this point? It's
17 clearly indicated as being within the body of the report.
18 Is that correct?

19 **MR. LEDUC:** Yes.

20 **MR. SHERRIFF-SCOTT:** All right.

21 Now, going to the letter that is in the
22 document, which is 7265 Bates page, right near the back --
23 -

24 **MR. LEDUC:** Yes, I have it.

25 **MR. SHERRIFF-SCOTT:** --- this is a letter

1 from Father Lebrun to Bishop Larocque; correct?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: It is marked as being
4 received by the committee on May 16th?

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: Are you aware of any
7 other communication the committee had with Father Lebrun?

8 MR. LEDUC: Other than this letter?

9 MR. SHERRIFF-SCOTT: Yes.

10 MR. LEDUC: I'd have to check if he was a
11 witness, but I don't think so.

12 MR. SHERRIFF-SCOTT: No, he wasn't, not
13 according to the Table of Contents.

14 MR. LEDUC: No, no.

15 MR. SHERRIFF-SCOTT: Is there any other
16 awareness in your mind of any written communication other
17 than this document that may have been received from Father
18 Lebrun?

19 MR. LEDUC: Not that I recall, no.

20 MR. SHERRIFF-SCOTT: Is it fair to infer
21 that this is -- this was received by the committee?

22 MR. LEDUC: Yes, it's so indicated.

23 MR. SHERRIFF-SCOTT: And indicated as being
24 received in the Table of Contents?

25 MR. LEDUC: That's correct.

1 **MR. SHERRIFF-SCOTT:** Thank you.

2 Now, that letter is a letter which advised
3 the committee that Father Deslauriers was refusing to
4 attend, and then there was the question of whether the
5 committee had been advised that he had refused to go to
6 Pierrefonds. Do you remember that issue?

7 **MR. LEDUC:** Yes.

8 **MR. SHERRIFF-SCOTT:** And my friend showed
9 that to you in the transcript. There was a question of
10 whether the committee had been advised.

11 Madam Registrar, there's a document I handed
12 up. It's 118882.

13 And to situate you before you see the
14 letter, sir, you'll remember that the committee was given
15 this information that he had refused late in the game,
16 essentially, when you were toward the end of the report
17 stage, and the question the committee had for the Bishop
18 was whether he advised those who had attended of this fact
19 or would so advise. Do you remember that issue?

20 **MR. LEDUC:** Yes.

21 **THE COMMISSIONER:** Exhibit 1924 is a letter
22 sent to a number of folks dated the 12th of June 1986 from
23 Bishop Larocque.

24 --- **EXHIBIT NO./PIÈCE NO. P1924:**

25 (118882) Letter from Bishop Larocque dated

1 June 12, 1986

2 **MR. SHERRIFF-SCOTT:** Commissioner, that
3 maybe should not be put on the screen, and maybe the
4 screens don't go on the webcast. I think there are some
5 names here that may be the subject of monikers. I'm not
6 sure.

7 **THE COMMISSIONER:** Fair enough.

8 **MR. SHERRIFF-SCOTT:** I think that the --
9 it's possible the one on the last of the right-hand column
10 may be monikered, but I'm not sure.

11 **THE COMMISSIONER:** Well, in any event, I
12 thought we had dealt with that with a publication ban way
13 back when ---

14 **MR. SHERRIFF-SCOTT:** Yes.

15 **THE COMMISSIONER:** --- when we put in the
16 report.

17 **MR. SHERRIFF-SCOTT:** Fine.

18 **THE COMMISSIONER:** The -- what do we call
19 that report again?

20 **MR. SHERRIFF-SCOTT:** For the ad hoc
21 committee report?

22 **THE COMMISSIONER:** The ad hoc committee.
23 Thank you.

24 **MR. SHERRIFF-SCOTT:** All right. Thank you.
25 So, Mr. Leduc, just read this to yourself.

1 **MR. LEDUC:** Yes, I just did. Thank you.

2 **MR. SHERRIFF-SCOTT:** Okay. I suggest at
3 some point you became aware the Bishop had done this?

4 **MR. LEDUC:** Yes.

5 **MR. SHERRIFF-SCOTT:** Okay. Thank you.

6 Now, on the question of therapy; that is to
7 say the therapy being received by Father Deslauriers, all
8 right, I want to refer you again. You'll see that, as
9 we've just read in the Deslauriers -- in the Vaillancourt
10 evidence there is a reference to him being required to go
11 for therapy; correct?

12 **MR. LEDUC:** Yes.

13 **MR. SHERRIFF-SCOTT:** Now, if you can go to
14 page 7101 of the same document? It's a large document, Mr.
15 Leduc.

16 **MR. LEDUC:** Yes, I have it.

17 **MR. SHERRIFF-SCOTT:** Now, you'll recall that
18 Father Ménard, Bernard Ménard who is going to testify here
19 following you had submitted a report to the Bishop in
20 advance of the ad hoc committee proceeding starting but
21 that this document was filed by him and then he testified
22 viva voce to supplement his evidence. Is that right?

23 **MR. LEDUC:** Yes.

24 **MR. SHERRIFF-SCOTT:** All right.

25 And at page 7106 in the attached report, you

1 see which is page 3 of the document.

2 MR. LEDUC: Yes, I do.

3 MR. SHERRIFF-SCOTT: "Au plan thérapie."

4 MR. LEDUC: Yes.

5 MR. SHERRIFF-SCOTT: One.

6 MR. LEDUC: Yes.

7 MR. SHERRIFF-SCOTT: He appears to know
8 exactly who the therapist is.

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: And he is so advising
11 the committee in effect; correct?

12 MR. LEDUC: Well, the language is to contact
13 his therapist and he names him.

14 MR. SHERRIFF-SCOTT: All right. So he
15 apparently knows who that is and he's recommending the
16 Bishop verify the information about frequency, et cetera.

17 MR. LEDUC: Yes.

18 MR. SHERRIFF-SCOTT: Okay. So the committee
19 knew that there had been a recommendation for therapy and
20 the committee knew that Father Ménard actually knew the
21 name of the therapist.

22 MR. LEDUC: it would appear so.

23 MR. SHERRIFF-SCOTT: Okay. If we could go
24 to Document Number 118860 which is actually already Exhibit
25 80.

1 MR. LEDUC: Exhibit 80?

2 MR. SHERRIFF-SCOTT: Yes, sir.

3 THE COMMISSIONER: Same book.

4 MR. LEDUC: Yes, sorry. Yes, I have it.

5 MR. SHERRIFF-SCOTT: That's a handwritten
6 letter to l'Abbé Jobin from the Bishop and if you just take
7 a moment to read that.

8 (SHORT PAUSE/COURTE PAUSE)

9 MR. LEDUC: Yes, I have read it.

10 MR. SHERRIFF-SCOTT: Now, before I ask you a
11 question, could you turn to Exhibit 81 and read that, which
12 is the apparent reply of Jacques Jobin to the Bishop?

13 MR. LEDUC: Yes.

14 MR. SHERRIFF-SCOTT: And this letter
15 indicates that he began his therapy on or around 19th of
16 February and was continuing weekly, and I suggest that at
17 some point you became aware of this, that he was following
18 a regular and routine course of therapy.

19 MR. LEDUC: I'm not sure when I would have
20 found out about this.

21 MR. SHERRIFF-SCOTT: All right. Is it fair
22 to suggest that at some point you were aware of it?

23 MR. LEDUC: That he was undergoing or had
24 undergone therapy?

25 MR. SHERRIFF-SCOTT: Yes.

1 MR. LEDUC: Yes.

2 MR. SHERRIFF-SCOTT: On a routine basis.

3 MR. LEDUC: I don't recall that was a
4 specific detail.

5 MR. SHERRIFF-SCOTT: Okay, fair enough.

6 Now, you'll recall then there was the
7 question of the interchange between you and the Brissons
8 with respect to the Apostolic Nuncio Office.

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: And the question was
11 maybe your communications could have been discouraging in
12 the sense that it could have been interpreted by the
13 listener to have discouraged them from going and that might
14 have -- might have negative implications.

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: In terms of an
17 inference to draw. Now, what I would like to do is, first
18 of all, turn you back to the ad hoc committee report,
19 Exhibit 72, at pages 7167 and 7168.

20 MR. LEDUC: Yes.

21 MR. SHERRIFF-SCOTT: Now, these are
22 documents that were, as will appear, provided. These are
23 in the textual body of the committee report. All right?

24 MR. LEDUC: Yes.

25 MR. SHERRIFF-SCOTT: And they were received

1 by the committee?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: And can you just read
4 that to yourself? The message is that on the advice of
5 Bernard Ménard, she had -- she's enclosing the following --
6 the correspondence that follows to the Bishop. Correct?

7 MR. LEDUC: Yes.

8 MR. SHERRIFF-SCOTT: Now, if you can turn to
9 the next page, at the top on the right top margin.

10 MR. LEDUC: Yes.

11 MR. SHERRIFF-SCOTT: There is Palmas was the
12 Pro-Nuncio at the time, wasn't he?

13 MR. LEDUC: Yes.

14 MR. SHERRIFF-SCOTT: And Gantin was in Rome.

15 MR. LEDUC: He was the Cardinal Prefect of
16 the Congregation.

17 MR. SHERRIFF-SCOTT: Of the Congregation of
18 Bishops; right. All right.

19 And so -- now, if I can just turn you back
20 to page 7177, or ahead.

21 MR. LEDUC: Yes.

22 MR. SHERRIFF-SCOTT: Look at page where it
23 says the middle of the page "Monsignor Guindon" in bold.

24 MR. LEDUC: Yes. Yes.

25 MR. SHERRIFF-SCOTT: All right?

1 **MR. LEDUC:** Yes.

2 **MR. SHERRIFF-SCOTT:** I suggest to you that
3 the committee had correspondence that had been sent by Mrs.
4 Brisson already to the Apostolic Nuncio Office and to the
5 Congregation of Bishops directly in Rome.

6 **MR. LEDUC:** We have been advised that a copy
7 had been sent, yes.

8 **MR. SHERRIFF-SCOTT:** She delivered a copy to
9 you. She must have.

10 **MR. LEDUC:** That's right, yes.

11 **MR. SHERRIFF-SCOTT:** So in the context of
12 this exchange at some point, the committee knew she had
13 already been in touch with the Nuncio's office.

14 **MR. LEDUC:** We knew that she had forwarded a
15 letter, yes.

16 **MR. SHERRIFF-SCOTT:** All right. Thank you.

17 Now, the other issue that arose in the
18 examinations by Commission counsel was the question of --
19 and others I believe, was the question of whether or not
20 Father Deslauriers, at the time of your recommendations,
21 was then currently holding some functionality in Hull or
22 elsewhere. And the questions were put to you about your
23 recommendations and whether or not the language implied
24 that he currently was discharging functions or whether he
25 wasn't, and you weren't clear.

1 Do you remember that exchange?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: Okay. Now, I'd like to
4 show you Exhibit 82.

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: Now, when Mrs. Brisson
7 testified here, she didn't deny receiving this letter. It
8 will be the evidence of the Bishop that he sent it to her.
9 And so this is dated April 3rd and Mrs. Brisson you'll see
10 from page 7212, and you can confirm this for yourself,
11 started testifying before the ad hoc committee on April
12 22nd.

13 MR. LEDUC: Yes.

14 MR. SHERRIFF-SCOTT: Is that ballpark fair?

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: Okay. So the question
17 of her knowledge of whether or not he had functions in
18 Hull, was that something debated before the committee; do
19 you remember?

20 MR. LEDUC: There was an issue I believe
21 that we didn't know what his status was.

22 MR. SHERRIFF-SCOTT: All right. So the
23 matter was unclear ---

24 MR. LEDUC: Yes.

25 MR. SHERRIFF-SCOTT: --- at the committee

1 stage.

2 MR. LEDUC: I recall that.

3 MR. SHERRIFF-SCOTT: All right.

4 Now, there is another exchange between you
5 and Ms. Daley on the subject of your fears the
6 recommendations on Deslauriers might not be followed. And
7 I just want to bring you back to that discussion briefly
8 and I want to understand your position.

9 First of all, what authority did the ad hoc
10 committee have to implement anything?

11 MR. LEDUC: None.

12 MR. SHERRIFF-SCOTT: It was a recommending
13 or advisory body.

14 MR. LEDUC: Yes, yes.

15 MR. SHERRIFF-SCOTT: An advice-giving body?

16 MR. LEDUC: An advice-giving body.

17 MR. SHERRIFF-SCOTT: The decision maker
18 could receive the advice and decide to implement it or not?

19 MR. LEDUC: That's correct.

20 MR. SHERRIFF-SCOTT: In other words, it was
21 his discretion?

22 MR. LEDUC: That's why we had to report to
23 the Bishop.

24 MR. SHERRIFF-SCOTT: All right.

25 Now, was your fear that because you had only

1 an advisory function and that the decision maker had
2 discretion, that you weren't sure if it would necessarily
3 be implemented or was there some other basis for your fear?

4 **MR. LEDUC:** Well, the question in my mind
5 then was very clearly that all we could do was make
6 recommendations, and my expression to these individuals,
7 well, we make the recommendations, but I fear they may not
8 be implemented. We have basically no authority.

9 **MR. SHERRIFF-SCOTT:** You had not guarantees,
10 to use your language?

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

12 **MR. SHERRIFF-SCOTT:** All right.

13 Now, were you involved in the follow-ups in
14 terms of the question of the delivery of any compensation
15 to any victims for therapy costs?

16 **MR. LEDUC:** No, not at all.

17 **MR. SHERRIFF-SCOTT:** Were you involved in
18 the excardination process?

19 **MR. LEDUC:** No, not at all.

20 **MR. SHERRIFF-SCOTT:** Okay. Now, just on the
21 subject of the police investigation on the Deslauriers
22 matter, if I might just bring you to the statement or the
23 Will State of Officer Lefebvre, and that's Exhibit 1785, I
24 believe.

25 **(SHORT PAUSE/COURTE PAUSE)**

1 **MR. LEDUC:** Seventeen eighty-five (1785),
2 yes, I have it.

3 **MR. SHERRIFF-SCOTT:** All right.

4 A few quick questions about this document.
5 Look at page 0471.

6 **MR. LEDUC:** Yes.

7 **MR. SHERRIFF-SCOTT:** And I'm four paragraphs
8 -- three paragraphs from the bottom of the page,
9 "Approximately 1547 hours, Father Réjean Lebrun."

10 **MR. LEDUC:** Yes.

11 **MR. SHERRIFF-SCOTT:** There is no indication
12 there that you attended this interview?

13 **MR. LEDUC:** No, there isn't.

14 **MR. SHERRIFF-SCOTT:** Do you recall attending
15 any interviews with Father Lebrun from the Diocese?

16 **MR. LEDUC:** I recall very little of those
17 interviews.

18 **MR. SHERRIFF-SCOTT:** Did you ---

19 **MR. LEDUC:** So I don't recall specifically
20 even being with Monsignor Lebrun, no.

21 **MR. SHERRIFF-SCOTT:** Okay. Same question in
22 the next paragraph, Father Daniel Bellemare?

23 **MR. LEDUC:** No, I was not there.

24 **MR. SHERRIFF-SCOTT:** There's no indication
25 you were there for that.

1 Next page, sir, 0472 ---

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: --- you'll see the
4 paragraph starting "On Monday, June 9."

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: There's an attendance
7 by the officers at the St-Jean-Bosco Rectory?

8 MR. LEDUC: Yes.

9 MR. SHERRIFF-SCOTT: There's no indication
10 you were there. Were you there?

11 MR. LEDUC: No.

12 MR. SHERRIFF-SCOTT: Down at the bottom,
13 Tuesday, June 10th, Father Lebrun is interviewed again. As
14 a result, a statement was obtained. There's no indication
15 you were there. Do you recall being there?

16 MR. LEDUC: No.

17 MR. SHERRIFF-SCOTT: Next page, sir, 0473,
18 the second paragraph, Father Major was interviewed and a
19 statement was obtained. There's no reference to you being
20 there. Do you recall being there?

21 MR. LEDUC: No.

22 MR. SHERRIFF-SCOTT: And over on page 0474,
23 Father François Boisvert was interviewed on June 17th, '86
24 towards about a third of the way down that page?

25 MR. LEDUC: Yes.

1 **MR. SHERRIFF-SCOTT:** There's no indication
2 of you being there. He provided a statement. Were you
3 involved in his evidence giving?

4 **MR. LEDUC:** I don't recall.

5 **MR. SHERRIFF-SCOTT:** Okay. And similarly,
6 page 0477, at about a third of the way down the page,
7 there's a reference to Father René Dubé interviewed and a
8 statement was obtained. There's no reference to you being
9 there. Do you recall being at his interview?

10 **MR. LEDUC:** No.

11 **MR. SHERRIFF-SCOTT:** And down at the bottom
12 of the page again, Father Dan Bellemare attended at the
13 headquarters with a statement as per request. There's no
14 reference to you being there. Were you there or do you
15 know?

16 **MR. LEDUC:** I don't recall, no.

17 **MR. SHERRIFF-SCOTT:** Okay. Your
18 instructions were what?

19 **MR. LEDUC:** My instructions were if the
20 person wanted me to attend, I would, that I would make
21 myself available.

22 **MR. SHERRIFF-SCOTT:** If people felt that
23 they wanted you to be there for their comfort level ---

24 **MR. LEDUC:** That's correct.

25 **MR. SHERRIFF-SCOTT:** --- you could go with

1 them?

2 **MR. LEDUC:** That's correct.

3 **MR. SHERRIFF-SCOTT:** And otherwise your
4 instructions were to do what?

5 **MR. LEDUC:** To cooperate.

6 **MR. SHERRIFF-SCOTT:** All right.

7 Can I refer you to Document Number 737821?

8 Now, just before we go to that, Commissioner, this is a
9 list of names in the police record. There may be some
10 names here of concern.

11 **THE COMMISSIONER:** Let me see the document.

12 **MR. SHERRIFF-SCOTT:** There's one page from
13 the document that I'm interested in, Madam Registrar, which
14 is Bates page -- the last four digits are 8997.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **THE COMMISSIONER:** So this Exhibit 1925 is
17 an excerpt of Document 737821, Cornwall Police Force
18 Project Name Index.

19 --- **EXHIBIT NO./PIÈCE NO. P-1925:**

20 (SUBJECT TO PUBLICATION BAN)

21 Excerpt of Document 737821 - Cornwall Police
22 Force Project Name Index

23 **MR. SHERRIFF-SCOTT:** The whole document,
24 Commissioner, is a list of all of the people with whom
25 there were contacts by Ron and Herb Lefebvre in this

1 matter.

2 **THE COMMISSIONER:** Okay.

3 **MR. SHERRIFF-SCOTT:** It's many, many pages.

4 **THE COMMISSIONER:** Yeah.

5 **MR. SHERRIFF-SCOTT:** And the page here
6 refers to the witness and that's why I've excerpted this
7 page.

8 **THE COMMISSIONER:** It references this
9 witness?

10 **MR. SHERRIFF-SCOTT:** Down towards the
11 bottom, third from -- third entry from the bottom.

12 **THE COMMISSIONER:** Oh yes, of course. Of
13 course, yes. Okay. So we'll put a -- just stamp it
14 publication ban so that folks can be aware of that. Okay.

15 **MR. SHERRIFF-SCOTT:** Okay? You're referred
16 to there as "Jacques Leduc, Diocese lawyer, assisted in
17 case."

18 **MR. LEDUC:** Yes.

19 **MR. SHERRIFF-SCOTT:** That was your role?

20 **MR. LEDUC:** That was my role.

21 **MR. SHERRIFF-SCOTT:** Okay. Obviously that's
22 how they perceived you. All right.

23 They didn't interview you independently?

24 **MR. LEDUC:** No.

25 **MR. SHERRIFF-SCOTT:** They didn't ask to do

1 that?

2 MR. LEDUC: No.

3 MR. SHERRIFF-SCOTT: They didn't imply at
4 any time that you ought to be interviewed?

5 MR. LEDUC: Not that I recall.

6 MR. SHERRIFF-SCOTT: Did they ever ask you
7 for the ad hoc committee report?

8 MR. LEDUC: I don't remember.

9 MR. SHERRIFF-SCOTT: Okay. Now, I'm going
10 to come back to the ad hoc committee report and try and
11 finish up with the Deslauriers matter.

12 So if we can go back to Exhibit 72, this
13 time I want to bring you back to the debate that you had
14 with my friend here opposite on my left concerning the
15 question of reporting obligations, and there was an
16 exchange between you and Dr. Deslauriers, who was the
17 father of the spouse of Mr. Brisson; correct?

18 MR. LEDUC: Yes.

19 MR. SHERRIFF-SCOTT: All right.

20 So that's at 7198, page number. It's the
21 portion on the bottom part of the page, sort of bottom
22 half, starting with Jacques Leduc, Madam Registrar,
23 starting with "Vous savez."

24 Do you remember this? You read this the
25 other day.

1 MR. LEDUC: Yes.

2 MR. SHERRIFF-SCOTT: Just have a read
3 through it again. I'm going to ask you about it, sir.

4 (SHORT PAUSE/COURTE PAUSE)

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: All right.
7 Backing up, this committee was a committee
8 of the Diocese?

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: This committee was an
11 advice-giving committee?

12 MR. LEDUC: Yes.

13 MR. SHERRIFF-SCOTT: It was to provide
14 advice to the Bishop on what he ought to do?

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: There really wasn't any
17 significant limitation or constraint on your jurisdiction
18 to give advice, if I can use that expression?

19 MR. LEDUC: No, not really. There were no
20 strict parameters.

21 MR. SHERRIFF-SCOTT: All right.
22 So he basically said, "Inquire into the
23 matter and give me your recommendations and advice"?

24 MR. LEDUC: That's correct.

25 MR. SHERRIFF-SCOTT: All right.

1 So I would suggest to you that the question
2 of reporting obligations may not have been outside of the
3 mandate of your committee.

4 **MR. LEDUC:** Reporting obligations as
5 discussed here.

6 **MR. SHERRIFF-SCOTT:** Reporting obligations,
7 period.

8 **MR. LEDUC:** Yes.

9 **MR. SHERRIFF-SCOTT:** All right.

10 And may I fairly concluded, based on what I
11 read here, that when I look at your words and the language
12 you used, at that point leaving aside for the moment the
13 Childrens' Aid Society and whether anybody had any evidence
14 that a child was at risk in this context, is the question
15 here that you had at the time an opinion that if the people
16 coming to you were adults that didn't trigger your
17 reporting obligation, in any event?

18 **MR. LEDUC:** I can tell you that we -- and I
19 struggled with the fact that the people reporting to us
20 were all adults. We knew that the misconduct occurred when
21 they were young persons and there was an issue and a
22 question as to whether or not are we -- the reporting
23 requirement was triggered when we received the information
24 from a young adult. That was an issue.

25 **MR. SHERRIFF-SCOTT:** But you didn't engage

1 the Bishop in an analysis or debate of your struggle?

2 MR. LEDUC: I didn't, no, did not have any
3 discussions with the Bishop at all.

4 MR. SHERRIFF-SCOTT: And you're sitting on
5 this committee as a lawyer?

6 MR. LEDUC: Yes, I am.

7 MR. SHERRIFF-SCOTT: And the -- as a lawyer
8 you're giving advice to the committee?

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: Correct? And the
11 committee's giving advice to the Bishop?

12 MR. LEDUC: Yes.

13 MR. SHERRIFF-SCOTT: You're basically in an
14 advisory role yourself?

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: Fair?

17 MR. LEDUC: Yes.

18 MR. SHERRIFF-SCOTT: Okay. Would it not be
19 more accurate that it was more than a struggle in your mind
20 at the time? Your view was that there was no obligation at
21 this juncture?

22 MR. LEDUC: Well, I -- in retrospect, had I
23 believed that there was an obligation, I would have
24 probably included it in the recommendations. So I can only
25 conclude because I didn't that I felt there was no

1 obligation.

2 **MR. SHERRIFF-SCOTT:** Well, that was what the
3 next question was going to be. If you had believed that
4 there was an obligation, you would have reported it to the
5 Bishop?

6 **MR. LEDUC:** I think so, yes.

7 **MR. SHERRIFF-SCOTT:** Okay.

8 Now, let's just talk about what really was
9 going on here in terms of this issue of reporting to the
10 police and the CAS; okay?

11 I suggest to you as was, as is clear from
12 the ad hoc committee report, the statements of Bernard
13 Ménard as well as the witnesses, that the families,
14 particularly the Brisson family, did not wish in any way to
15 be going to any public authority as this juncture.

16 They wanted the Diocese to deal with it
17 internally, full stop?

18 **MR. LEDUC:** At that point-in-time, yes.

19 **MR. SHERRIFF-SCOTT:** All right. And the
20 whole inertia for this ad hoc committee to go and do it
21 internally in the Diocese was stimulated by the insistent
22 demands of the victims' families that they wanted this
23 handled by the Church promptly, efficiently, but
24 internally. Isn't that correct?

25 **MR. LEDUC:** They wanted Father Deslauriers

1 to be dealt with.

2 MR. SHERRIFF-SCOTT: Yeah, they wanted the
3 Church to handle it internally?

4 MR. LEDUC: Yes.

5 MR. SHERRIFF-SCOTT: And from their own
6 interest and point-of-view, they wished to avoid publicity
7 and ensuing scandal for their own families at this juncture
8 at least?

9 MR. LEDUC: Well ---

10 MR. SHERRIFF-SCOTT: Subsequently, they
11 changed their view.

12 MR. LEDUC: Yes. You'd have to ask them
13 that, but it was my impression that the function of this
14 committee was to deal with the desires and wishes of the
15 people coming before us who had asked to appear.

16 And they wanted Father Deslauriers to be
17 dealt with.

18 MR. SHERRIFF-SCOTT: To be absolutely clear,
19 they did not want to go to any other public authorities at
20 this point-in-time. Isn't that right?

21 MR. LEDUC: That's what I recall.

22 MR. SHERRIFF-SCOTT: Just go to page 7101
23 which is the letter of Bernard Ménard.

24 THE COMMISSIONER: Seven-one-zero-one?

25 MR. SHERRIFF-SCOTT: Yes, this is the March

1 25th letter of Father Ménard.

2 Now just to situate you before I ask you
3 look at some passages here in this cover letter, Father
4 Ménard was sort of the point man for the families of -- the
5 victim families, if I can use that expression.

6 In other words, he was the person that most
7 was engaged in debating and talking to the families of
8 victims?

9 **MR. LEDUC:** I believe so.

10 **MR. SHERRIFF-SCOTT:** All right. So what I -
11 - if you can -- it's a lengthy letter but I -- the message
12 here that I read from it, and I'll point you to some
13 specific things, are "You'd better act fast. These people
14 want this dealt with."

15 But there's no suggestion at any time that
16 the families want to go to any public authorities?

17 **MR. LEDUC:** I would agree with you that
18 expediency was very important, and they wanted us to deal
19 with it quickly.

20 **MR. SHERRIFF-SCOTT:** And internally?

21 **MR. LEDUC:** And internally, yes.

22 **MR. SHERRIFF-SCOTT:** All right.

23 Now as you move forward in time on the
24 Charles MacDonald matter, I suggest to you that your
25 reporting obligations -- I'll take Father Ménard (sic) to

1 this later, Commissioner, there are various passages on
2 this point.

3 I suggest to you as time moved forward and
4 you became engaged in the Father MacDonald matter coming
5 back to the opinion you held with regard to reporting
6 obligations in the mid to late '80s on the Deslauriers
7 affair, I suggest that by February of 1993 that your
8 opinion on the duty to report hadn't changed much, if at
9 all?

10 **MR. LEDUC:** That would be consistent, yes.

11 **MR. SHERRIFF-SCOTT:** All right. And into
12 February when you went to that meeting, your retainer was
13 to go to a meeting but that was a committee to give advice
14 to the Bishop?

15 **MR. LEDUC:** It was a committee with a bit of
16 a different focus with respect to the Silmser. It was to
17 establish what is referred to as reasonable motive and to
18 report our observations to the Bishop.

19 **MR. SHERRIFF-SCOTT:** But I thought I heard
20 you testify that you were supposed to give advice to the
21 Bishop as well or recommendations, in effect?

22 **MR. LEDUC:** Not from the ad hoc committee
23 for the Silmser matter.

24 **MR. SHERRIFF-SCOTT:** Well, that's not how I
25 heard your evidence, sir. Do you disagree with that point?

1 I mean I can take you to it but ---

2 **THE COMMISSIONER:** Ms. Henein?

3 **MS. HENEIN:** My friend is going to have to
4 take Mr. Leduc to is because my recollection is consistent
5 with Mr. Leduc's, that he testified that they did not have
6 the power to make recommendations.

7 So perhaps my friend can reference that
8 passage.

9 **MR. SHERRIFF-SCOTT:** Well, let me come at
10 this a different way, sir, when we look at the document.
11 May I suggest that you were advising your client to follow
12 the protocol at the time?

13 **MR. LEDUC:** We're back ---

14 **MR. SHERRIFF-SCOTT:** Silmser.

15 **MR. LEDUC:** --- Silmser.

16 **MR. SHERRIFF-SCOTT:** Sorry, David Silmser's
17 matter ---

18 **MR. LEDUC:** Yes, yes.

19 **MR. SHERRIFF-SCOTT:** --- in 1993, February.

20 **MR. LEDUC:** Yes.

21 **MR. SHERRIFF-SCOTT:** Okay. And part of that
22 meeting was implementation of the protocol?

23 **MR. LEDUC:** The ad hoc committee in the
24 Silmser matter, in accordance with the guidelines, had a
25 specific mandate and, yes, during that meeting my

1 recommendation to Monsignor Guindon and Father Vaillancourt
2 is, we must follow the protocol.

3 MR. SHERRIFF-SCOTT: Father Vaillancourt,
4 wasn't it?

5 MR. LEDUC: Sorry, yes.

6 MR. SHERRIFF-SCOTT: All right. You must
7 follow the protocol.

8 MR. LEDUC: Yes.

9 MR. SHERRIFF-SCOTT: And you're there in
10 pursuance of the protocol?

11 MR. LEDUC: Yes.

12 MR. SHERRIFF-SCOTT: Correct?

13 MR. LEDUC: Yes.

14 MR. SHERRIFF-SCOTT: And you're there as a
15 lawyer?

16 MR. LEDUC: Yes.

17 MR. SHERRIFF-SCOTT: Advising your client?

18 MR. LEDUC: Yes.

19 MR. SHERRIFF-SCOTT: In pursuance of the
20 execution of the protocol. Isn't that fair?

21 MR. LEDUC: In the phase in relation to the
22 committee, yes.

23 MR. SHERRIFF-SCOTT: All right. Now the
24 difference between this matter and the Deslauriers affair
25 is that there is a protocol that we looked at either

1 yesterday or the day before. Remember that?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: And the difference
4 between that protocol and say the non-protocol environment
5 is it seems to imply that should the victim have been a
6 minor at the time of the events, i.e. at the time of the
7 alleged abuse, that the CAS would get involved?

8 MR. LEDUC: Well, I want to address the
9 first part of your question in my answer.

10 MR. SHERRIFF-SCOTT: yes.

11 MR. LEDUC: And that is there is -- these
12 two committees cannot be compared.

13 MR. SHERRIFF-SCOTT: Which two committees?

14 MR. LEDUC: Well, the committee with respect
15 to Deslauriers and this ad hoc committee with respect to
16 Silmsen.

17 MR. SHERRIFF-SCOTT: Oh, I know ---

18 MR. LEDUC: The mandates are completely
19 different.

20 MR. SHERRIFF-SCOTT: The Deslauriers affair
21 is a very significant sort of investigation, meeting lots
22 of people?

23 MR. LEDUC: Yes.

24 MR. SHERRIFF-SCOTT: But you're there --
25 here on the Silmsen matter and partly at least, you'll

1 concede, in pursuance of the execution of the protocol;
2 correct?

3 **MR. LEDUC:** Yes.

4 **MR. SHERRIFF-SCOTT:** And you are the lawyer
5 of the Diocese; right?

6 **MR. LEDUC:** Yes.

7 **MR. SHERRIFF-SCOTT:** And you are giving
8 advice to this little group?

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** All right. Did you
11 read the protocol and advise the committee that, well, at
12 the time of the events Mr. Silmsler may have been a minor
13 and therefore the CAS must be dealt with?

14 **MR. LEDUC:** I recall that there were
15 conversations about that subject matter, yes.

16 **MR. SHERRIFF-SCOTT:** You do?

17 **MR. LEDUC:** Yes.

18 **MR. SHERRIFF-SCOTT:** Did you give advice to
19 the Bishop to report this matter?

20 **MR. LEDUC:** No.

21 **MR. SHERRIFF-SCOTT:** Okay. Now, just on the
22 subject of that again, I want to refer you to a number of
23 things.

24 First of all, you testified the other day
25 that at some point -- some juncture in February or March

1 you became -- or maybe a little later -- perhaps you were
2 unclear as to the exact time, but after the meeting of
3 February 9th you became aware that Malcolm MacDonald had
4 told you that the police had the complaint and were in
5 furtherance of an execution -- an investigation. They were
6 investigating the matter?

7 **MR. LEDUC:** Yes.

8 **MR. SHERRIFF-SCOTT:** All right. Now, I just
9 want to refer you to the evidence of Father McDougald on
10 this because he talks about the question. And that is
11 exhibit 1891 which the Commission counsel put to you, and
12 it is actually in the documents of which your client --
13 your counsel gave notice. It is the statement of Monsignor
14 McDougald.

15 **THE COMMISSIONER:** Eighteen-ninety-one
16 (1891).

17 **MR. SHERRIFF-SCOTT:** And the Bates page that
18 I'd like you to reference, Mr. Leduc, is 6167.

19 **MR. LEDUC:** Yes.

20 **MR. SHERRIFF-SCOTT:** All right. This is
21 page 4 of the actual statement, Bates page 6167.

22 **THE COMMISSIONER:** I'm sorry, 1861?

23 **MR. SHERRIFF-SCOTT:** It's 1891,
24 Commissioner.

25 **THE COMMISSIONER:** Ninety-one (91); sorry.

1 Okay.

2 **MR. SHERRIFF-SCOTT:** It's 6167.

3 **THE COMMISSIONER:** Good, thank you.

4 **MR. SHERRIFF-SCOTT:** All right. Now, in
5 this passage -- it's a long one, but I want to focus you on
6 the lower half of the page starting with the words "No
7 animosity but, ah, gradually we..."

8 **MR. LEDUC:** Yes.

9 **MR. SHERRIFF-SCOTT:** And then he talks about
10 you doing most of the questioning, "I asked several
11 questions..."

12 And then he says a little lower:

13 "David got rather agitated simply
14 stated he wouldn't say any more. He
15 was going to the police."

16 **MR. LEDUC:** Yes.

17 **MR. SHERRIFF-SCOTT:** Okay. So is this
18 fairly accurate that he was indicating he was off to the
19 authorities?

20 **MR. LEDUC:** Yes -- well, yes.

21 **MR. SHERRIFF-SCOTT:** Did you know, in fact,
22 already?

23 **MR. LEDUC:** To be fair, my recollection was
24 that he either said he had been or was going to the police.

25 **MR. SHERRIFF-SCOTT:** All right, well he

1 certainly had been, on his own evidence ---

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: --- in early December.

4 So he had been already or was going to?

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: Okay, and subsequently,
7 it was confirmed through Mr. MacDonald that he had, in
8 fact, been.

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: And you knew Mr.
11 MacDonald was acting for Father Charles MacDonald?

12 MR. LEDUC: That's correct.

13 MR. SHERRIFF-SCOTT: And he was the subject
14 of the complaint and thus the subject of the investigation?

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: He had communicated on
17 behalf of his client with the Cornwall Police Service?

18 MR. LEDUC: Yes.

19 MR. SHERRIFF-SCOTT: All right.

20 MR. SHERRIFF-SCOTT: Now, also, if I can
21 refer you to -- just a moment, I'll pull it up -- Exhibit
22 1889. This is the transcript that my friend, counsel for
23 the Commission, put to you on a number of occasions ---

24 MR. LEDUC: Yes.

25 MR. SHERRIFF-SCOTT: --- referring to

1 various statements by people which were read into the
2 record. And I want to refer you to page 4950 of the
3 transcript.

4 **THE COMMISSIONER:** Just a sec.

5 **MR. LEDUC:** What, the Bates page?

6 **THE COMMISSIONER:** That doesn't work out,
7 no.

8 **MR. SHERRIFF-SCOTT:** I'm sorry. I want to
9 refer you to page 3550.

10 **MR. LEDUC:** Yes.

11 **THE COMMISSIONER:** Okay.

12 **MR. SHERRIFF-SCOTT:** Okay. Top of the page,
13 these are put as questions:

14 "What did you recommend to the Bishop?"

15 And this is the evidence of Father
16 McDougald. Okay.

17 "Nothing this time because the
18 complainant indicated he was going to
19 the police and the file was dormant."

20 "Did you follow the policy from this
21 point on? Did you notify the
22 complainant of the results of the
23 meeting?"

24 "We did not meet with the complainant
25 to notify him or this decision or tell

1 him to go to the CAS because we knew he
2 had already gone to the police and
3 assumed everything required would be
4 done."

5 This is Father McDougald's evidence.

6 Was that discussion something that was on
7 your radar screen? In other words, the police already had
8 this in play; there's no need to report it to any
9 authorities, including the CAS?

10 **MR. LEDUC:** I can't recall the nature of the
11 discussion. All I can tell you is that there was an issue
12 as to whether or not the matter should be reported to the
13 CAS, and my recollection, as you've pointed out a while
14 ago, was that this was a 30 year-old man who is reporting
15 allegations that had occurred when he was a young person.
16 And there was an issue as to whether or not the reporting
17 requirements were triggered but, clearly, he apparently had
18 been dealing or was to be dealing with the police, as
19 indicated by Monsignor McDougald's evidence.

20 **MR. SHERRIFF-SCOTT:** Well, certainly within
21 a reasonable time thereafter you, at least in your own
22 mind, confirmed that he had so gone.

23 **MR. LEDUC:** Yes.

24 **MR. SHERRIFF-SCOTT:** Right?

25 **MR. LEDUC:** Yes.

1 **MR. SHERRIFF-SCOTT:** Okay. Now, if I can
2 return to this question about your analysis of the limits
3 of your retention on this matter, of this meeting, to
4 Exhibit 1887, which is the draft of your statement, and
5 this paragraph didn't change in the final iteration. And
6 Commission counsel took you to this document extensively,
7 and I'm at -- the Bates page is 2725 towards the bottom of
8 the page under February 9th.

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay, and I want to
11 refer you to the second paragraph under that entry, which
12 says:

13 "At the beginning..."

14 i.e. the beginning of the meeting:

15 "...I explained that the purpose of the
16 meeting was to obtain further details
17 pertaining to the complaint to help the
18 complainant and to make recommendations
19 to the Bishop."

20 **MR. LEDUC:** Yes.

21 **MR. SHERRIFF-SCOTT:** Did you not consider it
22 part of your mandate to be assisting the committee in
23 making recommendations to the Bishop?

24 **MR. LEDUC:** Reporting to the Bishop, making
25 recommendations to the Bishop, at this point -- as I speak

1 today, I don't recall what the input was, except that the
2 outcome of that ad hoc committee was to tell the Bishop our
3 observations.

4 **MR. SHERRIFF-SCOTT:** All right. You
5 wouldn't go as so far as to indicate what your
6 recommendations might have been in the circumstances?

7 **MR. LEDUC:** You're asking me today?

8 **MR. SHERRIFF-SCOTT:** Yes.

9 **MR. LEDUC:** Whether I should have made
10 recommendations?

11 **MR. SHERRIFF-SCOTT:** No, whether or not you
12 would concede that that was part of your function?

13 **MR. LEDUC:** At that time?

14 **MR. SHERRIFF-SCOTT:** Yes.

15 **MR. LEDUC:** We could not make
16 recommendations to the Bishop because we were ambivalent as
17 to what we were hearing.

18 **MR. SHERRIFF-SCOTT:** All right. Now, coming
19 back to the question of reporting obligations and given the
20 language of the policy, did you not consider it behoved you
21 to make recommendations about that issue?

22 **MR. LEDUC:** Possibly but again because we
23 were ambivalent about the information we were receiving
24 what the recommendations could have flowed, except
25 possibly, and I will give you this, that because there had

1 been a complaint about misconduct dealing with a young
2 person, possibly there should have been some recommendation
3 by me, as a lawyer, to indicate maybe the CAS should be
4 involved, but that wasn't the way I was thinking then.

5 **MR. SHERRIFF-SCOTT:** All right, that's fair.
6 You were the lawyer there?

7 **MR. LEDUC:** Yes.

8 **MR. SHERRIFF-SCOTT:** It would be unusual for
9 you not to communicate with your client following a meeting
10 like this where you're there to collect information.

11 **MR. LEDUC:** Well, the Bishop was to be
12 reported to by Monsignor McDougald. That was clear.

13 **MR. SHERRIFF-SCOTT:** All right.

14 Now, I just want to then move on to what
15 happened following the February 9th meeting and if we can
16 just go to the final version of your statement, which is
17 Exhibit 1888. And let's move to page 4 of the document,
18 which is Bates page 2746.

19 And starting just above "February 16th" it
20 confirms that at some juncture following the initial
21 meeting, the first full paragraph:

22 "Sometime after the initial meeting
23 with the complainant, my first contact
24 with Malcolm MacDonald, I was advised
25 there was an ongoing investigation."

1 Okay? So to situate you at some point, it
2 would have been reasonably approximate with the meeting,
3 you would have been advised the police were involved?

4 **MR. LEDUC:** I don't recall. I don't recall.

5 **MR. SHERRIFF-SCOTT:** All right. Some point
6 in play here you're told the police are involved and then
7 that they were following some leads.

8 You deny under February 16th that the
9 Diocese, to your knowledge, was involved in any
10 negotiations?

11 **MR. LEDUC:** None that I knew about.

12 **MR. SHERRIFF-SCOTT:** And you never -- the
13 Bishop never advised you that there had been any prior
14 negotiations?

15 **MR. LEDUC:** No, sir, he did not.

16 **MR. SHERRIFF-SCOTT:** Okay. Did anybody ever
17 tell you that they had negotiated on behalf of the Diocese
18 in your absence?

19 **MR. LEDUC:** No, sir.

20 **MR. SHERRIFF-SCOTT:** Okay.

21 Now over to the fifth page of the statement,
22 2747 Bates page, your indication at the paragraph above the
23 August 24th date is that around late August, you were
24 contacted by Malcolm and you arranged a meeting between
25 yourself, Malcolm, and the Bishop; right?

1 **MR. LEDUC:** Correct.

2 **MR. SHERRIFF-SCOTT:** And you say that you
3 were not aware that the police had -- as reported in the
4 newspaper, that the police had concluded their
5 investigation on the previous day. This hadn't been raised
6 by Malcolm.

7 So this was not in play in the first
8 meeting, this discussion about the police having ---

9 **MR. LEDUC:** No, not in the first meeting.

10 **MR. SHERRIFF-SCOTT:** All right.

11 And then under August 25th it talks about the
12 meeting itself and you say:

13 "Gordon Bryan may also have been in
14 attendance. He was present at one of
15 the two meetings."

16 And I -- you swayed back and forth on your
17 evidence here about that. You said "I don't really
18 remember. He may have been at one meeting," et cetera.

19 Now Mr. Bryan will testify that he wasn't at
20 any of these meetings and may I suggest to you that you may
21 be mistaken about whether he was there?

22 **MR. LEDUC:** My recollection is that Gordon
23 was present at one of the two meetings.

24 **MR. SHERRIFF-SCOTT:** All right. You had
25 later meetings with Gordon Bryan in and around the same

1 period of time, didn't you? In other words, you met with
2 him at least once later.

3 **MR. LEDUC:** Certainly to exchange the
4 cheque, for him to give me the cheque, yes.

5 **MR. SHERRIFF-SCOTT:** But you have no clarity
6 on which meeting or when?

7 **MR. LEDUC:** No.

8 **MR. SHERRIFF-SCOTT:** Okay. No.

9 **THE COMMISSIONER:** Mr. Sherriff-Scott, do
10 you know how much time you'll be?

11 **MR. SHERRIFF-SCOTT:** I'll probably be
12 another 20 minutes, sir.

13 **THE COMMISSIONER:** Let's take a break.

14 **THE REGISTRAR:** Order; all rise. À l'ordre;
15 veuillez vous lever. This hearing will resume at 10:00
16 a.m.

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

18 L'audience est suspendue à 9h44

19 --- Upon resuming at 10:03 a.m./

20 L'audience est reprise à 10h03

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

23 This hearing is now resumed. Please be
24 seated. Veuillez vous asseoir.

25 **THE COMMISSIONER:** Okay, sir.

1 JACQUES LEDUC, Resumed/Sous le même serment:

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.

3 SHERRIFF-SCOTT (cont'd/suite):

4 MR. SHERRIFF-SCOTT: Mr. Leduc, we were on
5 your statement. Do you still have that in front of you?

6 MR. LEDUC: Yes, I do.

7 MR. SHERRIFF-SCOTT: Okay. And I was at the
8 top of page 6 which is seven -- 2748.

9 MR. LEDUC: That's correct.

10 MR. SHERRIFF-SCOTT: Okay. And this is --
11 Ms. Daley was talking about this hush money, et cetera.
12 And let me see if I can situate what you understood was
13 being conveyed to you by the Bishop throughout both
14 meetings.

15 You were being told, if I can put it to you
16 this way, in no uncertain terms that he did not want to do
17 anything to interfere with the collateral criminal process.

18 MR. LEDUC: That was absolutely certain.

19 MR. SHERRIFF-SCOTT: He made that crystal
20 clear to you?

21 MR. LEDUC: At every moment.

22 MR. SHERRIFF-SCOTT: Okay. In fact, if you
23 look at page 6 statements, paragraph 2:

24 "He was concerned about being seen as
25 covering up and felt the truth should

1 come out in the criminal proceedings if
2 this was the -- that was the case."

3 In fact, I suggest he told you that he sort
4 of wanted the criminal proceedings to go ahead so that
5 someone would tell him whether Charles MacDonald was guilty
6 or innocent.

7 **MR. LEDUC:** I don't recall him making that
8 statement.

9 **MR. SHERRIFF-SCOTT:** He felt the truth
10 should come out in the criminal proceedings. The truth was
11 the question of guilt or innocence, wasn't it?

12 **MR. LEDUC:** Yes.

13 **MR. SHERRIFF-SCOTT:** Okay. In the criminal
14 proceedings would be an adjudication of the matter by a
15 trained professional, a judge.

16 **MR. LEDUC:** Yes.

17 **MR. SHERRIFF-SCOTT:** All right. He -- that
18 he felt that that process would be helpful to him.

19 **MR. LEDUC:** Yes.

20 **MR. SHERRIFF-SCOTT:** All right. And he did
21 not want to disrupt it at the first meeting or at the
22 second meeting.

23 **MR. LEDUC:** Or at any time.

24 **MR. SHERRIFF-SCOTT:** Okay. And he expressed
25 no hope about that not happening?

1 **MR. LEDUC:** You're right.

2 **MR. SHERRIFF-SCOTT:** Okay. Now if we can go
3 to his statement which is Exhibit 1790. And I want to
4 refer you to Bates page 1458, page 53 of this statement.

5 **THE COMMISSIONER:** I'm sorry, Mr. Sherriff-
6 Scott, I'm a little slow ---

7 **MR. SHERRIFF-SCOTT:** Oh, no that's fine sir.

8 **THE COMMISSIONER:** What's the exhibit again?

9 **MR. SHERRIFF-SCOTT:** The exhibit is 1458.

10 **THE COMMISSIONER:** One four five eight
11 (1458).

12 **MR. SHERRIFF-SCOTT:** Yeah.

13 **THE REGISTRAR:** Seventeen ninety (1790).

14 **THE COMMISSIONER:** I'm sorry.

15 **THE REGISTRAR:** Seventeen ninety (1790) is
16 the exhibit number.

17 **THE COMMISSIONER:** Okay, 1790. All right.
18 Bates page again?

19 **MR. SHERRIFF-SCOTT:** One four five eight
20 (1458). I'm sorry, I gave you the Bates page not the
21 exhibit number. The Registrar is way ahead of me.

22 **THE COMMISSIONER:** Okay. There you go.

23 **MR. SHERRIFF-SCOTT:** So at the bottom of the
24 page, Madam Registrar there is reference to Bishop in the
25 left marginal column.

1 All right. He says here:

2 "My recollection on the August 24th, my
3 secretary received a request from both
4 the counsel for the priest and the
5 counsel for the Diocese, that is to say
6 Malcolm MacDonald and Jacques Leduc,
7 but they came in to see me. I received
8 them in my office and they urged me to
9 make a settlement out of court and I
10 refused."

11 And stopping there that is absolutely
12 correct and consistent with your recollection, sir?

13 **MR. LEDUC:** It is.

14 **MR. SHERRIFF-SCOTT:** All right. He goes on:

15 "And the next day I think or the day
16 after I went to the Canadian Bishops
17 (inaudible) and from -- on my return
18 the very next day after my return,
19 September 1st, '93 both came back with a
20 second request. And, ah, this time
21 worked on the fact that they -- that we
22 had said that we would help people with
23 abuse and have actually done so to pay
24 their psychiatric bills. So the
25 alleged..."

1 And then:

2 ". . . that the alleged victim, David
3 Silmsler had bills of this kind and that
4 we should go ahead and help and pay for
5 these as we have done it for others.
6 And using that as the kind of launching
7 pad they assured me that this was only
8 to do away with what they call nuisance
9 claims and that I agreed reluctantly to
10 go along with the settlement."

11 Stopping there, that's a fairly accurate
12 recitation of what you were told or what transpired, isn't
13 it?

14 **MR. LEDUC:** It is.

15 **MR. SHERRIFF-SCOTT:** Okay. Now back to your
16 statement, 1888. I'm just going to switch back and forth a
17 few times between these two documents and this is page 2748
18 which is the September 1st entry.

19 **MR. LEDUC:** Yes.

20 **MR. SHERRIFF-SCOTT:** And it refers to the
21 fact that you were told about the insufficient evidence
22 issue in the first paragraph under September 1st and then
23 says:

24 "The Bishop agreed to meet with Malcolm
25 MacDonald and me a second time to

1 discuss the matter. At that point the
2 cost of proposed settlement was known.
3 Malcolm presented the case..."

4 Et cetera, and he gives the details of the
5 proposed payment over at the top of page 7. And you said
6 that you told the Bishop it was a good settlement and by
7 that you meant the quantum was good ---

8 MR. LEDUC: Yes.

9 MR. SHERRIFF-SCOTT: --- from your point of
10 view ---

11 MR. LEDUC: Yes.

12 MR. SHERRIFF-SCOTT: --- in your opinion.

13 MR. LEDUC: Yes.

14 MR. SHERRIFF-SCOTT: And it wasn't just the
15 quantum. It was what would avoid -- to be avoided in terms
16 of payment of costs for a trial, et cetera?

17 MR. LEDUC: Yes.

18 MR. SHERRIFF-SCOTT: All of the typical
19 considerations that go into analyzing a settlement, sir.

20 MR. LEDUC: Yes.

21 MR. SHERRIFF-SCOTT: In other words it's
22 going to cost a lot of money to try this case?

23 MR. LEDUC: Yes.

24 MR. SHERRIFF-SCOTT: Possibly out --
25 uncertain income.

1 MR. LEDUC: Right.

2 MR. SHERRIFF-SCOTT: Possibly a larger
3 damage award.

4 MR. LEDUC: Correct.

5 MR. SHERRIFF-SCOTT: It seems like a
6 reasonable amount. Get out of it if you can.

7 MR. LEDUC: That's right.

8 MR. SHERRIFF-SCOTT: Right? All right. And
9 then you talked about this issue of the criminal
10 proceedings again, and reiterated the settlement was not
11 hush money and don't believe there was any concern about
12 criminal charges.

13 And notwithstanding that you refer then
14 towards the -- in the rest of the statement you
15 specifically say you got instructions that it would be a
16 civil settlement, and I suggest to you that the
17 implications of what you were told by the Bishop again on
18 this day was no interference, civil settlement only.

19 MR. LEDUC: That's correct.

20 MR. SHERRIFF-SCOTT: Okay. And you advised
21 him as his counsel that it would not interfere with the
22 criminal proceedings, correct?

23 MR. LEDUC: I did.

24 MR. SHERRIFF-SCOTT: And he continued
25 throughout this meeting to express concerns about that

1 issue?

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: And your instructions
4 therefore expressed or implied in the creation of a
5 settlement process or documents, that you were instructed
6 to prepare or to ensure that simply did not happen?

7 MR. LEDUC: That's correct.

8 MR. SHERRIFF-SCOTT: All right. Now if we
9 can return to the Bishop's statement, the document that we
10 just had, 1790 Madam, right -- is that the exhibit number?
11 Thank you.

12 And this time I'd like to refer you to page
13 1462. All right. Now he's being questioned by Officer
14 Smith towards the middle of the page, Madam Registrar.

15 The officer says, "yes, but prior to the
16 settlement," maybe I should question -- put the question --
17 another seems to be starting:

18 "Prior to the settlement being made did
19 you ever have the opportunity to review
20 the document?"

21 They're talking about the releases here.
22 The Bishop was never afforded such opportunity.

23 MR. LEDUC: Not -- well I delivered it as I
24 said to Gordon Bryan and ---

25 MR. SHERRIFF-SCOTT: Prior to the settlement

1 being made?

2 MR. LEDUC: No.

3 MR. SHERRIFF-SCOTT: Okay.

4 "And I took it for granted that that
5 was the responsibility of the counsel
6 for the Diocese."

7 He says. In other words he's referring to
8 your responsibility in that was true, wasn't it?

9 MR. LEDUC: Yes.

10 MR. SHERRIFF-SCOTT: It was your
11 responsibility.

12 And then the officer asks who that was and
13 you'll see at the next page that he identifies you?

14 MR. LEDUC: That's correct.

15 MR. SHERRIFF-SCOTT: So that, too, is
16 consistent with your understanding of the facts?

17 MR. LEDUC: It is.

18 MR. SHERRIFF-SCOTT: Now, we know that as
19 events unfolded in this matter following Mr. Geoffrey's
20 initial salvo in January about potential threatened
21 litigation, Mr. Silmser did, in fact, sue the Diocese and
22 Father Charles again?

23 MR. LEDUC: Yes, he did.

24 MR. SHERRIFF-SCOTT: Well, not again but for
25 the first time, effectively. And in that document, the

1 statement of claim, he contended that the release was void
2 in its entirety as was the agreement thus permitting him to
3 sue as if he had never received any money or settlement or
4 there had never been an agreement; correct?

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: And he claimed \$600,000
7 in general damages. Does that seem about fair?

8 MR. LEDUC: I don't recall that.

9 MR. SHERRIFF-SCOTT: All right. And I just
10 want to go to a few documents in connection with that.

11 And the first is Document 738064. I believe
12 this is a new, Madam Clerk. A May 8th, 1995 letter to Denis
13 Power.

14 THE COMMISSIONER: Exhibit 1926 is a letter
15 dated May 8th, 1995 to Denis Power from Peter Annis.

16 --- EXHIBIT NO./PIECE NO. P-1926:

17 (738064) Letter from Peter Annis to Denis
18 Power - May 8, 1995

19 MR. SHERRIFF-SCOTT: This letter was copied
20 to you at this juncture because it -- Mr. Power's retainer
21 was not yet confirmed; correct?

22 MR. LEDUC: Okay. I ---

23 MR. SHERRIFF-SCOTT: Do you remember that?
24 Let me put it this way.

25 Mr. Power in Ottawa at Nelligan Power was

1 known as the professional liability lawyer for LPIC in
2 town?

3 MR. LEDUC: Yes.

4 MR. SHERRIFF-SCOTT: And basically he was
5 doing 90 percent of the defence work for lawyers who were
6 sued?

7 MR. LEDUC: yes.

8 MR. SHERRIFF-SCOTT: Okay. So Mr. Annis
9 communicated with him in advance of your actual retention
10 of him through LPIC?

11 MR. LEDUC: Okay.

12 MR. SHERRIFF-SCOTT: And he communicated the
13 draft statement of claim to you. You were put on notice --
14 -

15 MR. LEDUC: Yes.

16 MR. SHERRIFF-SCOTT: --- by this letter --
17 by the Diocese that at some point may seek indemnification
18 from you?

19 MR. LEDUC: Now I recall it.

20 THE COMMISSIONER: I'm sorry.

21 MR. LEDUC: Now I recall it.

22 THE COMMISSIONER: Okay.

23 MR. SHERRIFF-SCOTT: And subsequently you
24 did retain Mr. Power through your professional liability
25 insurer though?

1 **MR. LEDUC:** I did.

2 **MR. SHERRIFF-SCOTT:** Okay.

3 Now, if we can just turn to the next
4 document in the piece here. It is Document Number 738093,
5 Madam Clerk, and it is a new document.

6 This is a letter of September 7th, 1995 from
7 Nelligan Power, from Mr. Power to Peter Annis, which
8 follows the first that we just saw.

9 **THE COMMISSIONER:** Thank you.

10 That'll be Exhibit 1927.

11 **--- EXHIBIT NO./PIECE NO. P-1927:**

12 (738093) Letter from Denis Power to Peter
13 Annis - September 7, 1995

14 **MR. SHERRIFF-SCOTT:** And if you can just
15 read the first line and paragraph, sir.

16 **MR. LEDUC:** Yes.

17 **MR. SHERRIFF-SCOTT:** By this juncture,
18 September, 1995, you had retained Mr. Power through your
19 professional liability insurers and he had confirmed his
20 instructions to accept a pleading on behalf of the Diocese
21 against you?

22 **MR. LEDUC:** That's correct.

23 **MR. SHERRIFF-SCOTT:** All right.

24 And then to complete the piece, there are
25 two more things I just want to draw to your attention.

1 There is Document 738121, Madam Clerk, another new
2 document.

3 **THE COMMISSIONER:** Thank you.

4 Exhibit 1928 is a letter, again addressed to
5 Mr. Denis Power from Peter Annis, dated October 19th, 1995.

6 **--- EXHIBIT NO./PIECE NO. P-1928:**

7 (738121) Letter from Peter Annis to Denis
8 Power dated October 19, 1995

9 **MR. SHERRIFF-SCOTT:** Your counsel was being
10 served with the third party claim issued by the Diocese
11 against you?

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

13 **MR. SHERRIFF-SCOTT:** All right.

14 And just to complete that -- and I don't
15 think this was marked yet. Sorry, Commissioner, I'm just
16 finding my document. The Commission gave notice of it
17 under a different number than I did and we didn't have time
18 to sort out the compatibility of the two documents.

19 This is a document the Commission counsel
20 gave notice of, Madam Clerk. It is 738223. It is a large
21 document and I'm interested in Bates pages, of the
22 document, 4075 inclusive through to 4081, and I'm content
23 to mark only that document, Commissioner. And it is the
24 third-party claim, sir.

25 **THE COMMISSIONER:** Thank you.

1 Exhibit 1929 is the third -- well, it's
2 called a trial brief?

3 **MR. SHERRIFF-SCOTT:** No, sir. The document
4 I wanted to refer to is within the larger context of that
5 at Bates pages 4075 to 4081, which is the third-party
6 claim.

7 **THE COMMISSIONER:** Right. So but for
8 identification purposes, Exhibit 1929 is a document
9 entitled "Trial Brief" and it's court file number 90597-95.
10 Sorry, the Bates page again?

11 **MR. SHERRIFF-SCOTT:** Four-zero-seven-five
12 (4075) through to 4081.

13 **--- EXHIBIT NO./PIECE NO. P-1929:**

14 (738223) Trial Brief (DS vs. Father
15 Charles MacDonald, Bishop Adolphe Proulx
16 and the Roman Catholic Episcopal Corp. for
17 the Diocese of Alexandria-Cornwall in
18 Ontario)

19 **MR. SHERRIFF-SCOTT:** Do you have that, Mr.
20 Leduc?

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

22 **MR. SHERRIFF-SCOTT:** This is the third-party
23 claim issued against you by the Diocese?

24 **MR. LEDUC:** It is.

25 **MR. SHERRIFF-SCOTT:** Right. And if I can

1 refer you to paragraph 7 of the document.

2 MR. LEDUC: Yes.

3 MR. SHERRIFF-SCOTT: Please read paragraph
4 7.

5 MR. LEDUC: Yes.

6 MR. SHERRIFF-SCOTT: Do you agree with that
7 statement, sir?

8 MR. LEDUC: I do.

9 MR. SHERRIFF-SCOTT: All right.

10 Paragraph 9. These are particulars which
11 are identified as "A" through inclusive of "E", and I just
12 want you to agree or disagree as to whether or not they're
13 accurately described?

14 MR. LEDUC: In each paragraph?

15 MR. SHERRIFF-SCOTT: Yes, sir. Either all
16 or if you have any dispute with any of them.

17 MR. LEDUC: I agree with all of them.

18 MR. SHERRIFF-SCOTT: Thank you, sir.

19 Now, if I can go to the next document which
20 is a new document, Madam Clerk, 738191.

21 THE COMMISSIONER: Exhibit 1930 is a letter
22 dated January 13th, 1997 to Peter Annis from Denis Power.

23 --- EXHIBIT NO./PIÈCE No. P-1930:

24 (738191) Letter from Denis Power to Peter
25 Annis - 13 Jan '97

1 **MR. SHERRIFF-SCOTT:** Just have a moment and
2 read that, Mr. Leduc.

3 **MR. LEDUC:** I have, thank you.

4 **MR. SHERRIFF-SCOTT:** Thank you. This offer
5 was communicated on your behalf and through your insurer as
6 well, to the Diocese.

7 **MR. LEDUC:** It was, yes.

8 **MR. SHERRIFF-SCOTT:** Thank you.

9 Sorry, Commissioner; the number was for the
10 exhibit?

11 **THE COMMISSIONER:** One nine three zero
12 (1930).

13 **MR. SHERRIFF-SCOTT:** Three eight?

14 **THE COMMISSIONER:** Three zero, sorry.

15 **MR. SHERRIFF-SCOTT:** Oh, thank you, sir.

16 The next document, Madam Clerk, is Document
17 738194.

18 It is a letter of 31 January, 1997 to Peter
19 Annis from your counsel Mr. Power.

20 **THE COMMISSIONER:** Exhibit 1931.

21 --- **EXHIBIT NO./PIÈCE No. 1931:**

22 (738194) Letter from Denis Power to Peter
23 Annis - 31 Jan '97

24 **MR. SHERRIFF-SCOTT:** And this, I submit sir,
25 when you read it you'll agree with me was the basis of

1 resolution of the claim by the Diocese against you in these
2 matters.

3 MR. LEDUC: It was.

4 MR. SHERRIFF-SCOTT: Thank you.

5 Now, to try and complete the Silmsler affair,
6 David Silmsler affair, and in particular I want to just talk
7 about Mr. Bryan, Gordie Bryan of the Diocese, and if we can
8 turn up his statement which I want to just talk to you
9 about briefly.

10 Now, Mr. Bryan was the Bursar of the
11 Diocese.

12 MR. LEDUC: He was.

13 MR. SHERRIFF-SCOTT: Sort of a controller.

14 MR. LEDUC: That's a good name for it.

15 MR. SHERRIFF-SCOTT: Not an accountant.

16 MR. LEDUC: No.

17 MR. SHERRIFF-SCOTT: But he's sort of junior
18 controller functions basically.

19 MR. LEDUC: Yes.

20 MR. SHERRIFF-SCOTT: Okay. Now, if -- just
21 look at his statement which is I don't believe in the
22 record yet. It is 703734.

23 THE COMMISSIONER: Exhibit 1932 is an
24 interview report of Gordon Bryan dated September 13th, 1994.

25 --- EXHIBIT NO./PIÈCE No. P-1932:

1 (703734) Interview Report of Gordon Bryan
2 by Tim Smith and Mike Fagan - 13 Sep '94

3 **MR. SHERRIFF-SCOTT:** Page 1257, Mr. Leduc,
4 it starts to talk about the settlement issue. And you'll
5 see that Officer Smith in the middle of that page, page 2
6 of the statement, Bates page 1257 ---

7 **MR. LEDUC:** Yes.

8 **MR. SHERRIFF-SCOTT:** --- starts talking
9 about,

10 "It came to our attention the
11 settlement itself had come to your
12 office and was filed here."

13 And he says:

14 "Actually, the document itself, if we
15 mailed the cheque or gave the cheque to
16 our lawyers on the 2nd or 3rd of
17 September, something in that nature,
18 the document came back to me FR with
19 Mr. Leduc dropping it in the following
20 week, I believe."

21 And you're not clear on whether he came
22 there to pick it up or you went to the Diocese?

23 **MR. LEDUC:** No, my recollection is he came
24 to the office and picked it up.

25 **MR. SHERRIFF-SCOTT:** Okay. At some point

1 you got it into his hands?

2 **MR. LEDUC:** I did.

3 **MR. SHERRIFF-SCOTT:** In or around the time
4 he indicates?

5 **MR. LEDUC:** Yes.

6 **MR. SHERRIFF-SCOTT:** All right. And to the
7 top of the next page, he says:

8 "Indicating to me just to file it for
9 posterity sake but to put it that it
10 was 'Private and Confidential', to seal
11 it so that it was left confidential."

12 That's at the top of the third page.

13 **MR. LEDUC:** Could you direct me to the Bates
14 page, please.

15 **MR. SHERRIFF-SCOTT:** I'm sorry; 1258. It
16 was the next page following the one we were just on.

17 **MR. LEDUC:** Yes.

18 **MR. SHERRIFF-SCOTT:** At the top of the page,
19 he says:

20 "Indicating your instruction when you
21 received it was to file it for
22 posterity sake but to put it that it
23 was 'Private and Confidential' and seal
24 it. That it was to be left
25 confidential."

1 Were those your instructions to him, sir?

2 **MR. LEDUC:** Not to my recollection, no.

3 **MR. SHERRIFF-SCOTT:** No.

4 **MR. LEDUC:** My recollection is that I told
5 him to put it in a personnel file and ---

6 **MR. SHERRIFF-SCOTT:** All right. And then it
7 says here that he talks:

8 "You state that you issued a cheque and
9 gave it to the lawyers. Can you tell
10 me the amount of the cheque?"

11 And he refers to 27,000 towards the bottom
12 of the page and referring to the fact that a cheque was
13 made payable to your firm Leduc, Lafrance, Cardinal. That
14 happened?

15 **MR. LEDUC:** Yes, it did.

16 **MR. SHERRIFF-SCOTT:** Okay. And then he
17 says:

18 "And you gave the cheque to who?"

19 "Forwarded the cheque to Mr. Leduc."

20 He's correct about that?

21 **MR. LEDUC:** Yes.

22 **MR. SHERRIFF-SCOTT:** All right. To Mr.
23 Leduc's office. I see over to the next page, Bates page
24 1259, and you'll see he talks about getting the envelope
25 back:

1 "You received the envelope I take it."

2 Towards a third of the way down:

3 "Yes."

4 "And the envelope sealed at that
5 particular time?"

6 "Yes, it was."

7 "And when you gave it to Mr. Bryan it
8 was sealed."

9 In other words, the flap of the envelope was
10 sealed and you didn't open it?

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

12 **MR. SHERRIFF-SCOTT:** And he didn't open it
13 in your presence?

14 **MR. LEDUC:** That's correct.

15 **MR. SHERRIFF-SCOTT:** Okay. And you had
16 certain instructions. Mr. Bryan says again:

17 "Suggested that I file away with a
18 notation that it was 'Private and
19 Confidential' to be opened by the
20 Bishop. I put my LA -- my name on it
21 as well."

22 Do you recall that discussion?

23 **MR. LEDUC:** Not really.

24 **MR. SHERRIFF-SCOTT:** Is that possible, sir?

25 **MR. LEDUC:** Yes.

1 **MR. SHERRIFF-SCOTT:** Okay. All right. And
2 we've identified the envelope and your general recollection
3 is that looked like the envelope?

4 **MR. LEDUC:** Yes.

5 **MR. SHERRIFF-SCOTT:** Okay. Now, at page
6 1267, he starts to talk about when he retrieved it from the
7 file and opened it and saw it. And that's at the bottom of
8 that page, sir.

9 Starting with "Smith":

10 "When was the next occasion that you
11 had to retrieve that document from the
12 files?"

13 You see that? It's Bates page 1262, page 7
14 of the statement.

15 **MR. LEDUC:** Page 7 of the statement?

16 **MR. SHERRIFF-SCOTT:** Yes.

17 **MR. LEDUC:** Yes.

18 **MR. SHERRIFF-SCOTT:** And the officer says:

19 "When was the next occasion that you
20 had to retrieve that document from the
21 files?"

22 And he says:

23 "I believe it was late December when
24 the lawyer for -- you mentioned with
25 Mr. Silmsen."

1 He goes over and clarifies later that it's
2 January. Page 8, "had contacted Mr. Leduc I believe" and
3 we can infer that he's talking about Mr. Geoffrey who was
4 then acting for Mr. Silmser.

5 **MR. LEDUC:** Yes.

6 **MR. SHERRIFF-SCOTT:** "Mr. Leduc asked me
7 to fax him a copy of it."

8 That's accurate, isn't it?

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** Okay.

11 "The lawyer, that would have been Sean
12 Adams for Mr. Silmser?"

13 "No", says Mr. Bryan.

14 "Bryce Geoffreys?"

15 "No. Bryce Geoffreys, okay. The -- I
16 never knew he says."

17 "Okay. And he was an Ottawa lawyer?"

18 "Yes. Yeah."

19 "So an Ottawa lawyer you assumed
20 represented Mr. Silmser?"

21 And he says: "Uh-huh."

22 Question at the top of the next page:

23 "Did he contact..."

24 "No, no, he didn't contact me. Mr.

25 Leduc contacted me because he had

1 received ---"

2 The officer cuts him off obviously:

3 "I see."

4 "Something from the lawyer indicating
5 that I believe that there was wording,
6 that the wording in the agreement was
7 restrictive covenant in there about
8 following any kind of criminal charge."

9 And that is the case?

10 **MR. LEDUC:** Yes.

11 **MR. SHERRIFF-SCOTT:** All right. And the
12 officer then says or Mr. Bryan then says:

13 "So at that point, Mr. Leduc asked me
14 to fax him a copy."

15 And that is correct?

16 **MR. LEDUC:** Yes, it is.

17 **MR. SHERRIFF-SCOTT:** All right. Down at the
18 bottom:

19 "And I think it was late December or
20 maybe it was early January that if I
21 saw the press releases I would know
22 approximately when."

23 **MR. LEDUC:** Yes.

24 **MR. SHERRIFF-SCOTT:** Okay. So this is
25 consistent with your version of the events?

1 **MR. LEDUC:** It is.

2 **MR. SHERRIFF-SCOTT:** All right. And you
3 don't or are not aware of any information that would
4 suggest the Bishop saw it in advance of your communication
5 with Mr. Bryan about this issue?

6 **MR. LEDUC:** No.

7 **MR. SHERRIFF-SCOTT:** All right.

8 Now, we know that you recommended your
9 transference of the file to what was then Scott & Aylen on
10 January 19th, effectively removing yourself from carriage of
11 it; correct?

12 **MR. LEDUC:** Yes.

13 **MR. SHERRIFF-SCOTT:** And I won't belabour
14 the implications which are obviously clear of the situation
15 and have been debated with you.

16 Now, just -- I want to finish up briefly
17 with the CAS investigation that occurred in October and
18 following.

19 **MR. LEDUC:** Yes.

20 **MR. SHERRIFF-SCOTT:** Okay. And just a
21 couple of points. I take it the documents indicated that
22 we had yesterday and the day before that your instructions
23 from Bishop Larocque were to effectively cooperate to the
24 fullest extent.

25 **MR. LEDUC:** Yes.

1 **MR. SHERRIFF-SCOTT:** You've facilitated
2 interviews with Monsignor McDougald and Denis Vaillancourt?

3 **MR. LEDUC:** Yes.

4 **MR. SHERRIFF-SCOTT:** And if we can go to
5 documents that you delivered to the CAS on behalf of the
6 Diocese.

7 Now, these documents in another form,
8 Commissioner, in the record but here they are indicated as
9 being delivered and received by Mr. Leduc to the CAS. So I
10 think it behoves us to put them on the record. It's
11 721651.

12 **THE REGISTRAR:** Five one (51)?

13 **MR. SHERRIFF-SCOTT:** Seven two one six five
14 one (721651).

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. SHERRIFF-SCOTT:** It's a package of
17 letters with date stamps on them.

18 **THE REGISTRAR:** It's Exhibit 1923.

19 **MR. SHERRIFF-SCOTT:** Thank you. I didn't
20 realize it was already marked but does this have the
21 received stamps on it? I don't think it does.

22 **THE COMMISSIONER:** Nineteen twenty (1920)
23 you say?

24 **MR. SHERRIFF-SCOTT:** Nineteen twenty-three
25 (1923).

1 Okay. Mr. Leduc, if you just scan these
2 documents, you'll see the receipt stamp, the October 22nd
3 date 1993 is the date of a meeting with you, you'll recall,
4 from -- there was fairly extensive examination of you about
5 October 22nd and your various meetings with the CAS. And
6 one of the meeting notes that we saw the other day referred
7 to a package of documents that you gave to the CAS on
8 behalf of the Diocese.

9 **MR. LEDUC:** Yes.

10 **MR. SHERRIFF-SCOTT:** And these indicate
11 received from you on the day of the meeting from Jacques
12 Leduc.

13 **MR. LEDUC:** Yes.

14 **MR. SHERRIFF-SCOTT:** And they're various
15 letters including, if you leaf through the package, the
16 letters from Monsignor Schonenbach, Mr. MacDonald's
17 letters, the letters of the -- to Heidi Sebalj that
18 referenced the character and behaviour of Charles
19 MacDonald, et cetera.

20 **MR. LEDUC:** Yes.

21 **MR. SHERRIFF-SCOTT:** And you delivered those
22 on behalf of your client to the CAS?

23 **MR. LEDUC:** I did.

24 **MR. SHERRIFF-SCOTT:** In pursuance of your
25 instructions of cooperation?

1 **MR. LEDUC:** That's correct.

2 **MR. SHERRIFF-SCOTT:** Okay. Now, as I
3 understand the sequence and I can take you to the minutes,
4 but let me see if I can refresh your memory. You'll recall
5 Denis Vaillancourt talked about the fact that his copy of
6 his record of the February 9th minute had been deleted from
7 his computer and that he was instructed in advance of these
8 meetings to recreate another draft from memory.

9 **MR. LEDUC:** I recall that, yes.

10 **MR. SHERRIFF-SCOTT:** And that is referred to
11 as being delivered by you and him as well in the context of
12 his meetings?

13 **MR. LEDUC:** I'm not sure when it was
14 delivered.

15 **MR. SHERRIFF-SCOTT:** Your recollection
16 generally is it was delivered to the CAS?

17 **MR. LEDUC:** Yes.

18 **MR. SHERRIFF-SCOTT:** Okay. And the last
19 issue is there were also requests by the CAS for lists of
20 altar servers, as you know, various locations where Charles
21 MacDonald was or had been to investigate the question ---

22 **MR. LEDUC:** Yes, yes.

23 **MR. SHERRIFF-SCOTT:** --- of safety of
24 children.

25 **MR. LEDUC:** Yes.

1 **MR. SHERRIFF-SCOTT:** And you were involved
2 in providing that kind of information to the CAS?

3 **MR. LEDUC:** I may have been, yes.

4 **MR. SHERRIFF-SCOTT:** Okay. And finally,
5 there was the issue of the question of the delivery to the
6 CAS of various Southdown reports pertaining to Father
7 Charles MacDonald?

8 **MR. LEDUC:** I remember that issue, yes.

9 **MR. SHERRIFF-SCOTT:** And the issue that --
10 and you were involved in that issue.

11 **MR. LEDUC:** Yes.

12 **MR. SHERRIFF-SCOTT:** And you were asked by
13 the CAS to facilitate getting that information; correct?

14 **MR. LEDUC:** Yes.

15 **MR. SHERRIFF-SCOTT:** And you had to
16 interface with Malcolm MacDonald and Charles MacDonald in
17 connection with getting appropriate consents for the
18 release of the documentation by them?

19 **MR. LEDUC:** I recall that as well.

20 **MR. SHERRIFF-SCOTT:** And then ultimately all
21 of that material was delivered as well.

22 **MR. LEDUC:** Yes, yes.

23 **MR. SHERRIFF-SCOTT:** Thank you very much,
24 sir. Those are my questions.

25 **THE COMMISSIONER:** Thank you.

1 (SHORT PAUSE/COURTE PAUSE)

2 THE COMMISSIONER: Ms. Henein?

3 MS. HENEIN: Thank you.

4 THE COMMISSIONER: Good morning.

5 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

6 HENEIN:

7 MS. HENEIN: Mr. Leduc, you are here to
8 testify as an institutional witness. You're aware of that?

9 MR. LEDUC: Yes.

10 MS. HENEIN: And the institution that we are
11 concerned with is the Diocese of Cornwall-Alexandria;
12 right?

13 MR. LEDUC: That's correct.

14 MS. HENEIN: So I want to ask you some
15 questions about your involvement and your representation of
16 this institution. All right?

17 I want to start a little bit to chat with
18 you about Bishop Larocque and see what you can help us out
19 with here. I understand that he was the Bishop from 1974
20 to somewhere in the 1990's; is that right?

21 MR. LEDUC: He resigned when he was 75.

22 MS. HENEIN: All right. So he was the
23 Bishop in this area for over 20 years.

24 MR. LEDUC: Twenty-six (26) years, 27 years
25 I believe, yes.

1 **MS. HENEIN:** All right. And I don't know it
2 so maybe you can help me out a little bit.

3 In terms of the hierarchy of the Church,
4 where would the Bishop rank in terms of the Archdiocese of
5 Alexandria-Cornwall?

6 **MR. LEDUC:** Well, it's the Diocese of
7 Alexandria-Cornwall. It's not an archdiocese and he is the
8 ultimate authority in the Diocese.

9 **MS. HENEIN:** All right. So he is the
10 ultimate authority in the Diocese. Now, in terms of
11 helping us out with what the ultimate authority in this
12 institution does, can you tell us the sorts of things he
13 would do? For example, would he be the person responsible
14 for taking care of the welfare of his parishioners?

15 **MR. LEDUC:** Not directly. He would delegate
16 that task to various priests and pastors.

17 **MS. HENEIN:** All right. And in delegating
18 those tasks, the Bishop would give direction; right?

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** And if he didn't like, for
21 example, the way that something was being done, he could a
22 different direction; right?

23 **MR. LEDUC:** He could, yes.

24 **MS. HENEIN:** All right. Did you ever have
25 authority to direct the Bishop to do anything in respect of

1 the Diocese?

2 MR. LEDUC: No.

3 MS. HENEIN: All right. And after Bishop
4 Larocque, who was the next person in charge?

5 MR. LEDUC: Well, actually no one. He's
6 pretty well the only person who has authority and he may
7 delegate that authority to his pastors depending on the
8 area of activity.

9 MS. HENEIN: All right. And in terms of the
10 number of people he would have managed as the person who is
11 at the top, let's say, of this hierarchy, can you give us a
12 sense of that? How many pastors would be under his
13 direction?

14 MR. LEDUC: I could be wrong but I think at
15 one point in time there were as many as 40, 50 priests and
16 then there is the religious and administrative personnel.

17 MS. HENEIN: All right. And in terms of
18 just helping us out because a Bishop I take it is a fairly
19 high position to hold; right?

20 MR. LEDUC: Yes.

21 MS. HENEIN: All right. And in terms of the
22 moral obligations of a Bishop in an institution, I take it
23 you would have assumed that the Bishop would know those
24 things?

25 MR. LEDUC: Yes.

1 **MS. HENEIN:** All right. And that was a
2 qualification that one would have if they were a Bishop?

3 **MR. LEDUC:** Hopefully.

4 **MS. HENEIN:** Yes. All right. And in terms
5 of his -- your involvement with respect to this
6 institution, you indicated that you were retained from time
7 to time; right?

8 **MR. LEDUC:** That's correct.

9 **MS. HENEIN:** And you indicated that you
10 could be retained either by the Bishop or by individual
11 priests.

12 **MR. LEDUC:** Yes.

13 **MS. HENEIN:** And I take it that as a lawyer
14 who is retained by the Bishop, you would act on his
15 instructions.

16 **MR. LEDUC:** Yes.

17 **MS. HENEIN:** And if you gave advice to the
18 Bishop, was he free to accept or reject it?

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

20 **MS. HENEIN:** All right. You were retained
21 to give the Bishop advice in respect of legal matters;
22 right?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** You were not retained by the
25 Bishop to give him advice on his moral obligation to

1 parishioners; right?

2 MR. LEDUC: No, that's right.

3 MS. HENEIN: Now, I want to understand a
4 little bit about your relationship with Bishop Larocque.
5 Can you tell us a little bit about Bishop Larocque? Was he
6 a person that was stern, easygoing? What sort of person
7 was he in your interactions with him?

8 MR. LEDUC: In my interactions with him, he
9 was always polite and courteous, but always gave directions
10 and his directions were always unilateral. There was -- he
11 knew what he wanted and he directed it.

12 MS. HENEIN: All right. So he was, would
13 you agree with me, a fairly independent thinker?

14 MR. LEDUC: Oh, definitely.

15 MS. HENEIN: All right. Were there times
16 where you would give advice to the Bishop and he's say,
17 "No," reject your advice?

18 THE COMMISSIONER: Well, we covered that
19 yesterday about two instances when you gave advice and he
20 didn't follow it, I guess.

21 MR. LEDUC: I recall two, yes.

22 MS. HENEIN: All right, so two instances
23 that he said, "No, I will not follow your legal advice";
24 right?

25 MR. LEDUC: Well, he didn't follow it.

1 **MS. HENEIN:** Right. And he did not follow
2 it. All right.

3 Now, in terms of your personal relationship
4 with Bishop Larocque, did you have the type of relationship
5 where you could, for example, stroll into his office?

6 **MR. LEDUC:** No.

7 **MS. HENEIN:** Now, you say that with an
8 expression on your face emphatically. What do you mean,
9 "no"? Why not?

10 **MR. LEDUC:** Well, because the Bishop had a
11 secretary and if you wanted to meet with him, you usually
12 went through his secretary and, no, I did not have the kind
13 of relationship where I could casually approach him at any
14 time.

15 **MS. HENEIN:** All right. And in terms of his
16 approach with you, would you describe it as a formal
17 approach or informal?

18 **MR. LEDUC:** Yes, he was formal.

19 **MS. HENEIN:** Did Bishop Larocque ever ask
20 you to become his personal advisor?

21 **MR. LEDUC:** No, never.

22 **MS. HENEIN:** So the capacity that you acted
23 in was as a legal advisor if and when he retained you?

24 **MR. LEDUC:** That's correct.

25 **MS. HENEIN:** All right.

1 I want to go back now to -- turn your mind
2 to the ad hoc committee and the Father Deslauriers matter.
3 All right?

4 And I'd like you to take a look with me at
5 the mandate of the ad hoc committee, and that is Exhibit
6 72.

7 **THE COMMISSIONER:** What page?

8 **MS. HENEIN:** Seven -- well, I have -- Ms.
9 Robitaille is concerned I'm going to mess up the Bates
10 pages; 7167072, which is the translation ---

11 **THE COMMISSIONER:** Silmser ---

12 **MS. HENEIN:** Yes. Oh, all right, well, this
13 is the actual -- all right.

14 So first of all, if you could look with me
15 at this document. It is Bishop Larocque who appoints the
16 ad hoc committee; right?

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** All right. And you've
19 testified that when you are appointed to the ad hoc
20 committee, you are retained as counsel; right?

21 **MR. LEDUC:** Yes.

22 **MS. HENEIN:** And in terms of your retainer,
23 as I understood your evidence with Commission counsel, it
24 is to sit on this ad hoc committee; right?

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

1 **MS. HENEIN:** All right. Now, there's a
2 reference, and we've heard the name Monsignor Guindon?

3 **MR. LEDUC:** Yes.

4 **MS. HENEIN:** What was his ranking in the
5 hierarchy in terms of the Church?

6 **MR. LEDUC:** At that time, I believe he was a
7 -- the Vicar General. I believe he may have been the Vicar
8 General.

9 **MS. HENEIN:** Can you help me out? What does
10 a Vicar General do?

11 **MR. LEDUC:** He has a number of functions
12 either in relation to being consulted or in relation to
13 taking up certain duties in the absence of the Bishop.
14 Those functions are set out in various provisions of the
15 code.

16 **MS. HENEIN:** So he had the authority, on
17 occasion, to step in for the Bishop?

18 **MR. LEDUC:** I wouldn't say that, but in
19 certain instances, the Vicar General assumes certain
20 functions, yes.

21 **MS. HENEIN:** All right. Would you agree
22 with me that it was a significant position that he held ---

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** --- in the Church?

25 **MR. LEDUC:** Yes.

1 **MS. HENEIN:** All right.

2 And I want to go back; we talked about you
3 and the formal relationship you had with Bishop Larocque.
4 Where was his office?

5 **MR. LEDUC:** On Montreal Road.

6 **MS. HENEIN:** All right.

7 **MR. LEDUC:** Third floor, in the Diocesan
8 Centre.

9 **MS. HENEIN:** And Gordon Bryan's office,
10 where was that?

11 **MR. LEDUC:** At the reception area on the
12 right, first floor.

13 **MS. HENEIN:** It was in the same building ---

14 **MR. LEDUC:** Yes.

15 **MS. HENEIN:** --- that the Bishop had his
16 office in?

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** All right.

19 Now, according to this ad hoc committee
20 appointment, you are appointed and I take it you have a
21 list of witnesses that you are to hear from; right?

22 **MR. LEDUC:** Yes.

23 **MS. HENEIN:** All right. And so in addition
24 to giving you the list of identified witnesses you are to
25 hear from, the committee is instructed to report to me; and

1 the "to me" is Bishop Larocque. Right?

2 MR. LEDUC: That's correct.

3 MS. HENEIN: And you are specifically
4 instructed to give recommendations; right?

5 MR. LEDUC: That's correct.

6 MS. HENEIN: So in terms of what the ad hoc
7 committee does not have jurisdiction to do, I take it it
8 had no jurisdiction to summons witnesses?

9 MR. LEDUC: No.

10 MS. HENEIN: It had no jurisdiction to force
11 witnesses to testify?

12 MR. LEDUC: No.

13 MS. HENEIN: And in fact it had no
14 jurisdiction to force the very person about whom this all
15 was about, Father Deslauriers, to come and participate;
16 right?

17 MR. LEDUC: That's correct.

18 MS. HENEIN: It had no jurisdiction to bind
19 the Bishop?

20 MR. LEDUC: That's correct.

21 MS. HENEIN: No jurisdiction to bind the
22 Church?

23 MR. LEDUC: That's correct.

24 MS. HENEIN: No jurisdiction to bind the
25 priest, Father Deslauriers?

1 **MR. LEDUC:** That's correct.

2 **MS. HENEIN:** No jurisdiction to compel the
3 adoption of recommendations?

4 **MR. LEDUC:** None whatsoever.

5 **MS. HENEIN:** And I want to understand, no
6 jurisdiction to follow up with the report; right?

7 **MR. LEDUC:** That's right.

8 **MS. HENEIN:** All right, and no jurisdiction
9 to enforce any sorts of penalties?

10 **MR. LEDUC:** That's correct.

11 **MS. HENEIN:** Now, when you completed your
12 involvement on the ad hoc committee, did you receive
13 instructions from Bishop Larocque to be retained to do the
14 follow-up?

15 **MR. LEDUC:** No.

16 **MS. HENEIN:** Had you been asked by Bishop
17 Larocque to assist in the implementation of the
18 recommendations; that would have been something you could
19 be retained to do?

20 **MR. LEDUC:** I'm trying to remember the
21 recommendations, but I -- with respect to some of the
22 recommendations made, they were entirely within Bishop
23 Larocque's sphere of activity and authority.

24 **MS. HENEIN:** All right. So in terms of your
25 participation as counsel on this ad hoc committee, I take

1 it Bishop Larocque never came back to you and said, "Mr.
2 Leduc, we now have a new retainer for you in respect of the
3 ad hoc committee with respect to specific things that
4 emerged from it"?

5 **MR. LEDUC:** No. Never.

6 **MS. HENEIN:** All right.

7 Now, one of the things that the ad hoc
8 committee read was a report by a gentleman named Father
9 Ménard; right?

10 **MR. LEDUC:** Yes.

11 **MS. HENEIN:** And I want to take you to
12 Exhibit 72, please.

13 **MR. LEDUC:** I have it.

14 **MS. HENEIN:** And that is the report?

15 **MR. LEDUC:** It is.

16 **MS. HENEIN:** Now, I'm going to ask you to go
17 to the actual report of Father Ménard, which is Bates
18 7167101.

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** And are you there,
21 Commissioner?

22 **THE COMMISSIONER:** Yes, I'm sorry, yes, yes.

23 **MS. HENEIN:** Thank you.

24 Now, this is a nine -- roughly nine-page,
25 single-spaced report, and it's directed to Bishop Larocque;

1 right?

2 MR. LEDUC: Yes, it is.

3 MS. HENEIN: All right. And you also read
4 it as a member of the ad hoc committee?

5 MR. LEDUC: Yes.

6 MS. HENEIN: All right. And do you recall
7 that in this lengthy report, Father Ménard discusses with
8 the Bishop the impact the conduct of Father Deslauriers is
9 having on the parishioners. Do you recall that?

10 MR. LEDUC: I believe so, yes.

11 MS. HENEIN: And do you recall that he talks
12 about the impact that it is having also on the victims of
13 Father Deslauriers?

14 MR. LEDUC: The report is ---

15 MS. HENEIN: Do you recall that?

16 MR. LEDUC: Yes.

17 MS. HENEIN: And if I can ask you to look at
18 7167102?

19 MR. LEDUC: Yes.

20 MS. HENEIN: And if you look at the fourth
21 paragraph, and I'm going to read it in English, and you can
22 tell me if I'm reading it correctly.

23 It begins:

24 "Many of those people have had the
25 painful experience..."

1 Do you have that paragraph?

2 **THE COMMISSIONER:** It's the third paragraph.

3 **MS. HENEIN:** I'm sorry, the third paragraph.

4 **MR. LEDUC:** Yes.

5 **MS. HENEIN:** All right. And so that line,
6 I'm going to read it to you:

7 "Many of those people have had the
8 painful experience of not being
9 believed and not even really being
10 heard in the past, sometimes in the
11 very recent past."

12 Do you see that?

13 **MR. LEDUC:** Yes.

14 **MS. HENEIN:** You read that?

15 **MR. LEDUC:** Yes.

16 **MS. HENEIN:** All right, and then I want you
17 to continue on with me, please, in terms of page 7167104.

18 Do you see there that Father Ménard talks
19 about facts and attitudes that pose problems?

20 **MR. LEDUC:** Yes.

21 **MS. HENEIN:** Do you see that?

22 **MR. LEDUC:** Yes.

23 **MS. HENEIN:** And he talks about physical
24 manipulation of young men; right?

25 **MR. LEDUC:** Yes.

1 MS. HENEIN: Spiritual manipulation?

2 MR. LEDUC: Yes.

3 MS. HENEIN: Go on to the next point:

4 "Gilles'..." --

5 I take it that's Deslauriers':

6 "...lack of truthfulness and constant
7 negation."

8 All right? Do you see that?

9 MR. LEDUC: Yes.

10 MS. HENEIN: If you can go on to 7167106,
11 still with the letter addressed to Bishop Larocque?

12 MR. LEDUC: Yes.

13 MS. HENEIN: Do you see the recommended
14 measures that are suggested by Father Ménard?

15 MR. LEDUC: Yes.

16 MS. HENEIN: So he suggests to Bishop
17 Larocque in relation not only to Father Gilles Deslauriers
18 "work and therapy"; right?

19 MR. LEDUC: Yes.

20 MS. HENEIN: And then spiritual guidance?

21 MR. LEDUC: Yes.

22 MS. HENEIN: And then going on, he gives
23 recommended measures regarding the youths and their family
24 and the clergy?

25 MR. LEDUC: That's correct.

1 **MS. HENEIN:** And he advises listening and
2 therapeutic assistance and informing them about what's
3 being done. Do you see that?

4 **MR. LEDUC:** Yes.

5 **MS. HENEIN:** All right.

6 And then Gilles -- Père Gilles Deslauriers
7 responding to the harm done?

8 **MR. LEDUC:** Yes.

9 **MS. HENEIN:** Now, the ad hoc committee of
10 which you were part of incorporated this report in its
11 entirety in your report, right?

12 **MR. LEDUC:** We did.

13 **MS. HENEIN:** All right.

14 And you not only included it physically, you
15 actually say in your recommendations -- and if I can go to
16 those -- I'm going to read it to you. You don't have to
17 turn it up.

18 **MR. LEDUC:** It's paragraph 6.

19 **MS. HENEIN:** Yeah.

20 "...that Father Bernard Ménard's
21 report, especially his recommendations,
22 be seriously considered."

23 Do you recall that?

24 **MR. LEDUC:** Yes.

25 **MS. HENEIN:** All right.

1 Now, I want to ask you or remind you of a
2 question that you were asked, which is whether, as counsel,
3 you felt you needed to advise the Bishop about his moral
4 obligations.

5 Now, was there any question in your mind
6 that the Bishop was fully aware of his moral obligations to
7 the parishioners?

8 **MR. LEDUC:** That was never in issue.

9 **MS. HENEIN:** All right.

10 And did you feel that as a lawyer you needed
11 to remind or advise or alert this Bishop to what his moral
12 obligations were?

13 **MR. LEDUC:** I don't think so.

14 **MS. HENEIN:** I want to talk to you a little
15 bit about, again, staying with the Father Deslauriers
16 issue, the question of reporting this matter, and that is
17 the allegations involving Father Deslauriers and sexual
18 misconduct, okay?

19 The ad hoc committee report, do you recall
20 that it is dated May 23rd, 1986?

21 **MR. LEDUC:** Yes.

22 **MS. HENEIN:** Okay. And do you recall that
23 sometime around May 20th, Mr. Brisson -- so before the ad
24 hoc committee report is issued -- made public statements
25 about the allegations. Do you recall that?

1 **THE COMMISSIONER:** Excuse me. Yes?

2 **MS. JONES:** Just a couple of things. I'm
3 just wondering; it seems that counsel for Mr. Leduc has
4 just gone over testimony that's already been going over and
5 over. I'm just wondering, first of all, is this actually
6 leading anywhere. I think that for the sake of brevity,
7 the entire testimony that Mr. Leduc has been giving for the
8 past few days doesn't need to be reiterated.

9 Also too, I just want to be really clear
10 that there's been an English translation of the French
11 document, and I just -- I'm concerned about that becoming
12 part of the record. Perhaps that should be clarified that
13 that's an accurate translation with Mr. Leduc as to what
14 was said, just to clarify that for the record.

15 And the last point that I wanted to make
16 that it appears in Sergeant Lefebvre's statement that the
17 statement was made to the police on May 21st, not May 20th,
18 and I just wanted to clarify that.

19 **MS. HENEIN:** The statement given to the
20 press.

21 **THE COMMISSIONER:** Okay. So we need to
22 address three points then. Well, no, the first one was
23 just a correction. Well, was a statement to the police,
24 but your question was with respect that the Brissons were
25 making noise in the press.

1 **MS. HENEIN:** They had made statements in the
2 press.

3 **THE COMMISSIONER:** Statements before the
4 submission ---

5 **MS. HENEIN:** Yes.

6 **THE COMMISSIONER:** --- and the finalization
7 of the report. Okay.

8 I guess the idea is -- the one you have to
9 answer is repetition and you're putting everything to him.
10 So is there a point to all of this?

11 **MS. HENEIN:** There is a point as to why
12 there's no recommendation to advise the CAS or the police,
13 yeah.

14 **THE COMMISSIONER:** Okay. Just ---

15 **MS. HENEIN:** Mr. Commissioner has my point.

16 **THE COMMISSIONER:** Oh, I have your point.

17 **MS. HENEIN:** Yes.

18 **THE COMMISSIONER:** I have your point.

19 **MS. HENEIN:** So let me just go through that.

20 Are there any other issues that my friend
21 raised that you wish me to address?

22 **THE COMMISSIONER:** Well, there was two.

23 There was the repetition and the second one was ---

24 **MS. HENEIN:** The English translation, yes.

25 **THE COMMISSIONER:** Okay. Well, the

1 translation that the lawyer gave about certain sentences
2 was fairly accurate?

3 **MR. LEDUC:** I thought it was accurate, yes.

4 **THE COMMISSIONER:** Thanks.

5 **MS. HENEIN:** Thank you.

6 **THE COMMISSIONER:** So did I.

7 **MS. HENEIN:** So let's just go to where I
8 was.

9 The ad hoc committee report with its
10 recommendations, incorporating also the Ménard
11 recommendations, is issued May 23rd, 1986, right?

12 **MR. LEDUC:** Yes.

13 **MS. HENEIN:** All right.

14 And do you recall -- this is where I was
15 questioning you -- do you recall that on May 20th, the
16 Brissons had made the allegations involving Father
17 Deslauriers, or at least the fact of them, made a statement
18 in a public forum in the media?

19 **MR. LEDUC:** I remember that coming out, yes.

20 **MS. HENEIN:** All right.

21 So that is before you issue your report.

22 And were you aware that on May 21st, in fact, two days
23 before you issue your report, that the police became
24 involved ---

25 **MR. LEDUC:** Not that I ---

1 MS. HENEIN: --- with an investigation?

2 MR. LEDUC: I don't recall that today, no.

3 MS. HENEIN: All right.

4 Did you learn at some point that Mr. Brisson
5 had been interviewed, actually, by the police on May 22nd,
6 the day before your report?

7 MR. LEDUC: Well, I learned that he had been
8 interviewed, yes.

9 MS. HENEIN: All right.

10 Now, at the time, in terms of what's in your
11 mind when you're writing this report in the ad hoc
12 committee, is it fair to say that when you write it on May
13 23rd, 1986, your belief is that these allegations are now
14 out in the public domain?

15 MR. LEDUC: Yes.

16 MS. HENEIN: All right.

17 MR. SHERRIFF-SCOTT: I don't want interrupt
18 my friend's rhythm, but I don't think the witness has
19 testified that the report was written on May 23rd.

20 THE COMMISSIONER: I know.

21 MR. SHERRIFF-SCOTT: It's a bit long for one
22 day's work.

23 THE COMMISSIONER: M'hm.

24 MS. HENEIN: Before you submit your report
25 on May 23rd, before it's finalized -- so May 23rd is the

1 final date of the report -- as of May 23rd, were you aware
2 that this matter had now become public?

3 **MR. LEDUC:** To the best of my recollection,
4 this was a matter that was discussed quite a bit in the
5 public, yes.

6 **MS. HENEIN:** All right.

7 You were asked by Commission counsel if you
8 turned over your notes, documents or tapes in respect of
9 the ad hoc committee investigation into Father Deslauriers.

10 Now, you went through with Mr. Scott the
11 list of people that had been interviewed. Do you recall
12 that you did not attend the first interview with the Bishop
13 and the police on May 27th, 1986?

14 **MR. LEDUC:** I'm trying to think which -- is
15 this the interview with both Lefebvres?

16 **MS. HENEIN:** Well, let's just use the word
17 that's been used, and let me situate you.

18 You testified that at some point you are
19 involved in a police discussion with the Bishop; right?

20 **MR. LEDUC:** Yes.

21 **MS. HENEIN:** All right.

22 And that was when they attend his home?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** All right.

25 Do you -- I'm going to suggest to you that

1 the Bishop was interviewed on May 27th, 1986 and you did not
2 attend.

3 Do you have any recollection of attending
4 the police station with the Bishop?

5 MR. LEDUC: No.

6 MS. HENEIN: All right.

7 And did the police ever ask you about
8 producing any tapes, notes, documents in your possession in
9 respect of the ad hoc committee?

10 MR. LEDUC: Not that I recall.

11 MS. HENEIN: Thank you.

12 You testified that in fact your interaction
13 with the police and the Bishop, that meeting you told us
14 about where he said he's not going to say anything is on
15 June 16th, 1986?

16 MR. LEDUC: Yes.

17 MS. HENEIN: All right.

18 So if in fact -- if the evidence were to
19 reveal that he had been speaking to the police and had been
20 relaying information to them, that is not something that
21 the Bishop informed you of, right?

22 MR. LEDUC: I don't believe so.

23 MS. HENEIN: Is it fair to say, Mr. Leduc,
24 that you received information from the Bishop if and when
25 he wanted to provide it to you?

1 **MR. LEDUC:** Yes.

2 **MS. HENEIN:** Right.

3 Now, you had no authority to say to him,
4 "Look, I want to see your entire file. I want to talk to
5 everybody. I want to know everything that's going on."
6 Were you able to do that?

7 **MR. LEDUC:** No.

8 **MS. HENEIN:** I want to talk to you about the
9 preliminary inquiry involving Father Deslauriers, and there
10 have been a number of times that it had -- it's been put to
11 you. So do you know what I'm talking about ---

12 **MR. LEDUC:** Yes.

13 **MS. HENEIN:** --- when you attend on a
14 watching brief?

15 **MR. LEDUC:** Yes.

16 **MS. HENEIN:** All right.

17 And for those who may be watching and don't
18 know what a watching brief is, can you describe what a
19 lawyer's watching brief means?

20 **MR. LEDUC:** My understanding of a watching
21 brief is you're given the assignment to attend, observe,
22 and signal to your client any matters which may affect its
23 interest.

24 **MS. HENEIN:** Okay. Now, at the time that
25 Mr. Brisson testifies, do you recall that you'd already

1 seen Father Thibault testify?

2 **MR. LEDUC:** Yes.

3 **MS. HENEIN:** And he had been questioned,
4 cross-examined by defence counsel?

5 **MR. LEDUC:** Yes.

6 **MS. HENEIN:** And do you recall that it was
7 after observing that but before Mr. Brisson is cross-
8 examined and questioned that you approached the Crown?

9 **MR. LEDUC:** Yes.

10 **MS. HENEIN:** And your purpose in approaching
11 the Crown is to seek permission to speak to the witness?

12 **MR. LEDUC:** Yes.

13 **MS. HENEIN:** Okay.

14 **THE COMMISSIONER:** Sorry, yes?

15 **MS. JONES:** I've just been keeping track of
16 the number of times that the answers have been suggested to
17 this witness. I mean, a more appropriate question perhaps
18 could be framed so that the witness can give an opportunity
19 to actually give what his response is.

20 And additionally, I'm also stating that
21 Madam counsel is going over again the evidence that we've
22 already heard a couple of times, such as what was your job
23 on a watching brief. We've heard that already. Perhaps
24 she could just focus on what the actual questions are.

25 **MS. HENEIN:** All right.

1 **THE COMMISSIONER:** What's good for the
2 goose.

3 **MS. HENEIN:** Yes. Two days of -- two and a
4 half days of examination in-chief, I think I've been up
5 about 20 minutes right now and I have moved through it
6 relatively quickly.

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

8 **MS. HENEIN:** I do not think, in my
9 respectful submission, that I need to take him to every
10 single document when these are facts that are already out.
11 It slows the process down.

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

13 **MS. HENEIN:** I'm not suggesting an answer to
14 him where, in my respectful submission, it's going to
15 impact on your assessment of credibility. I'm mindful of
16 that. But I'm trying to move it along at a clip.

17 **MS. JONES:** Well, I respectfully disagree
18 because the question that should probably -- properly be
19 put to this witness is "What was the authority given to you
20 by the Bishop?" not suggesting what the Bishop's authority
21 was.

22 And that's my objection to the last
23 question.

24 **MS. HENEIN:** The last question was about why
25 he notified the Crown before he approached the witness.

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

2 **MS. HENEIN:** I don't think there's any
3 genuine dispute that he did that.

4 **THE COMMISSIONER:** No. I think the whole
5 issue is that you're repeating things to situate the
6 witness and yes, it's like what's good for the goose is
7 good for the gander.

8 **MS. HENEIN:** Thank you.

9 **THE COMMISSIONER:** Well, that was meant to
10 you though. That you got up often times and talked about
11 people repeating the same questions. And so now you're
12 covering the same ground that they have.

13 **MS. HENEIN:** No, well, I'm putting it in
14 context. I'm allowed to cover the areas that my friend has
15 raised.

16 **THE COMMISSIONER:** Yes.

17 **MS. HENEIN:** I doubt that I've been
18 belabouring this and I have not been on my feet for very
19 long. So perhaps my friend can give me the indulgence.

20 I assure you that I'll be moving through it
21 quickly. But I'm entitled to go through this. My friend
22 put a number of passages to him as did other witnesses. So
23 it's an important area.

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

25 **MS. HENEIN:** All right. So you approached

1 the Crown and sought permission; right?

2 MR. LEDUC: Yes.

3 MS. HENEIN: All right. And you were --
4 were you present in court when the Crown put on the record
5 what the conversation was between you and the Crown?

6 MR. LEDUC: Yes.

7 MS. HENEIN: All right. And again, to
8 remind you, that was that you had indicated that if there
9 was a matter pertaining to confession, the witness should
10 tell the judge?

11 MR. LEDUC: Yes.

12 MS. HENEIN: All right. And then were you
13 present also when Mr. Brisson, under oath, put that on the
14 record that you told him if he had a concern he was to
15 raise it with the judge?

16 MR. LEDUC: Yes.

17 MS. HENEIN: All right. So picking up on
18 Mr. Lee's question to you, I'm going to suggest to you that
19 that is consistent with what your recollection is of your
20 conversation with Mr. Brisson?

21 MR. LEDUC: It is.

22 MS. HENEIN: All right. And Mr. Lee
23 suggested to you that some people might perceive this as an
24 inappropriate attempt to keep the witness quiet. Was that
25 your intention, Mr. Leduc?

1 **MR. LEDUC:** Absolutely not.

2 **MS. HENEIN:** And do you recall of all the
3 people in the courtroom, the Crown attorney, Mr. Brisson
4 and the defence lawyer, do you recall who it was that was
5 upset that you had interfered or spoken to the witness?

6 **MR. LEDUC:** The defence counsel.

7 **MS. HENEIN:** All right. I want to talk to
8 you about the involvement that you had in Mr. Silmsers
9 matter.

10 You have testified about a conversation you
11 had in 1992 at which point some information is relayed to
12 you pertaining to a priest and a complaint; right?

13 **MR. LEDUC:** That's correct.

14 **MS. HENEIN:** And you also testified then
15 that there is a meeting with Mr. Silmsers on February 9th of
16 1993.

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** So I want to focus your mind
19 then on the time period between December of 1992 and
20 February 9th of 1993. Okay?

21 Were you ever given any information that
22 Monsignor McDougald had been having conversations with Mr.
23 Silmsers?

24 **MR. LEDUC:** No.

25 **MS. HENEIN:** All right. Were you given any

1 information that Monsignor McDougald had also spoken to
2 Father MacDonald?

3 **MR. LEDUC:** Before my February 9th meeting?

4 **MS. HENEIN:** Yes.

5 **MR. LEDUC:** That there had been -- that he
6 had been approached, yes.

7 **MS. HENEIN:** All right. Were you aware as
8 to whether or not Monsignor McDougald was reporting to the
9 Bishop what his interactions were with Mr. Silmser and
10 Father MacDonald ---

11 **MR. LEDUC:** No.

12 **MS. HENEIN:** --- prior to your involvement?

13 **MR. LEDUC:** No.

14 **MS. HENEIN:** All right. So I want to talk
15 to you firstly about your involvement on this matter.

16 What I'd like you to do is to turn up for me
17 please the protocol that was in place at the time and this
18 is Exhibit Number 58, Tab 25.

19 **THE COMMISSIONER:** I'm sorry. I'm sorry Mr.
20 Sound Person.

21 **MR. LEDUC:** Yes.

22 **MS. HENEIN:** All right. I'm just waiting
23 for it to come up on the screen.

24 All right. Now, were you aware as to when
25 this protocol was in operation?

1 MR. LEDUC: No.

2 MS. HENEIN: All right. Were you aware of
3 the fact that Father Vaillancourt had been involved in the
4 drafting of the protocol?

5 MR. LEDUC: Yes.

6 MS. HENEIN: All right. And were you aware
7 that it had been drafted somewhere around '91 or '92?

8 MR. LEDUC: Was I aware then?

9 MS. HENEIN: Yeah.

10 MR. LEDUC: Possibly.

11 MS. HENEIN: Okay. I want you to look at
12 the protocol with me, please; all right? I want to look at
13 the very first page. Do you see under "Objectives of the
14 designated person"?

15 THE COMMISSIONER: It's "B".

16 MS. HENEIN: Paragraph b.

17 MR. LEDUC: Yes.

18 MS. HENEIN: Phase 1 b.

19 MR. LEDUC: Yes.

20 MS. HENEIN: It says "Ascertain that there
21 are facts which support a reasonable motive." And we've
22 talked about what the French translation is about
23 reasonable suspicion or reasonable grounds for the
24 complainant, according to the laws of the protection of
25 youth and then "(Children's Aid Society)"?

1 MR. LEDUC: Yes.

2 MS. HENEIN: All right. So that is the
3 first time in the protocol that the Children's Aid Society
4 is identified?

5 MR. LEDUC: Yes.

6 MS. HENEIN: Right. And that is in Phase 1?

7 MR. LEDUC: Yes.

8 MS. HENEIN: All right. And then, the
9 second paragraph c, do you see there where it says "The
10 designated person informs the complainant of the following
11 measures"?

12 MR. LEDUC: Yes.

13 MS. HENEIN: All right. And so it says:
14 "The suspected aggressor will be met.
15 An advisory committee will study the
16 complaint. The obligation to notify
17 the CAS of the offence if a minor is
18 involved."

19 Do you see that?

20 MR. LEDUC: Yes.

21 MS. HENEIN: All right. So this is
22 happening before Phase 4 is initiated?

23 MR. LEDUC: I would think so.

24 MS. HENEIN: All right. That is the second
25 time on one page the CAS is mentioned?

1 MR. LEDUC: Yes.

2 MS. HENEIN: All right. Can you turn with
3 me to the second page? This is under Phase 3. Do you see
4 bullet point 3? It says:

5 "If a minor is involved, inform him
6 that the case is submitted to the CAS."

7 MR. LEDUC: Yes.

8 MS. HENEIN: Right? So by my count, that's
9 now the third time the CAS is mentioned in a protocol?

10 MR. LEDUC: Yes.

11 MS. HENEIN: All right. And if you can go
12 down with me please to Phase 5. Do you see 1(a), it says:

13 "The designated person notifies the CAS
14 of the case and follows its
15 directives."

16 MR. LEDUC: Yes.

17 MS. HENEIN: All right. So that's the
18 fourth time the CAS is mentioned?

19 MR. LEDUC: Yes.

20 MS. HENEIN: All right. And can you go down
21 to 2(b) please?

22 MR. LEDUC: Yes.

23 MS. HENEIN: It says:

24 "If -- the complainant is informed of
25 his rights to bring the case to the

1 attention of the CAS if he thinks he
2 has reasons to do so."

3 And let me just -- sorry, let me give you
4 the context, let me begin at 2.

5 "If the CAS is not notified of the
6 case..."

7 Under b, it says:

8 "...the complainant is informed of his
9 rights to bring the case to the
10 attention of the CAS if he thinks he
11 has reasons to do so."

12 **MR. LEDUC:** Yes.

13 **MS. HENEIN:** All right. So that's the fifth
14 time the CAS is mentioned in the protocol?

15 **MR. LEDUC:** Correct.

16 **MS. HENEIN:** All right. And then can I take
17 you, please, to the third page of the protocol?

18 Do you see at point 3, before Phase 6, so
19 we're still with Phase 5. It says:

20 "If the situation warrants it because
21 the events have become public, because
22 of the trial, or that it is a case for
23 the CAS, the Bishop will order the
24 person concerned to leave his post."

25 Is that the sixth time the CAS is mentioned?

1 **MR. LEDUC:** Yes.

2 **MS. HENEIN:** All right. And then Phase 7
3 please, if you can look at that with me? Sub-section b, it
4 says:

5 "Offering to help; also to the victim
6 and his family, help and close support
7 is offered, taking into consideration
8 the guidelines given by the CAS or if
9 such is the case, by the police
10 officers."

11 Seventh time the CAS is mentioned in a
12 three-page document?

13 **MR. LEDUC:** Yes.

14 **MS. HENEIN:** All right. And then at the
15 bottom when it talks about other situations, it is now
16 dealing with situations that may arise against adults, and
17 it talks about a variety of offences. Can you look at the
18 third one there? It says:

19 "The designated person, according to
20 the circumstances, following the
21 guidelines given in the above
22 section..."

23 It says just "omitting all references to the
24 CAS" so that if it's an adult person, you follow the
25 protocol but you omit the references to the CAS; right?

1 **MR. LEDUC:** That's correct.

2 **MS. HENEIN:** So in a three-page document,
3 protocol, that Father Vaillancourt authors as one of the
4 authors, there are seven references to the CAS; right?

5 **MR. LEDUC:** Yes.

6 **MS. HENEIN:** All right. And one of the
7 things that you testified you tell the Bishop when you're
8 retained via I believe Mr. Bryan is, number one, notify the
9 insurer, and I'm going to come to that, and number two,
10 follow the protocol; right?

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

12 **MS. HENEIN:** All right. Now, this committee
13 that is struck, you testified when you were asked --
14 answering some questions by Mr. Scott, that this committee
15 and the ad hoc committee were, in your mind in any event,
16 very different?

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** All right. And the advisory
19 committee, according to the protocol, is required to
20 convene a meeting and assess the value of the reasonable
21 grounds, reasonable suspicion. It says reasonable motive,
22 but Mr. Commissioner has indicated that translation is
23 inaccurate.

24 And then the minutes of the meeting are
25 written down and then the Bishop is to be advised; right?

1 **MR. LEDUC:** That's correct.

2 **MS. HENEIN:** All right.

3 Now, on your meeting -- or in your meeting
4 with Mr. Silmsers, the people that are involved, Monsignor
5 McDougald, had prior involvement with this matter. He had
6 knowledge of it; right?

7 **MR. LEDUC:** Yes.

8 **MS. HENEIN:** All right. And the other
9 person sitting there beside you in this meeting with Mr.
10 Silmsers is the person who had authored the protocol; right?

11 **MR. LEDUC:** Yes.

12 **MS. HENEIN:** All right. Did the Bishop or
13 Father Vaillancourt or Monsignor McDougald, in your
14 capacity as legal advisor, ever say to you, "We just don't
15 understand what the protocol means"?

16 **MR. LEDUC:** No.

17 **MS. HENEIN:** Father -- or Monsignor
18 McDougald had the role of what in this committee?

19 **MR. LEDUC:** He was the delegate I believe,
20 the designated person.

21 **MS. HENEIN:** All right. And so when there
22 are references in the protocol to the things that the
23 designate is supposed to do, that would reference Monsignor
24 McDougald?

25 **MR. LEDUC:** I would think so.

1 **MS. HENEIN:** Are you aware whether Monsignor
2 McDougald ever, following the protocol, notified Mr.
3 Silmsers either that they had notified the CAS or,
4 alternatively, they had made the decision not to notify the
5 CAS but that he certainly was free to bring it to the
6 attention of the CAS?

7 **MR. LEDUC:** I don't know that.

8 **MS. HENEIN:** But if your advice in following
9 the protocol had been accepted, I take it that would be one
10 of the things you would expect would be done?

11 **MR. LEDUC:** I would think so.

12 **MS. HENEIN:** Did you, as a member of this
13 Phase 4 committee, have authorization to meet with anyone
14 else other than Mr. Silmsers?

15 **MR. LEDUC:** No.

16 **MS. HENEIN:** Were you ever retained by the
17 Bishop to go beyond the mandate of this committee and
18 conduct a broader investigation into Father MacDonald?

19 **MR. LEDUC:** No, never.

20 **MS. HENEIN:** In terms of the reporting
21 relationship, you indicated that one of the things you had
22 instructed the individuals on the committee to do was to
23 take minutes; right?

24 **MR. LEDUC:** Yes.

25 **MS. HENEIN:** What was your expectation in

1 terms of the chain of reporting to the Bishop as to what
2 had occurred?

3 **MR. LEDUC:** Father Vaillancourt was to
4 prepare a report and Monsignor McDougald was to communicate
5 it to the Bishop.

6 **MS. HENEIN:** All right. And do you recall -
7 - you said the Bishop never came back to you for
8 instructions -- or for further legal work on this issue on
9 the committee. Do you recall if he ever came back to you
10 and said, "You know, looking at this protocol, I think I
11 need some sort of legal memo or legal analysis of do we
12 report to the CAS, do we not report to the CAS"; anything
13 of that nature?

14 **MR. LEDUC:** No.

15 **MS. HENEIN:** You indicated that, at the end
16 of the day, what you concluded in respect of Mr. Silmsler
17 was that he was either telling the truth, right, or that he
18 was a very good actor?

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

20 **MS. HENEIN:** All right. Was there anything
21 precluding Bishop Larocque from personally sitting down
22 with Mr. Silmsler and making his own assessment?

23 **MR. LEDUC:** Not that I know of.

24 **MS. HENEIN:** All right. Was there anything
25 precluding the Bishop from sitting down with Father

1 MacDonalld and making his own assessment of the allegations?

2 MR. LEDUC: No.

3 MS. HENEIN: All right. Was there anything
4 binding at all about your assessment of he could either be
5 telling the truth or he could not be?

6 MR. LEDUC: No.

7 MS. HENEIN: Did Bishop Larocque ever come
8 back to you and say, "You're uncertain. What other
9 investigation can we do to further canvass this issue?"

10 MR. LEDUC: I've have never had other
11 discussions with Bishop Larocque on that subject.

12 MS. HENEIN: All right.

13 Now, you were asked by Commission counsel --
14 in fact, she read to you another -- a number of excerpts of
15 Mr. Silmsers' perception of you. And what was not put to
16 you and I want to put to you now is Mr. Silmsers testified
17 that you were sympathetic and concerned during the February
18 9th interview.

19 Is that consistent with your recollection of
20 your interaction with Mr. Silmsers?

21 MR. LEDUC: I thought so.

22 MS. HENEIN: Now, Commission counsel asked
23 you a number of questions about your training, your special
24 training in interviewing sexual assault victims. All
25 right? Do you recall those questions?

1 **MR. LEDUC:** Yes.

2 **MS. HENEIN:** All right. Now, in the course
3 of your practice, do you have an expertise or do you have a
4 generalist practice?

5 **MR. LEDUC:** I practise general -- I have a
6 general practice.

7 **MS. HENEIN:** All right. And are there any
8 courses that you are aware of offered by the Law Society or
9 law school or professional legal organizations dealing with
10 the interviewing techniques of sexual assault victims?

11 **MR. LEDUC:** It's not something I recall
12 seeing.

13 **MS. HENEIN:** All right. As a lawyer, are
14 you trained to ask questions? Is that something that was
15 part of your law school training?

16 **MR. LEDUC:** Yes, yes, yes.

17 **MS. HENEIN:** All right.

18 And you were asked a question to use the
19 words of -- that were put to you where you got the "notion"
20 that it was important to obtain details of the allegations
21 Mr. Silmsen was making. Do you recall those questions?

22 **MR. LEDUC:** Yes.

23 **MS. HENEIN:** All right. Are you aware that
24 when police conduct investigations, including sexual
25 assault complainants, they ask about details? Do you know

1 that?

2 MR. LEDUC: Yes.

3 MS. HENEIN: All right. Are you -- you
4 attended, for example, the preliminary inquiry involving
5 Father Deslauriers. Did you observe there questions about
6 details being put ---

7 MR. LEDUC: Yes.

8 MS. HENEIN: --- to the witness? All right.
9 And as part of your function on the Phase 4
10 committee, as I understand your evidence, it was to figure
11 out this is truthful or not truthful.

12 Can you tell us how you were to make that
13 determination as to whether Mr. Silmsler was being truthful
14 or not in his reporting of the allegations?

15 MR. LEDUC: By asking Mr. Silmsler to recount
16 the events that he was complaining about, the conduct that
17 he was complaining about, and assessing those facts and
18 obviously our observation of his demeanour and what he had
19 to say and what he was putting forth, and putting all that
20 in the balance and coming to some assessment.

21 MS. HENEIN: Okay.

22 I want to take you to your statement,
23 Exhibit 1888.

24 THE COMMISSIONER: Might we take a break at
25 this point if you don't mind?

1 **MS. HENEIN:** Yes.

2 **THE COMMISSIONER:** Thank you.

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

5 This hearing will resume at 11:35.

6 --- Upon recessing at 11:20 a.m. /

7 L'audience est suspendue à 11h20

8 --- Upon resuming at 11:37 a.m. /

9 L'audience est reprise à 11h37

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

12 The hearing is now resumed. Please be
13 seated. Veuillez vous asseoir.

14 **THE COMMISSIONER:** Mr. Wallace, you might
15 want to instruct your partner to curb his emotions on his
16 arrival.

17 **(LAUGHTER/RIRES)**

18 **THE COMMISSIONER:** Ms. Henein?

19 **JACQUES LEDUC:** Resumed/Sous le même serment

20 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.

21 **HENEIN:** (cont'd./suite)

22 **MS. HENEIN:** Thank you.

23 You have given evidence that at the time you
24 were meeting with Mr. Silmsler on February 9th of 1993, you
25 were given information that he had either gone to the

1 police or would be going to the police?

2 MR. LEDUC: Yes.

3 MS. HENEIN: Did you subsequently become
4 aware that in fact what Mr. Silmsler told you was true
5 because on December 9th, 1992, he reported to the police?

6 MR. LEDUC: Yes.

7 MS. HENEIN: Were you aware of that?

8 MR. LEDUC: Yes.

9 MS. HENEIN: Was Monsignor McDougald's
10 office in the same building as Bishop Larocque?

11 MR. LEDUC: Monsignor McDougald did not have
12 an office in the Diocesan Centre.

13 MS. HENEIN: All right.

14 Did he have a reporting obligation to the
15 Bishop?

16 MR. LEDUC: In relation to this committee?

17 MS. HENEIN: Yes.

18 MR. LEDUC: Yes.

19 MS. HENEIN: You were asked a number of
20 questions by Commission counsel regarding the existence or
21 non-existence of files in respect of the Deslauriers matter
22 and the Silmsler matter. Do you recall that ---

23 MR. LEDUC: Yes.

24 MS. HENEIN: --- line of questioning?

25 MR. LEDUC: Yes.

1 **MS. HENEIN:** All right.

2 And as I understand it, your involvement
3 with the Deslauriers matter ended in 1986?

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

5 **MS. HENEIN:** All right.

6 And your involvement with the -- let's just
7 stay with the Deslauriers matter. Did you have any reason
8 in 1986 to believe that your file would be required 22
9 years later?

10 **MR. LEDUC:** No.

11 **MS. HENEIN:** All right.

12 And were you ever instructed by the Diocese
13 or by the Bishop to retain the file in respect of
14 Deslauriers for a period longer than the normal course?

15 **MR. LEDUC:** No.

16 **MS. HENEIN:** All right.

17 With respect to the Silmsers matter, in terms
18 of your involvement, you indicated that the interview of
19 Mr. Silmsers was to be memorialized by Father Vaillancourt,
20 right?

21 **MR. LEDUC:** Yes, because he had refused to
22 have it taped.

23 **MS. HENEIN:** Okay. And did you believe that
24 that memorialization, in fact, had occurred?

25 **MR. LEDUC:** That Father Vaillancourt was

1 taking notes?

2 MS. HENEIN: Yes.

3 MR. LEDUC: Yes.

4 MS. HENEIN: All right.

5 And in the course of your dealings with
6 Bishop Larocque and his institutional response to the
7 either Deslauriers matter or the Silmsers matter, was the
8 fact that you did not have detailed notes something that in
9 any way was brought to your attention by him, that he
10 needed your notes to make a decision or that he needed your
11 notes to respond properly?

12 MR. LEDUC: No.

13 MS. HENEIN: All right.

14 So did the completeness or brevity of your
15 file in any way impact on Bishop Larocque's decision
16 making? Did he ever ask to see it, for example?

17 MR. LEDUC: No.

18 MS. HENEIN: All right.

19 I want to go to the settlement involving Mr.
20 Silmsers, and as I understand the evidence you've given,
21 after that meeting on February 9th of 1993, you cease having
22 any involvement with the Silmsers matter until you become
23 involved in the settlement. Is that right?

24 MR. LEDUC: That's correct.

25 MS. HENEIN: All right.

1 So what happens between the time that you
2 end your involvement in the Phase IV committee, if I can
3 call it that, and the time you are spoken to by Mr.
4 MacDonald regarding the possibility of a settlement, you
5 can't help us out with what Bishop Larocque has done with
6 the information you've given?

7 **MR. LEDUC:** I had no information.

8 **MS. HENEIN:** All right.

9 And he didn't ask you to step back in during
10 those months?

11 **MR. LEDUC:** No.

12 **MS. HENEIN:** All right.

13 And when you were brought back in to deal
14 with the settlement component, does Bishop Larocque sit
15 down and brief you as to what's been happening?

16 **MR. LEDUC:** No.

17 **MS. HENEIN:** All right.

18 Did he provide you with access to any notes
19 or reports that he had received?

20 **MR. LEDUC:** No.

21 **MS. HENEIN:** All right.

22 Now, are you aware of whether there is a
23 professional obligation to encourage settlement?

24 **MR. LEDUC:** I believe there is.

25 **MS. HENEIN:** And at the time that you ---

1 **MR. LEDUC:** And let me ---

2 **MS. HENEIN:** Yes.

3 **MR. LEDUC:** And the reason I say I believe
4 there is is because civil procedure in some instances
5 requires that we attend settlement conferences.

6 **MS. HENEIN:** Okay. Now, at the time that
7 you are involved in the settlement of the Silmser matter,
8 were you aware that sexual complainants do initiate civil
9 lawsuits?

10 **MR. LEDUC:** Yes.

11 **MS. HENEIN:** Were you aware that there are
12 law firms that in fact specialize in civil suits involving
13 sexual assault complainants?

14 **MR. LEDUC:** Yes.

15 **MS. HENEIN:** All right.

16 And in your view, was there anything unusual
17 or unseemly about representing Bishop Larocque and the
18 Diocese in a sexual assault civil claim?

19 **MR. LEDUC:** No.

20 **MS. HENEIN:** Now, throughout your dealings
21 in representing the Diocese and the Bishop, did you at any
22 time act for Father Charles MacDonald?

23 **MR. LEDUC:** No, never.

24 **MS. HENEIN:** All right.

25 **MR. LEDUC:** Other -- no, never for him

1 personally other than what I said about the parish in Apple
2 Hill and the roof construction problem.

3 **MS. HENEIN:** No, my question was not clear.
4 During the course of the settlement and settlement
5 discussions ---

6 **MR. LEDUC:** Sorry.

7 **MS. HENEIN:** --- did you ever act for Father
8 MacDonald?

9 **MR. LEDUC:** No.

10 **MS. HENEIN:** What were your loyalties in
11 terms of effecting this settlement?

12 **MR. LEDUC:** I had one client and that was
13 the Diocese.

14 **MS. HENEIN:** All right.

15 Now, I want to talk to you a little bit
16 about what you understood about Mr. MacDonald in ---

17 **THE COMMISSIONER:** I'm sorry, which one?

18 **MS. HENEIN:** Sorry, there are many
19 MacDonalds, aren't there? The lawyer for Father MacDonald.

20 **THE COMMISSIONER:** Malcolm.

21 **MS. HENEIN:** Malcolm MacDonald.

22 **MR. LEDUC:** Yes.

23 **MS. HENEIN:** All right.

24 You told us that you did know that he had
25 been a Crown attorney in the past?

1 MR. LEDUC: Yes.

2 MS. HENEIN: All right.

3 And at the time of this settlement, do you
4 recall how many years at the Bar you had been?

5 MR. LEDUC: I had been?

6 MS. HENEIN: Yeah.

7 MR. LEDUC: This was '93. I think I was
8 called in '77-'78.

9 MS. HENEIN: In '78. All right.

10 And were you aware that Mr. MacDonald, the
11 former Crown attorney, had been called in the 1950s?

12 MR. LEDUC: Yes.

13 MS. HENEIN: How did you know that?

14 MR. LEDUC: Well, he was very senior, and he
15 was with that group of Ontario -- of Cornwall lawyers that
16 had been through the war and had practised, you know, after
17 the war in the early '50s.

18 MS. HENEIN: All right.

19 So you viewed him as part of the group of
20 senior lawyers in Cornwall?

21 MR. LEDUC: Definitely.

22 MS. HENEIN: All right.

23 Was he a Q.C. as well?

24 MR. LEDUC: Yes, he was.

25 MS. HENEIN: And at the time you commence

1 your dealings with him, did you have any reason to believe
2 that he was not a member in good standing with the Law
3 Society?

4 MR. LEDUC: No.

5 MS. HENEIN: Did you have any reason to
6 doubt his honour or his *bona fides*?

7 MR. LEDUC: Not at all.

8 MS. HENEIN: Okay. Are you aware that Mr.
9 Sean Adams testified before this Commission?

10 MR. LEDUC: Yes.

11 MS. HENEIN: All right.

12 And you were asked questions by Commission
13 counsel regarding whether you did anything to find out if
14 Sean Adams had a conflict?

15 MR. LEDUC: Yes.

16 MS. HENEIN: All right.

17 And are you aware that he testified he had
18 never worked for Bishop Larocque or received instructions
19 from him?

20 MR. LEDUC: I don't know that.

21 MS. HENEIN: All right.

22 He testified that he didn't have any
23 conflict, as he perceived it, acting for Mr. Silmser.

24 At that time of the settlement, did you have
25 any knowledge that would contradict that conclusion that he

1 did not have a conflict?

2 MR. LEDUC: No.

3 MS. HENEIN: Were you aware that Sean Adams
4 was chosen by Mr. Silmser?

5 MR. LEDUC: At one point in time, yes, and
6 Malcolm is the one who told me.

7 MS. HENEIN: All right.

8 Now, one of the things that was put to you
9 was the fact that there are conspiracy theories, and one of
10 the specific things that was put to you was Mr. Malcolm
11 MacDonald's comments that the reason the money from the
12 Diocese came from you to his trust account was perhaps, it
13 was suggested to you, to bury the source of the money. Do
14 you recall that questioning?

15 MR. LEDUC: Yes.

16 MS. HENEIN: All right.

17 And you testified that was not the case?

18 MR. LEDUC: That's correct.

19 MS. HENEIN: All right.

20 Can you look with me, please, at Exhibit
21 321?

22 (SHORT PAUSE/COURTE PAUSE)

23 MS. HENEIN: And Exhibit 321 is a cheque
24 that appears to be paid from Malcolm MacDonald, Q.C., Trust
25 Account, to David Silmser. Do you have that in front of

1 you?

2 **MR. LEDUC:** Yes.

3 **MS. HENEIN:** All right.

4 And you recall that Mr. MacDonald, according
5 to what he reported, I believe to the police, had said that
6 that was his view, that it was to bury the source of this
7 money and this payment to Silmsers, right?

8 **MR. LEDUC:** Yes.

9 **MS. HENEIN:** All right.

10 So the Church wouldn't be identified with
11 Silmsers and paying him money.

12 Can you look at the re: line, please, on the
13 cheque? ECDA, does that stand for the Episcopal
14 Corporation of the Diocese of Alexandria?

15 **MR. LEDUC:** I would think so.

16 **MS. HENEIN:** So on the face of the cheque,
17 the re: line references the Church. The cheque is payable
18 to Mr. Silmsers, right?

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** Is that consistent, sir, with
21 your evidence that there were no instructions to Mr.
22 MacDonald to bury the source of the money?

23 **MR. LEDUC:** There were no such instructions.

24 **MS. HENEIN:** I want to talk to you a little
25 bit about your involvement with the CAS investigation in

1 1993.

2 Now, you recall that you meet with Mr.
3 Silmser on February 9th of '93, right?

4 **MR. LEDUC:** Yes.

5 **MS. HENEIN:** And a few months later you are
6 in fact involved with an investigation that the CAS is
7 conducting, right?

8 **MR. LEDUC:** In the fall, yes.

9 **MS. HENEIN:** And do you know how that
10 investigation comes about? Are you consulted at that time
11 about the investigation?

12 **MR. LEDUC:** I'm consulted about the CAS
13 investigation, and I have instructions, yes, but I don't
14 recall how it came about.

15 **MS. HENEIN:** All right. Now, in terms of
16 your experience with the CAS in this investigation, were
17 you aware what they could and could not do in terms of
18 directing Father MacDonald or the Bishop?

19 **MR. LEDUC:** Well, at that time, it was more
20 of a matter of cooperating with what they wanted us to do.

21 **MS. HENEIN:** Okay. Well, I'm going to ask
22 you to look with me, please, at Document number 721672.

23 **THE COMMISSIONER:** Is this a new exhibit?

24 **MS. HENEIN:** Your indulgence.

25 This is the CAS notes, and we've been

1 excerpting various portions of them. So I don't believe
2 this portion has yet been made an exhibit, and the Bates
3 pages are 7081866 and the other page I will be referring to
4 is 7081868. So if I can just start with the first page,
5 which is 7081866.

6 No, I don't. I'm just situating everybody.

7 **THE COMMISSIONER:** Exhibit 1933 is an
8 excerpt of Document 721672 and it's Case Notes of Mr. Bell
9 and the first date on this document is the 18th of October
10 1993.

11 **--- EXHIBIT NO./PIÈCE No P-1933:**

12 (721672) Excerpt: 7081866-68 CAS Case
13 Service Record Notes of Mr. Bell - 18-19
14 Oct, 93

15 **MS. HENEIN:** Thank you. Yes? They're all
16 in one. Okay.

17 On October 19th of 1993, according to the
18 notes of Mr. Bell, you attend as counsel for the Diocese
19 and indicate -- or it says:

20 "Discuss what we need from the Church
21 in terms of information and assistance
22 in our investigation."

23 Do you see that?

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

25 **MS. HENEIN:** All right. Was that consistent

1 with your instructions?

2 MR. LEDUC: It was.

3 MS. HENEIN: All right. And so as you
4 understood it, the CAS was going to come to you or the
5 Church and ask for information or assistance; right?

6 MR. LEDUC: I was to facilitate that, yes.

7 MS. HENEIN: All right. And if I can take
8 you, please, to Bates 7081868.

9 MR. LEDUC: Yes.

10 MS. HENEIN: And this is, again continuing
11 on the same day, October 19th, 1993, Mr. Bell writes, and I
12 want to read it to you and tell me whether this is
13 consistent with your recollection:

14 "We indicated that Bishop Larocque
15 indicated we were guaranteed only two
16 weeks with Father MacDonald out of the
17 parish and that this was not acceptable
18 to us as children would be at risk were
19 he to return. J. Leduc agreed to the
20 following: One, try to persuade Bishop
21 Larocque not to put Father MacDonald
22 back in a parish; two, to make efforts
23 to persuade David Silmser to speak to
24 CAS and to..." ---

25 THE COMMISSIONER: "indicate."

1 **MS. HENEIN:** --- "indicate..." -- sorry.
2 "...the role this could play in
3 protecting children."

4 Do you see that?

5 **MR. LEDUC:** Yes.

6 **MS. HENEIN:** All right. So I want to stop
7 there.

8 Firstly, is it consistent with your
9 recollection that the Bishop had told you that he was
10 taking Father MacDonald out for two weeks?

11 **MR. LEDUC:** I don't recall that.

12 **MS. HENEIN:** All right. Do you have any
13 reason to disagree with the notes, as they are articulated
14 by Mr. Bell today?

15 **MR. LEDUC:** No.

16 **MS. HENEIN:** All right. And so would you
17 agree with me that according to those notes, in any event,
18 what they are saying to you is Bishop Larocque said they've
19 got two weeks; right?

20 **MR. LEDUC:** That's what it would say, yes.

21 **MS. HENEIN:** And then they say to you, well,
22 could you go back and try to convince Bishop Larocque just
23 don't bring this Father back because there are kids that
24 may be in jeopardy; right?

25 **MR. LEDUC:** Yes.

1 **MS. HENEIN:** Right. I just want to ask you
2 a few questions about this.

3 Firstly, did you know whether the CAS could
4 issue an order forbidding Father MacDonald from coming back
5 to the parish?

6 **MR. LEDUC:** They could not.

7 **MS. HENEIN:** They could not.

8 Do you know whether they could issue an
9 order that Father MacDonald not associate with children?

10 **MR. LEDUC:** They could not.

11 **MS. HENEIN:** All right.

12 I take it you are aware that's something a
13 police officer can do through a bail order?

14 **MR. LEDUC:** Yes.

15 **MS. HENEIN:** All right. Now, it appears
16 here that Bishop Larocque is being asked to extend the
17 removal of Father MacDonald. As counsel to Bishop
18 Larocque, did he consult with you about whether it was
19 consistent with his moral obligation to remove Father
20 MacDonald?

21 **MR. LEDUC:** No.

22 **MS. HENEIN:** All right. Was that a decision
23 that Bishop Larocque made alone?

24 **MR. LEDUC:** I believe so.

25 **MS. HENEIN:** All right.

1 **THE COMMISSIONER:** Well, did he have any of
2 your input in that?

3 **MR. LEDUC:** Not that I recall.

4 **MS. HENEIN:** I'm sorry, Commissioner, I
5 didn't hear that last ---

6 **THE COMMISSIONER:** Well, your question was
7 did the Bishop decide this all alone.

8 **MS. HENEIN:** Yes.

9 **THE COMMISSIONER:** Well, we really don't
10 know that. I think the real question would be ---

11 **MS. HENEIN:** Fair enough.

12 **THE COMMISSIONER:** --- did you have any
13 input in his making that decision?

14 **MS. HENEIN:** Yes, fair enough.

15 And the question or the answer is?

16 **MR. LEDUC:** I don't -- I did not.

17 **MS. HENEIN:** All right. And let's just go
18 with that question posed; did he ask, did he ever ask you
19 for your input and say, "Gee, what should I be doing for my
20 parish here?"

21 **MR. LEDUC:** No.

22 **MS. HENEIN:** No?

23 **MR. LEDUC:** No.

24 **MS. HENEIN:** All right. I want to take you
25 to the final release that has been -- you've been

1 questioned extensively about for the past four days and ask
2 you a few questions about it.

3 When somebody, a civil -- not somebody, a
4 lawyer acting in a civil case prepares or receives a
5 release, do you expect the plaintiff or plaintiff's counsel
6 to have a copy of the release?

7 **MR. LEDUC:** Yes.

8 **MS. HENEIN:** All right, so in this case, you
9 would have expected Mr. Silmsler and/or his counsel to have
10 a copy of this release?

11 **MR. LEDUC:** Yes.

12 **MS. HENEIN:** All right. And in fact, when
13 Mr. Geoffrey writes to you later on and says he's seen the
14 release, was that consistent with your belief that, indeed,
15 either counsel or the complainant himself had a copy of the
16 release?

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** All right. Was there any
19 attempt on your part to bury the release or make sure that
20 Mr. Silmsler or his counsel did not have copies of it?

21 **MR. LEDUC:** No.

22 **MS. HENEIN:** All right. So before we get to
23 the press statements that are made and you're looking at
24 the release, do I take it that you at least believe that
25 certainly Mr. Silmsler and his counsel had a copy of the

1 release?

2 MR. LEDUC: Yes.

3 MS. HENEIN: Who else did you believe had a
4 copy of the release?

5 MR. LEDUC: Mr. MacDonald.

6 MS. HENEIN: Okay.

7 MR. LEDUC: And Father Charles, I would
8 think.

9 MS. HENEIN: All right. So Mr. MacDonald
10 and Father Charles had a copy of the release. And who
11 else?

12 MR. LEDUC: Mr. Adams.

13 MS. HENEIN: Okay. Now, I want you to look
14 with me -- the Commissioner also asked some questions about
15 this, and I want to just be very clear. Exhibit 1893, the
16 release, that is the draft release.

17 THE COMMISSIONER: Eighteen ninety-three
18 (1893).

19 MR. LEDUC: Yes.

20 MS. HENEIN: All right. Now you are asked
21 to have some input into drafting a release right?

22 MR. LEDUC: That's correct.

23 MS. HENEIN: And of course you are acting
24 for the Diocese; right?

25 MR. LEDUC: Yes.

1 **MS. HENEIN:** And you've indicated your
2 obligations are to the Diocese; right?

3 **MR. LEDUC:** Yes.

4 **MS. HENEIN:** And so this document, if I can
5 ask you please to go back to Bates page 1143660. Thank
6 you. The fax coversheet, because the sequence here, I just
7 want to be very clear we have your evidence on this.

8 This fax is to Malcolm MacDonald, three
9 pages, from Jacques Leduc; right?

10 **MR. LEDUC:** Yes.

11 **MS. HENEIN:** All right. So it appears to be
12 a fax of three pages from you to Malcolm MacDonald.

13 **MR. LEDUC:** Yes.

14 **MS. HENEIN:** All right. Now, at the time,
15 you do a draft with blanks in it; right?

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

17 **MS. HENEIN:** Okay. Now, so you're faxing it
18 to him. It does not have his handwriting on it; right?

19 **MR. LEDUC:** No.

20 **MS. HENEIN:** All right. So I want you now
21 to look at with me, please, Bates pages 661, 662, and 663.
22 So if you can scroll through those, please. Do you see
23 them in front of you?

24 **MR. LEDUC:** Yes.

25 **MS. HENEIN:** And do you see that there has

1 been handwriting on it; right?

2 **MR. LEDUC:** Yes.

3 **MS. HENEIN:** Now, to the -- this is not your
4 handwriting, you've indicated?

5 **MR. LEDUC:** No, it is not.

6 **MS. HENEIN:** All right. So when you faxed
7 it over to Mr. MacDonald, does it have his handwriting on
8 it?

9 **MR. LEDUC:** No, mine is a virgin copy that
10 goes to him.

11 **MS. HENEIN:** All right, well, just so we
12 know what you mean by ---

13 **MR. LEDUC:** Yes, okay, well it has ---

14 **MS. HENEIN:** --- virgin copy.

15 **MR. LEDUC:** --- it has no scribblings on it.

16 **MS. HENEIN:** No handwritten?

17 **MR. LEDUC:** No handwritten.

18 **MS. HENEIN:** Fine. And so in particular the
19 "2" where it says -- there's a "2" added. You see it
20 sidebarred on the full Release and Undertaking Not to
21 Disclose?

22 **MR. LEDUC:** Yes.

23 **MS. HENEIN:** That handwriting, is that your
24 handwriting?

25 **MR. LEDUC:** No.

1 **MS. HENEIN:** All right.

2 Now, Mr. MacDonald, in his -- and this is
3 Murray (sic) MacDonald, in his testimony or his statements
4 to the police -- I'm not going to take you through them --
5 indicated that you did not see the final release that he
6 drafted. Is that consistent with your recollection of
7 events?

8 **THE COMMISSIONER:** You said Murray, but I
9 think you mean Malcolm.

10 **MS. HENEIN:** I'm sorry. I'm sorry.

11 **THE COMMISSIONER:** No, no, but just to keep
12 the record clear.

13 **MS. HENEIN:** No, no, thank you very much.
14 Malcolm MacDonald?

15 **MR. LEDUC:** Yes.

16 **MS. HENEIN:** All right.

17 And I want to be very clear, I'm not talking
18 about seeing the executed release, I'm talking about the
19 unsigned release. His evidence to the police was that you
20 did not see that final product. Is that consistent with
21 your evidence?

22 **MR. LEDUC:** Yes, it is.

23 **MS. HENEIN:** All right.

24 Now, you say the two, which becomes the
25 offending paragraph, that's not your handwriting, adding

1 number two in there?

2 MR. LEDUC: It is not.

3 MS. HENEIN: All right.

4 Now, I want to ask you, in conjunction and
5 in comparison to that release, you were asked some
6 questions by Mr. Lee about a person we've identified as C-
7 69. Do you recall those questions?

8 MR. LEDUC: Yes.

9 MS. HENEIN: All right.

10 And in that draft release -- and I'm not
11 going to ask you to pull it up again or that release -- it
12 was very short; right?

13 MR. LEDUC: One paragraph.

14 MS. HENEIN: All right.

15 And now you're acting in that case for who?

16 MR. LEDUC: For the victim.

17 MS. HENEIN: Right. And was it -- in
18 drafting that release, what were you -- what interests were
19 you protecting?

20 MR. LEDUC: The victim's.

21 MS. HENEIN: All right. And so that was a
22 shorter release, right?

23 MR. LEDUC: Yes.

24 MS. HENEIN: Now, C-69 -- and it was put to
25 you in her statement to the police -- claimed that there

1 was issues of confidentiality and going to the police,
2 reporting it to the police.

3 In that release, is there any reference to
4 criminal matters?

5 **MR. LEDUC:** No.

6 **MS. HENEIN:** Is there any reference to a
7 confidentiality clause?

8 **MR. LEDUC:** No.

9 **MS. HENEIN:** All right.

10 Now, I'm going to ask you and I want you to
11 listen to this question very, very carefully and answer it
12 as best you can. Were there, at the time that C-69 made
13 her statement to the police in 2000 -- are you able to tell
14 us -- first of all, did you know her until she passed away?

15 **MR. LEDUC:** Yes.

16 **MS. HENEIN:** All right. And were there any
17 issues that you were aware of that were mental health
18 issues that may have impacted on her?

19 **MR. LEDUC:** Yes, significant mental issues.

20 **THE COMMISSIONER:** Okay. Now, just a
21 second. Just a second.

22 **MS. HENEIN:** I'm sorry?

23 **THE COMMISSIONER:** Just a second. I want to
24 talk to you about that.

25 **MS. HENEIN:** Oh, yes.

1 **THE COMMISSIONER:** So yesterday you talked
2 about whether you're going to go and talk about her
3 character and things like that.

4 **MS. HENEIN:** I'm not going any further than
5 this.

6 **THE COMMISSIONER:** Okay. Perfect.

7 **MS. HENEIN:** She is not being called. You
8 will assign the weight that you need. You have Mr. Leduc's
9 denial and you now have information before you as to that.
10 I don't think it's necessary to ---

11 **THE COMMISSIONER:** Thank you.

12 **MS. HENEIN:** --- take C-69 through more than
13 that.

14 **THE COMMISSIONER:** Thank you.

15 **MS. HENEIN:** All right.

16 Now, let's go back, please, if we can to the
17 release that you have -- we have -- you have spent much of
18 your life talking about. So let's go back again. I think
19 you're near the end, Mr. Leduc.

20 When I talk to you about -- there was the
21 cheque conspiracy that was put to you. There's another one
22 I want to talk to you about, and then we'll go to the big
23 conspiracy.

24 The insurance conspiracy; do you remember
25 being asked questions that some people might believe that

1 the failure to report the settlement to the insured in this
2 case -- that is, the Silmser case -- was an attempt yet
3 again to bury the settlement? Do you remember that line of
4 questioning?

5 MR. LEDUC: Yes.

6 MS. HENEIN: Okay. Can you tell us today
7 whether you know if insurance -- the insurance company was
8 even covering these types of claims at that time? Do you
9 have any knowledge one way or the other?

10 MR. LEDUC: No, I do not.

11 MS. HENEIN: All right.

12 So you're not able today to tell us what the
13 state of the insurance land was in respect of covering
14 claims, corporate claims effectively, in sexual allegation
15 cases?

16 MR. LEDUC: No, I cannot.

17 MS. HENEIN: All right. I take it at that
18 time that would have been something that you were aware of?

19 MR. LEDUC: I was aware that if there was
20 liability insurance, that it should be put on notice.

21 MS. HENEIN: Right. And were you aware as
22 to -- at that time, would you have considered the scope of
23 coverage that an insurance would provide in these
24 circumstances?

25 MR. LEDUC: If I had been asked to review

1 the coverage, yes, but I received no instructions.

2 MS. HENEIN: All right.

3 Now, I want to take you to Exhibit Number
4 266, and this is the direction that David Silmsers signs to
5 the police indicating he doesn't want to proceed any
6 further?

7 MR. LEDUC: Yes.

8 MS. HENEIN: Do you have that before you?

9 MR. LEDUC: I do.

10 MS. HENEIN: All right. Exhibit 266. All
11 right.

12 At the bottom of that document, do you see
13 the signature beside David Silmsers? Who is it?

14 MR. LEDUC: Sean Adams.

15 MS. HENEIN: All right. And did you ever
16 see this document before the release was signed?

17 MR. LEDUC: No.

18 MS. HENEIN: All right. And was this
19 document, to your knowledge, in the envelope of material
20 provided by MacDonald when he gave you the releases?

21 MR. LEDUC: Not -- I didn't know then and I
22 knew afterwards it was not.

23 MS. HENEIN: It was not in there?

24 MR. LEDUC: It was not in there.

25 MS. HENEIN: All right. So you see this

1 document well after this settlement is completed?

2 **MR. LEDUC:** In January, I believe.

3 **MS. HENEIN:** All right. In January.

4 Had Mr. MacDonald or Mr. Adams ever
5 contacted you and told you that they were going to draft
6 this direction to the police?

7 **MR. LEDUC:** I never had any discussions
8 directly with Mr. Adams and Mr. MacDonald -- Malcolm
9 MacDonald never indicated any of these proceedings
10 whatsoever.

11 **MS. HENEIN:** All right.

12 Now, it was put to you by Mr. Scott that the
13 Bishop was absolutely unequivocal that he did not want to
14 impede a criminal investigation; right?

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

16 **MS. HENEIN:** All right. And, in fact, very
17 early on when you brought him the settlement he said, "No
18 way, not going to do it"; right?

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

20 **MS. HENEIN:** All right.

21 So can I ask you, in terms of executing your
22 obligations to your client, which would be the Bishop and
23 the Church, what would you be trying to do in getting a
24 settlement? Would you have in your mind the fact that they
25 don't want any impeding of the criminal process?

1 **MR. LEDUC:** That would be paramount.

2 **MS. HENEIN:** Right. And would that be in
3 the interests of your client that you were acting in?

4 **MR. LEDUC:** Yes.

5 **MS. HENEIN:** All right.

6 Now who -- can you tell us who would have
7 been the beneficiary then if there is no criminal
8 investigation? Who's being investigated? Was it ---

9 **MR. LEDUC:** Father Charles.

10 **MS. HENEIN:** All right. And that was Mr.
11 MacDonald that acted for him?

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

13 **MS. HENEIN:** All right.

14 When you provide the sealed documents, you
15 bring them to -- or Mr. Bryant comes and gets them for you,
16 whether you deliver them or he delivers them, your
17 recollection is he comes to you; right?

18 **MR. LEDUC:** Yes.

19 **MS. HENEIN:** All right. And the very first
20 -- written in giant letters on the envelope is "Private and
21 Confidential: To be opened by Bursar or Bishop only";
22 right?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** All right. Now, did you ever
25 tell the Bishop that he shouldn't look at the release?

1 MR. LEDUC: No.

2 MS. HENEIN: All right. Did you ever tell
3 the Bursar that he shouldn't look at the release?

4 MR. LEDUC: No.

5 MS. HENEIN: All right. And in fact, in big
6 writing it says, "To be opened by Bursar or Bishop"; right?

7 MR. LEDUC: Yes.

8 MS. HENEIN: All right.

9 So you heard evidence ---

10 THE COMMISSIONER: Excuse me, can I just see
11 that?

12 MS. HENEIN: Yes, of course.

13 THE COMMISSIONER: What exhibit, please?

14 MS. HENEIN: It is Exhibit 1819.

15 THE COMMISSIONER: Okay. Let's see, 1819?

16 MS. HENEIN: That's what it says on -- is
17 that wrong?

18 THE COMMISSIONER: No. Yeah, that's wrong.
19 That would have been in the 1900s.

20 MS. HENEIN: Will a Bates page be okay?

21 THE COMMISSIONER: Well, maybe to the ---

22 MS. HENEIN: How about another ---

23 THE COMMISSIONER: It's in the 1900s?

24 THE REGISTRAR: One-eight-nine-five (1895).

25 THE COMMISSIONER: One-eight-nine-five

1 (1895), yeah, the envelope.

2 MS. HENEIN: Thank you. Thank you very
3 much.

4 So you see there ---

5 THE COMMISSIONER: No, no -- okay. Okay.
6 No, no ---

7 MS. HENEIN: I'm going to read it.

8 THE COMMISSIONER: Yeah.

9 MS. HENEIN: I will read -- absolutely read
10 it. It's there.

11 THE COMMISSIONER: Because you forgot one
12 word.

13 MS. HENEIN: I will read it.

14 THE COMMISSIONER: M'hm.

15 MS. HENEIN: "Private and Confidential: To
16 be opened by Bursar or Bishop only" and then it's signed.

17 THE COMMISSIONER: Right.

18 MS. HENEIN: That's what is written on the
19 front.

20 THE COMMISSIONER: M'hm.

21 MS. HENEIN: Is that what's written on the
22 front?

23 MR. LEDUC: It is.

24 MS. HENEIN: All right. And did you ever
25 tell the Bishop not to look at the release?

1 **MR. LEDUC:** No.

2 **MS. HENEIN:** Did you ever tell the Bursar
3 not to look at the release?

4 **MR. LEDUC:** No.

5 **MS. HENEIN:** All right. And until you get
6 this letter from Mr. Geoffrey who says to you, "This
7 release is offside", as far as you know, it's in the
8 possession, in the very building that Bishop Larocque is
9 in; right?

10 **MR. LEDUC:** That's correct.

11 **MS. HENEIN:** All right. Now, you have
12 testified that this issue comes to your attention when it's
13 brought to your attention by Mr. Geoffrey?

14 **MR. LEDUC:** Yes.

15 **MS. HENEIN:** And we're going to come to the
16 motive you would have to insert this clause. Now, you've
17 already told us about all the people you know or you
18 believe have copies of this release; right?

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** You have told us that acting in
21 your client's best interests, you believe they want to make
22 sure that nothing impedes the criminal investigation?

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

24 **MS. HENEIN:** And you were asked questions by
25 Commission counsel about your relationship with all these

1 people and my recollection is that you told her you didn't
2 have a personal relationship with the former Crown
3 Attorney, Malcolm MacDonald; right?

4 MR. LEDUC: Right.

5 MS. HENEIN: You didn't have any
6 relationship with Father MacDonald?

7 MR. LEDUC: Right.

8 MS. HENEIN: All right. In fact, you had
9 just had that one interaction when you talked about the
10 roof, and your relationship with Bishop Larocque was a
11 professional one; right?

12 MR. LEDUC: That's correct.

13 MS. HENEIN: All right. And you also told
14 us, because you were asked, that in fact the percentage of
15 your income that came from the Church in terms of it being
16 necessary to your livelihood was, in fact, a very small
17 percentage?

18 MR. LEDUC: That's true.

19 MS. HENEIN: All right.

20 Now, your very first press release, I want
21 to talk you about it. Mr. Scott has already taken you
22 through the fact that you send a draft to Mr. MacDonald;
23 right?

24 MR. LEDUC: Yes.

25 MS. HENEIN: And he doesn't call you or

1 write back and say, "You know, Mr. Leduc, before you
2 publicly state that there is nothing to impede a criminal
3 investigation, I've got to remind you of this release".

4 He doesn't do that does he?

5 **MR. LEDUC:** No.

6 **MS. HENEIN:** All right. And when you send
7 it to Sean Adams, who gave independent legal advice and
8 signed the release and signed the independent legal advice
9 certificate, you send him the release.

10 He doesn't call you and say, "Just hold on a
11 second, before you go on national TV and media, you better
12 remember. What are you doing?" He doesn't give you that
13 phone call does he?

14 **MR. LEDUC:** No.

15 **MS. HENEIN:** All right. And so you also
16 know that Mr. Geoffrey, likely, or Mr. Silmsler has a copy
17 of the release; right?

18 **MR. LEDUC:** Yes.

19 **MS. HENEIN:** Now, this decision to send the
20 release where you're now going to go out in public and deny
21 any attempt to impede criminal investigation, this release,
22 why do you decide to send it to counsel for MacDonald --
23 sorry, counsel for Father MacDonald, counsel for Mr.
24 Silmsler and also the person who gave independent legal
25 advice? How do you do that?

1 **MR. LEDUC:** Why do I do this?

2 **MS. HENEIN:** Sure.

3 **MR. LEDUC:** Well, to assure myself that they
4 know what I'm going to say and the position I'm going to
5 take. And the matter is -- involves these individuals.

6 **MS. HENEIN:** All right.

7 **MR. LEDUC:** And we had a non-disclosure
8 agreement as well.

9 **MS. HENEIN:** All right.

10 And can I take you please to what Bishop
11 Larocque says in a public forum. What is -- let's just go
12 to see what he says to his parishioners and the media about
13 this release. And you're sitting there; right?

14 **MR. LEDUC:** Yes.

15 **MS. HENEIN:** And where's Mr. MacDonald in
16 all this?

17 **MR. LEDUC:** He's sitting with us.

18 **MS. HENEIN:** Sitting right there with you?

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** Okay.

21 And can you take a look please with me at
22 what's been marked as Exhibit 1911? And I'm not going to
23 go through ---

24 **THE COMMISSIONER:** Just a second. Just a
25 second.

1 **MS. HENEIN:** Yes?

2 **THE COMMISSIONER:** Nineteen-eleven (1911),
3 oh right, the smaller one. Okay.

4 **MR. LEDUC:** Yes, I have it.

5 **MS. HENEIN:** All right. And are you asked
6 to attend this press release or this press conference by
7 the Bishop?

8 **MR. LEDUC:** Yes.

9 **MS. HENEIN:** So this isn't your idea?

10 **MR. LEDUC:** No.

11 **MS. HENEIN:** So he says to you, this is
12 Bishop Larocque says, "I'd like you to come"; right?

13 **MR. LEDUC:** Yes.

14 **MS. HENEIN:** All right. And let's look at
15 Bishop Larocque's statement to the public, okay?

16 He says "Our legal..." -- do you have this?

17 **MR. LEDUC:** Yes.

18 **MS. HENEIN:** It's at -- okay.

19 "Our legal counsel for the Diocese has
20 explained how I reluctantly agreed to
21 the settlement of a civil dispute."

22 Let me just stop there. Did Bishop Larocque
23 ask you to, in your statement, ensure that they knew he had
24 reluctantly agreed to the settlement?

25 **MR. LEDUC:** I don't recall it.

1 **MS. HENEIN:** All right. Was he -- did you
2 see his release before it went out?

3 **MR. LEDUC:** No.

4 **MS. HENEIN:** All right. So he didn't show
5 you his press statement did he?

6 **MR. LEDUC:** No.

7 **MS. HENEIN:** All right. So he says then,
8 you're sitting there though, this is what he says. He:

9 "...reluctantly agreed to the
10 settlement of a civil dispute to which
11 the priest in question and the Diocese
12 both contributed. Although it was
13 altogether legal, I can now see by the
14 confusion and misinterpretation caused
15 that it was not the prudent way, I
16 should have maintained my original
17 position."

18 Right?

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** All right.

21 And I just want to go to -- I want to go to
22 your statement because in your statement, what you say is -
23 - and this is at page -- the bottom of page 3 of your
24 statement ---

25 **THE COMMISSIONER:** Of the press release?

1 **MS. HENEIN:** Of the press release, the
2 January 14th, the very first one.

3 You say -- I'm sorry, the Bates number is
4 6577, exhibit -- it's the same exhibit I believe.

5 Thank you. Right at the bottom of page 3,
6 do you see there after you set out the background of the
7 Silmsen deal, you say:

8 "The decision to do so was made
9 notwithstanding the Bishop's own
10 personal opinion to the contrary, but
11 presented with the opinion of legal
12 counsel and with the advice of some
13 members of the clergy, the Bishop
14 reluctantly agreed to the settlement."

15 Do you see those words?

16 **MR. LEDUC:** Yes.

17 **MS. HENEIN:** All right. So just so I can
18 understand the import of this public -- this press release,
19 so we just have your properly situated before we come to
20 the conspiracy.

21 You're involved with the settlement,
22 releases come, you've admitted you don't look at it; right?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** And as a lawyer, you should
25 have looked at the release?

1 MR. LEDUC: Yes.

2 MS. HENEIN: Right?

3 MR. LEDUC: Yes.

4 MS. HENEIN: All right.

5 Now, the next thing that happens in terms of
6 importance is you get information from Mr. Geoffrey that
7 there is something offside in the release; right?

8 MR. LEDUC: Yes.

9 MS. HENEIN: You call Mr. Bryan who confirms
10 you do that and say, "Fax me a copy" and you see offending
11 Clause 2; right?

12 MR. LEDUC: Yes.

13 MS. HENEIN: All right. And then you speak
14 to the Bishop; right? You tell him, "You better get
15 another lawyer because I made a mistake"; right?

16 MR. LEDUC: Yes.

17 MS. HENEIN: All right. And in your mind,
18 was that the professional thing to do when a lawyer makes a
19 mistake, that you notify your client?

20 MR. LEDUC: That's the first thing you do.

21 MS. HENEIN: It's the first thing you do.

22 As so what the Bishop says to you is "Look,
23 we've -- I'm going to have a press conference and I want
24 you to come" -- right -- "and sit in public and tell them"
25 -- I'm going to suggest to you -- "that you're the one that

1 told me that you got to enter into this agreement" and that
2 he was reluctant; right?

3 MR. LEDUC: Yes.

4 MS. HENEIN: All right. And the other thing
5 is, you send out your statement to everybody that this
6 wasn't an intent to impede the criminal process, and Mr.
7 MacDonald, who's sitting besides you, hasn't said to you,
8 "Look ---

9 MR. SHERRIFF-SCOTT: Again, I don't want to
10 interrupt my friend in full flight, but this is before;
11 this is January 14th.

12 So the entire premise of this line of
13 questioning that the Bishop is grabbing him and bringing
14 him in here to make him throw himself on a sword is a week
15 earlier.

16 There's a final press conference after the
17 letter of the 19th on the 24th of January. This is on the
18 14th of January. No one knows the evidence is, on this
19 team, the -- Leduc, the Bishop, et cetera of the offending
20 portions of the release.

21 And Mr. Geoffrey's first letter does not
22 refer to those matters whatsoever. There is media
23 attention in the record that the police investigated and
24 that the complainant withdrew his complaint. The documents
25 are not in play.

1 So my friend is not stating the record or
2 the evidence appropriately and therefore the premise of her
3 questions are offside, I submit.

4 **MS. HENEIN:** No, the premise of my questions
5 were that the Bishop made sure that Mr. Leduc publicly
6 stated he was reluctant about the settlement. And that's
7 the submission I've made.

8 I'm coming to the second release, the press
9 release where Mr. Leduc says more. And the last question I
10 put to him was that he had faxed his comments to people who
11 did have the release, Mr. Adams and Mr. MacDonald, and he's
12 not alerted to anything. That was my question.

13 I did not suggest to him the Bishop knows,
14 but we will come to what the Bishop does when he knows.

15 **THE COMMISSIONER:** Mr. Sherriff-Scott?

16 **MR. SHERRIFF-SCOTT:** I don't want to
17 belabour this debate, but my friend is not accurate. What
18 she premised this line of analyses on is that the man was
19 required to come and do his *mea culpa* after the disclosure
20 of the release.

21 **MS. HENEIN:** No, before.

22 **MR. SHERRIFF-SCOTT:** Excuse me, let me
23 finish. Now, come on.

24 And that is not what happened. This is the
25 14th of January. The events then unfold as they do and

1 there is a final press release, final press conference at
2 which my friend is not present, at least insofar as the
3 evidence is concerned now.

4 There is no evidence in the record, and my
5 friend knows this, that the documents are at play on
6 January 14th or that he knows about them before, because the
7 night before, when he's writing this document, he's writing
8 to Mr. Malcolm MacDonald, as we see, who doesn't respond to
9 provide him with the information.

10 My concern is that's being used as a
11 launching pad to suggest the premise that he's now drawn in
12 to basically describe the Bishop's feelings in a negative
13 way, when that is not consistent with the evidence.

14 Whatever else she wants to do I'm not
15 talking about. That's what I'm talking about. That's the
16 premise of the question to which I object.

17 **MS. HENEIN:** You have my submissions on it
18 and I will get to the final press release and what he does
19 after he sees it.

20 **THE COMMISSIONER:** No, I think what he's
21 saying though is that in your question that you put to your
22 client, that you are bunching it all up into one. So what
23 you're saying is, "No, no, no, I'm not insinuating that he
24 knew that the release was there and what it contained."

25 **MS. HENEIN:** Right.

1 **THE COMMISSIONER:** Okay.

2 **MS. HENEIN:** But what -- just to complete
3 that, what he does know, and we'll hear from Bishop
4 Larocque, is he knows people are none too happy about the
5 civil settlement -- my friend put that, in fact, to this
6 witness -- at this time. There is a press release for a
7 reason.

8 So certainly that premise is there but I'm
9 not suggesting the Bishop had seen the release at this
10 stage.

11 **THE COMMISSIONER:** Or Monsieur Leduc.

12 **MS. HENEIN:** Or Mr. Leduc.

13 **THE COMMISSIONER:** Okay.

14 **MS. HENEIN:** All right.

15 So you do the press release, right, and you
16 do this press conference. And just to finish up -- so it
17 is, and it's picking up from my friend's question -- you
18 know that there is some public upset about this settlement
19 that was entered into. Right?

20 **MR. LEDUC:** Yes.

21 **MS. HENEIN:** All right, and presumably the
22 Bishop knows that. Right?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** All right.

25 So let's continue on with the next thing

1 that you do. You told us that Mr. Geoffrey sends you the
2 letter. Right?

3 **MR. LEDUC:** Yes.

4 **MS. HENEIN:** And he tells you that this is
5 an illegal contract, contrary to public policy. It's
6 perverting the course of justice. Right?

7 **MR. LEDUC:** Yes.

8 **MS. HENEIN:** And you get the release now.
9 Right?

10 **MR. LEDUC:** Yes.

11 **MS. HENEIN:** And when you write your letter
12 -- and you were taken to it -- to Bishop Larocque, you say,
13 "I agree with that. That's just not an appropriate clause
14 to put."

15 **MR. LEDUC:** That's right.

16 **MS. HENEIN:** Okay.

17 January 24th. Let's go to that release then,
18 and that's Exhibit 1916.

19 **MR. LEDUC:** Yes.

20 **MS. HENEIN:** Actually, let me do the
21 sequence so it's very clear. Let's start with 1913, what
22 the Bishop says.

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** Now, you now know that there
25 has been a clause in there, and you as counsel have made an

1 error in not reviewing this before. Right?

2 MR. LEDUC: Yes.

3 MS. HENEIN: Right. Now, was there any
4 legal requirement whatsoever on you, Mr. Leduc, to speak
5 publicly or issue a press release about this?

6 MR. LEDUC: No, there was not.

7 MS. HENEIN: All right. And you knew that
8 in doing this -- and my friend asked you a few questions
9 about this, as did Mr. Lee -- that this would have
10 significant consequences as a lawyer to you when you stand
11 up publicly and admit you made a mistake in representing a
12 client. Right?

13 MR. LEDUC: That's correct.

14 MS. HENEIN: And Mr. Scott has taken you to
15 all the consequences that flow and the civil suit that the
16 Church initiates against you. Right?

17 MR. LEDUC: That's correct.

18 MS. HENEIN: All right. So I take it you
19 knew that this was a decision that was a very important one
20 for you to make?

21 MR. LEDUC: Yes.

22 MS. HENEIN: All right.

23 MR. LEDUC: And so let's take a look at
24 Bishop Larocque's public statement now, that you know and
25 he knows what's in the release. Okay? So if I can ask you

1 to look with me at 1913.

2 MR. LEDUC: Yes.

3 MS. HENEIN: "At the press conference of
4 Friday, January 14th, '94 I stated that
5 the joint understanding of settlement
6 out of court was to settle a civil
7 dispute and did not interfere with the
8 criminal investigation. I made this
9 statement in accord with the
10 instructions received from our Diocesan
11 counsel."

12 Right?

13 MR. LEDUC: Yes.

14 MS. HENEIN: That's what he says. Okay.

15 And so he's indicating there that he entered
16 into this settlement again because you gave him advice that
17 it was a settlement to enter into that was beneficial.

18 Right?

19 MR. LEDUC: Yes.

20 MS. HENEIN: All right.

21 MR. LEDUC: And if I can -- if I can ask
22 you, please, to go down in that release. He talks about
23 his newly-engaged counsel and then he says:

24 "If there are other possible victims in
25 this case I urge them to contact

1 Monsignor McDougald, my delegate and/or
2 the Cornwall Police."

3 Do you see that?

4 **MR. LEDUC:** Yes.

5 **MS. HENEIN:** Right. Prior to this press
6 release, remember we were talking about your instructions
7 on this committee and how you were uncertain if Mr. Silmsen
8 was in fact telling the truth or not?

9 **MR. LEDUC:** Yes.

10 **MS. HENEIN:** Right, just so we're clear,
11 until this press release in 1994 had Bishop Larocque come
12 back to you and said, "As counsel I would like you to go
13 look for other complainants," or, "I would like you to
14 conduct an internal investigation so we get to the bottom
15 of this"?

16 **MR. LEDUC:** No, that was never the case.

17 **MS. HENEIN:** Now I want to go to what you
18 say in public. You say ---

19 **THE COMMISSIONER:** What exhibit?

20 **MS. HENEIN:** Sorry. Thank you.

21 Exhibit 1916. And I would like to take you
22 to the third paragraph where you -- after you have set out
23 exactly what you did, you say you made a press conference;
24 that you discover on the 19th that you were -- had made
25 misstatements to the public and you want to correct them.

1 And you say:

2 "I was, needless to say, disappointed
3 to discover that the mention of
4 criminal proceedings had been included
5 in the settlement document. The
6 document was prepared by other parties
7 and I did not review it before it was
8 signed. In addition, once the document
9 was signed the document was delivered
10 to my office in a sealed envelope and I
11 delivered it to the Diocesan
12 authorities without reading it at the
13 time."

14 And then you go on and say:

15 "As you can imagine, I feel very
16 foolish this morning and embarrassed
17 for having made representations to the
18 press and the general public without
19 having reviewed the document in
20 question. I certainly assume
21 responsibility for any confusion or
22 misrepresentations arrived at as a
23 result of my omission."

24 Those are words you wrote?

25 **MR. LEDUC:** Those are words that I wrote,

1 yes.

2 **MS. HENEIN:** All right. And you decided to
3 make this public statement?

4 **MR. LEDUC:** I did.

5 **MS. HENEIN:** Right.

6 Now I want to talk to you about cover-ups
7 and conspiracies, and particularly your involvement.

8 Are you aware, sir, that the police then
9 conducted an investigation into this release?

10 **MR. LEDUC:** Yes, the OPP.

11 **MS. HENEIN:** And you were interviewed by
12 them?

13 **MR. LEDUC:** I was.

14 **MS. HENEIN:** All right. And you know also,
15 I'm going to suggest to you, that Mr. MacDonald was
16 interviewed by them?

17 **MR. LEDUC:** Yes; Malcolm.

18 **MS. HENEIN:** All right. And are you aware
19 that Mr. MacDonald confirmed that you did not write this
20 offending clause?

21 **MR. LEDUC:** Yes.

22 **MS. HENEIN:** All right. Are you aware that
23 the police conducted a lengthy interview on October 28th,
24 '94 with Mr. MacDonald?

25 **MR. LEDUC:** Yes.

1 **MS. HENEIN:** It wasn't nine minutes; it ran
2 some 63 pages. Do you know that or ---

3 **MR. LEDUC:** Yes.

4 **MS. HENEIN:** All right. And so Mr.
5 MacDonald, in his first police interview -- this is before
6 he's criminally charged, in a lengthy interview says, "Mr.
7 Leduc didn't know." Right?

8 **MR. LEDUC:** Yes.

9 **MS. HENEIN:** And you had no special
10 relationship with Mr. MacDonald?

11 **MR. LEDUC:** No.

12 **MS. HENEIN:** All right. Are you aware that
13 Mr. MacDonald was criminally charged as a result, and he
14 was charged with attempt obstruct justice ---

15 **MR. LEDUC:** Yes.

16 **MS. HENEIN:** --- in respect of this release?
17 And after a full police investigation you were not
18 criminally charged.

19 **MR. LEDUC:** No.

20 **MS. HENEIN:** All right. And are you aware
21 that Mr. MacDonald, in pleading guilty, entered into court
22 before a judge, right?

23 **MR. LEDUC:** Yes.

24 **MS. HENEIN:** Are you aware that it was
25 actually a very respected judge; became the Senior Chief

1 Justice of the Provincial Court. Were you there when he
2 entered his plea of guilty?

3 MR. LEDUC: No, I was not.

4 MS. HENEIN: All right. Are you aware that
5 the Crown did not ever suggest in submissions, or at any
6 other time, that you were aware or complicit in putting
7 this attempting to subvert the course of justice in respect
8 of Mr. Silmsler?

9 MR. LEDUC: Yes.

10 MS. HENEIN: All right. Are you aware that
11 Mr. MacDonald's lawyer never suggested that you were aware
12 and attempted in any way to pervert the course of justice
13 or prevent Mr. Silmsler from going to the police?

14 MR. LEDUC: That's correct.

15 MS. HENEIN: All right.

16 And that judge never made a finding against
17 you. Right?

18 MR. LEDUC: No.

19 MS. HENEIN: All right. Now, are you aware
20 that Mr. MacDonald was again interviewed by the police on
21 November 18th of 1998? This is after his plea of guilty.
22 Right?

23 MR. LEDUC: Yes.

24 MS. HENEIN: All right. And in a very
25 lengthy interview with the police, once again I'm going to

1 suggest to you that consistent with your evidence, he never
2 suggests you were involved or complicit in any way
3 whatsoever.

4 MR. LEDUC: That's correct.

5 MS. HENEIN: All right. So -- and these are
6 my last questions to you, Mr. Leduc, because I want to talk
7 to you about this conspiracy theory that you somehow, in
8 order to help out Father MacDonald, slip in a line and
9 preclude Mr. Silmser from going to the authorities and to
10 the police, to bury this and make it quiet and make it all
11 go away. All right?

12 As a lawyer you make your living, as I
13 understand it, being a lawyer in the Cornwall area; right?

14 MR. LEDUC: I do.

15 MS. HENEIN: And you hold no brief for
16 Father MacDonald?

17 MR. LEDUC: No.

18 MS. HENEIN: You hold no brief for Malcolm
19 MacDonald?

20 MR. LEDUC: No.

21 MS. HENEIN: And you hold no personal
22 relationship for Bishop Larocque; right?

23 MR. LEDUC: That's correct.

24 MS. HENEIN: All right. And you, when you
25 get this release, expect all the parties to have it?

1 MR. LEDUC: Yes.

2 MS. HENEIN: In fact, they do have it?

3 MR. LEDUC: That's correct.

4 MS. HENEIN: All right. And it is there in
5 black and white for all to see; right?

6 MR. LEDUC: Yes.

7 THE COMMISSIONER: I don't know that there's
8 any proof that Silmsers had one.

9 MS. HENEIN: Yes, because Mr. Geoffrey has
10 it. It's his counsel. I'm sorry; Mr. Silmsers or his
11 counsel. Fair enough.

12 Mr. Silmsers or his counsel have a copy of
13 the release; right?

14 MR. LEDUC: Yes.

15 MS. HENEIN: All right. And so you don't
16 try to hide that release?

17 MR. LEDUC: No.

18 MS. HENEIN: All right. And, in fact, when
19 it comes to the public statements you're going to make and
20 the public denials, you fax the releases, the press
21 releases for everybody to review?

22 MR. LEDUC: That's correct.

23 MS. HENEIN: Right. And then you see the
24 clause and you on your own decide to make a public
25 statement, the one thing you don't need to do, and

1 apologize publicly for your error?

2 MR. LEDUC: Yes.

3 MS. HENEIN: All right. Mr. Leduc, my last
4 question to you is, were you involved at all in any
5 conspiracy to bury the Silmsler allegations or make sure he
6 doesn't go to the police or assist the Church in any way,
7 in any form of cover-up in respect of Mr. Silmsler?

8 MR. LEDUC: Never.

9 MS. HENEIN: Thank you. Those are my
10 questions.

11 THE COMMISSIONER: Thank you.

12 Ms. Jones?

13 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. JONES:

14 MS. JONES: I won't be too long. I just
15 want to clarify a couple of points that came up.

16 One question that you were asked about by a
17 couple of counsel had to do with the confidentiality clause
18 that was inserted in the Silmsler settlement. I just want
19 to refer you to Exhibit 1888, Bates page 2749, please.

20 MR. LEDUC: Bates page?

21 MS. JONES: Twenty-seven forty-nine (2749).

22 MR. LEDUC: Thank you.

23 MS. JONES: And I'm looking about halfway
24 down the page and just to -- I'm sure everybody is aware;
25 this is the statement that you provided, statement of

1 Jacques Leduc. This is the final draft?

2 MR. LEDUC: Yes.

3 MS. JONES: And the middle paragraph states:

4 "The Bishop asked what happened if he
5 disclosed..."

6 I'm sorry. I'm going to go start one
7 paragraph above.

8 "I believe that the Bishop was won over
9 by our arguments. We were very
10 forceful. I described to him that it
11 would be a civil settlement, along with
12 an undertaking not to disclose the
13 terms of the settlement to anybody to
14 maintain confidentiality. The Bishop
15 asked what happened if he disclosed the
16 terms of the settlement. I believe my
17 reply was that it would be contrary to
18 the agreement. Any threat to do so
19 would be seen as extortion and he could
20 not do that. The Bishop agreed to a
21 settlement on the terms described
22 whereby the complainant would give up
23 his right to a civil suit and maintain
24 confidentiality of the settlement."

25 MR. LEDUC: Yes.

1 **MS. JONES:** Do you see that?

2 So it's fair to say then that, at this
3 particular point, this issue about the confidentiality
4 clause has solely been discussed with the Bishop from your
5 perspective?

6 **MR. LEDUC:** No, that's not correct. Malcolm
7 and I in our discussions with the Bishop would have
8 discussed the confidentiality issue as well and this is the
9 report of what was being discussed and the terms of the
10 settlement, which included a confidentiality agreement.

11 **MS. JONES:** But certainly it would appear
12 that the Bishop -- and you only have personal knowledge of
13 what you and the Bishop did together.

14 **MR. LEDUC:** Yes, while Malcolm was present
15 as well during our discussions.

16 **MS. JONES:** Certainly after that discussion
17 though, it's very clear the Bishop also wanted to have the
18 confidentiality clause.

19 **MR. LEDUC:** He had to agree to it, yes.

20 **MS. JONES:** And when you say "he," I just
21 want to be clear. Everybody is a "he" in the parties here.
22 He had to agree to it.

23 **MR. LEDUC:** The Bishop.

24 **MS. JONES:** The Bishop had to agree to it?

25 **MR. LEDUC:** Essentially because that was --

1 the terms of the settlement had to be agreed to by the
2 parties and although the document is only signed by Mr.
3 Silmser, it is the document that is to be received by the
4 Bishop. So he had to agree to those terms as well, to that
5 specific term, yes.

6 **MS. JONES:** Okay. But the Bishop also,
7 according to your own statement, agreed to the settlement
8 on the terms that the complainant would give up the civil
9 suit rights ---

10 **MR. LEDUC:** Yes.

11 **MS. JONES:** --- and maintain confidentiality
12 of the settlement; correct?

13 **MR. LEDUC:** Yes.

14 **MS. JONES:** Is that true?

15 **MR. LEDUC:** Yes, yes.

16 **MS. JONES:** Okay. What would have happened
17 if Mr. Silmser had not agreed to the confidentiality
18 clause? What would have been the Bishop's position then?

19 **MR. LEDUC:** I can't answer that. You'd have
20 to ask the Bishop. I don't know what the Bishop's position
21 would have been.

22 **MS. JONES:** So that was never discussed?

23 **MR. LEDUC:** Actually, no, it wasn't. You're
24 right. We never discussed whether or not Mr. Silmser would
25 be opposed to a confidentiality clause.

1 **MS. JONES:** I also want to confirm too,
2 again I'm not going into the substance of the allegations
3 but this was an issue raised by Mr. Manderville. At the
4 time that you were involved in the criminal justice system
5 as an alleged perpetrator or defendant, is it not true that
6 a former Cornwall Police Service officer named Perry Dunlop
7 had some impact on the outcome of your proceedings?

8 **MS. HENEIN:** There is a judgment of Justice
9 Platana and that sets out what if any impact Mr. Dunlop had
10 on the proceedings. It's -- I think what you can ask is
11 did he testify, which he did, but I don't think it's for
12 Mr. Leduc to assess what if any impact he had ultimately on
13 those proceedings.

14 **THE COMMISSIONER:** It depends if that's the
15 end of the question or if there's a follow-up to it.

16 **MS. HENEIN:** Sure.

17 **MS. JONES:** No, the question put by Mr.
18 Manderville was there any contact with anyone from Cornwall
19 Police Service and I'm just stating here or requesting this
20 witness to confirm if in fact Perry Dunlop, at the time of
21 the trial that Mr. Leduc was involved in, actually did have
22 some sort of an impact or some sort of a role to play in
23 the trial.

24 **THE COMMISSIONER:** Well, he testified.

25 **MR. LEDUC:** He did.

1 **THE COMMISSIONER:** The Judge made certain
2 comments about his actions.

3 **MR. LEDUC:** He did.

4 **THE COMMISSIONER:** Okay.

5 **MS. JONES:** Okay. Thank you very much.

6 Now, there's some issues brought up by Mr.
7 Sherriff-Scott and I'm wondering if we could please go to
8 Exhibit 1915.

9 **THE COMMISSIONER:** Nineteen one five (1915)?

10 **MS. JONES:** Yes, please.

11 **MR. LEDUC:** Yes.

12 **MS. JONES:** I'm just waiting for it to come
13 up on the screen here.

14 I was wondering if we could go to the
15 portion that was referred to by Mr. Sherriff-Scott on the
16 left-hand margin, the portion where the Bishop is saying
17 right at the top, quote:

18 "I gave in because this young man had a
19 considerable bill with counselling."

20 And then it states Mr. Larocque or Bishop
21 Larocque added:

22 "The Diocese has in the past agreed to
23 similar settlements involving alleged
24 victims of child-molesting priests."

25 Is it possible that an interpretation of

1 that clause could also be that the similar settlements
2 referred to there had to do with similar settlements
3 concerning counselling?

4 **MR. LEDUC:** A wide interpretation could be
5 given to those words, actually to the reporter's statement.

6 **MS. JONES:** Pardon me?

7 **MR. LEDUC:** The reporter's statement.

8 **MS. JONES:** I'd like you also now to go
9 please to Exhibit 276. This is the letter from Mr.
10 Geoffrey and it is dated January 17th, 1994 and this would
11 appear to be the letter that was sent to Mr. MacDonald and,
12 I believe, yourself.

13 Just -- I'm sorry, Madam Clerk. Yes, thank
14 you very much.

15 To yourself and Mr. MacDonald and this is
16 the letter that essentially alerts you perhaps to the fact
17 that there's a problem with this release?

18 **MR. LEDUC:** Yes.

19 **MS. JONES:** And if you could just scroll
20 down please a little bit more, Madam Clerk?

21 And Mr. Geoffrey's opinion, he states it
22 right in the middle of the paragraph:

23 "It is my opinion that this document is
24 an illegal contract."

25 Then he goes on to describe what he means by

1 that in a little bit more detail.

2 And the next exhibit I would like to refer
3 you to, please, is Exhibit 1912, one-nine-one-two.

4 **MR. LEDUC:** Yes. One nine one two (1912)?

5 **MS. JONES:** One nine one two (1912).

6 And this is your letter -- I'll wait until
7 you get it, I'm sorry.

8 **MR. LEDUC:** Yes.

9 **MS. JONES:** And this is your letter that you
10 wrote to Bishop Larocque essentially resigning as a result
11 of what had happened. Would you agree with me that in your
12 letter and in Mr. Geoffrey's letter, there's no specific
13 designation that clause 2 of the settlement agreement is
14 severable; that there is a chance that the whole settlement
15 is not void; that it's seems to be that you and Mr.
16 Geoffrey both feel at this particular moment that the whole
17 settlement seems to be void not just the clause?

18 **MR. LEDUC:** No, I don't think that's my -- I
19 don't believe that was my position. My position was with
20 respect to the position he's taken, that there were other
21 ways to look at the document in question.

22 **MS. JONES:** Would you agree with me the
23 issue of severability does not appear in your letter to
24 your client?

25 **MR. LEDUC:** Not in those words, no.

1 **MS. JONES:** But where would you say he does

2 ---

3 **MR. LEDUC:** However, it says ---

4 **MS. JONES:** --- imply that?

5 **MR. LEDUC:** "However, the interpretation of
6 the document in question is subject to
7 numerous points of view and I would
8 suggest that the matter is not as
9 clearly defined as is suggesting Mr.
10 Geoffrey."

11 So I'm pointing out that it's not as black
12 and white as set out in Mr. Geoffrey's letter. There are
13 other issues and, as I've said, without getting into the
14 details, because I know I'm now sending him to other
15 counsel, that let the other counsel point this out to him.

16 **MS. JONES:** But you'll agree, there's no
17 document to show before the third-party claim that you had
18 even addressed your mind to the issue of severability?

19 **MR. LEDUC:** It did not come up because the
20 file was now with other counsel.

21 **MS. JONES:** Now, again, just to clarify an
22 issue that was brought up. Yesterday, you were asked about
23 the facility of Pierrefonds, and I'll refresh your memory
24 on that transcript. It's Volume 253, pages 129, and then
25 130 please.

1 **MR. LEDUC:** Which page, please?

2 **MS. JONES:** Pages 129 to 130, right at the
3 bottom of 129.

4 **MR. LEDUC:** Yes.

5 **MS. JONES:** And just to refresh your memory,
6 I asked you -- I was asking actually about Father
7 Deslauriers going to Pierrefonds, and I'll just read what I
8 wrote -- said yesterday.

9 "Okay. So to explain what that means
10 then, when you got this committee
11 together in April, it's true that
12 Bishop Larocque had made an
13 announcement of sorts if you say that
14 Father Deslauriers was going to go to
15 Pierrefonds for treatment,
16 psychological treatment, for three
17 months, or something to that effect?"

18 And then you stated:

19 "I recall that we were all under the
20 assumption that he was under care and
21 was in Pierrefonds, yes."

22 So it certainly was your understanding that
23 there was some sort of psychological care at Pierrefonds at
24 that time?

25 **MR. LEDUC:** I'm not sure if I understood

1 that he may have been residing in Pierrefonds and seeing a
2 therapist or if it was being offered to him at Pierrefonds.

3 **MS. JONES:** So your evidence actually is then
4 you don't know if you get psychological treatment at
5 Pierrefonds?

6 **MR. LEDUC:** No, my evidence here was that I
7 recall that members of the committee had all assumed that
8 he was at Pierrefonds under care.

9 **MS. JONES:** Under psychological care?

10 **MR. LEDUC:** Yes.

11 **MS. JONES:** And he was getting that care at
12 Pierrefonds?

13 **MR. LEDUC:** I don't recall if that was our
14 information but Pierrefonds was part of the mix -- that he
15 was away at Pierrefonds, yes.

16 **MS. JONES:** So where was it you thought at
17 the time he was getting psychological care?

18 **MR. LEDUC:** While he was at Pierrefonds.

19 **MS. JONES:** At that facility or somewhere
20 else?

21 **MR. LEDUC:** Oh, I didn't know that. I
22 didn't know that.

23 **MS. JONES:** I would like to now go to
24 Exhibit 72 please, and I'm specifically looking at Bates
25 page 7198.

1 MR. LEDUC: Yes.

2 MS. JONES: And in your description there,
3 it talks about the duty to report at that particular point
4 and the -- you had a discussion about that particular
5 section on page 8 or Bates page 7198?

6 MR. LEDUC: Yes.

7 MS. JONES: Would you agree with me that
8 your evidence here today with Mr. Sherriff-Scott was that
9 you never discussed the duty to report with the Bishop. Do
10 you recall saying that?

11 MR. LEDUC: That's correct.

12 MS. JONES: Is it also fair to say that the
13 Bishop never asked you about whether there was a duty to
14 report?

15 MR. LEDUC: That's right.

16 MS. JONES: I also want to clarify something
17 that has come up because I think that's also confusing,
18 while we are on this exhibit.

19 There seems to be two reports of the ad hoc
20 committee; one is May 8th, 1986; the other seems to be May
21 23rd, 1986.

22 And I just want to clarify this. Bates page
23 7261. Now, this version of the report, shall we say, of
24 the ad hoc committee, that was done for Father Deslauriers
25 to review. Is that correct?

1 **MR. LEDUC:** That's what -- it was a report
2 that was sent to him on the 8th of May, yes.

3 **MS. JONES:** Okay. Now, the report on the
4 23rd of May, which is Bates page 7074. That's the one dated
5 May 23rd, 1986. This is what you consider your final
6 report?

7 **MR. LEDUC:** Yes.

8 **MS. JONES:** All right. And this is the one
9 that was sent to the Bishop?

10 **MR. LEDUC:** Yes.

11 **MS. JONES:** Now, if we could just look at
12 the recommendations there, I'm not going to go into them in
13 too, too much detail here, in fact, no detail at all. But
14 would you agree with me, at that particular point, in these
15 recommendations, nowhere in those recommendations is there
16 a mention at all about duty to report to anyone?

17 **MR. LEDUC:** No.

18 **MS. JONES:** And I don't know if you want to
19 look at the May 8th draft or not, I could take you back
20 there if you want. Seven two six one (7261) is the Bates
21 page. Would you agree with me that in that draft, the one
22 that was sent to Father Deslauriers, that again there was
23 no recommendation of duty to report to authorities?

24 **MR. LEDUC:** Yes.

25 **MS. JONES:** You will agree that ---

1 MR. LEDUC: Yes.

2 MS. JONES: --- there was no suggestion of a
3 duty to report?

4 MR. LEDUC: No.

5 MS. JONES: Now, dealing with the testimony
6 concerning whether or not Father Deslauriers was in Hull or
7 not -- that seemed to be a bit of an issue here.

8 If we could go to Bates page 7101. This is
9 the report that was prepared by Father Ménard?

10 MR. LEDUC: Yes.

11 MS. JONES: And it would appear that in the
12 evidence that you gave in-chief when I asked you questions
13 about this issue, one of the people that came to talk to
14 you had revealed that they had seen Father Deslauriers in
15 Hull ---

16 MR. LEDUC: Yes.

17 MS. JONES: --- doing Mass. You recall
18 that?

19 MR. LEDUC: Yes.

20 MS. JONES: And at the time then of doing
21 the report, you were aware of that because someone had said
22 it during one of your interviews?

23 MR. LEDUC: Yes.

24 MS. JONES: Now, it was your understanding
25 that -- I'm sorry; there was no feedback to you at that

1 point whether or not he was actually still doing Mass in
2 Hull at the time that you prepared your report?

3 MR. LEDUC: I don't recall.

4 MS. JONES: I just want to draw your
5 attention to the transcript of Madame Brisson, and that is
6 found in Volume 56. This transcript, by the way, is the
7 Inquiry transcript, Volume 56. The date is October 12th,
8 2006.

9 THE COMMISSIONER: What page?

10 MS. JONES: And I'm specifically looking at
11 page 96.

12 MR. LEDUC: Yes.

13 MS. JONES: And I'm just wondering if you
14 could read for yourself there -- I'm looking at the bottom
15 half of the page, actually, page 96, the very last entry,
16 actually, of Madame Brisson's testimony. If you could just
17 read that, please?

18 (SHORT PAUSE/COURTE PAUSE)

19 MR. LEDUC: Yes.

20 MS. JONES: Would you agree with me that
21 Madame Brisson has told the Inquiry that she actually had
22 information that Father Deslauriers was still giving the
23 Mass in a priestly capacity between the dates of the 8th to
24 the 15th of August 1986, which is obviously well after your
25 final report was made. Do you see that?

1 **MR. LEDUC:** Well, what I'm reading here is
2 that she saw him at Trois-Rivières at the sanctuary and the
3 he was presiding there.

4 **MS. JONES:** All right.

5 **MR. LEDUC:** Yes.

6 **MS. JONES:** Presiding in a priestly manner -

7 --

8 **MR. LEDUC:** At a Mass.

9 **MS. JONES:** --- for want of a better word?

10 **MR. LEDUC:** Yes.

11 **MS. JONES:** Okay. Thank you.

12 Now, I'd like to go, please, to Exhibit
13 1914. I'm sorry, I don't think I need to go there. I
14 think I can save a step.

15 Could I go to Exhibit 1932? And I'm looking
16 at Bates page 1263.

17 **MR. LEDUC:** Nineteen thirty-three (1933)?

18 **MS. JONES:** Nineteen thirty-two (1932).

19 It's the interview of Gordon Bryan.

20 **MR. LEDUC:** Yes, I have it.

21 **MS. JONES:** And I'm looking at Bates page
22 1263, please. And on this particular page, again, this has
23 to do with him faxing the copy of the settlement to you,
24 that you had asked him to fax the copy. He did. And this
25 is consistent with what you had said earlier in your

1 testimony, in addition to today.

2 Would you agree with me that reading over
3 Mr. -- or sorry, Reverend Bryan's testimony, that he's
4 quite clear that he faxed the settlement agreement and
5 nothing else with regards to the Silmser situation?

6 **MR. LEDUC:** Yes.

7 **MS. JONES:** Would you classify that
8 correctly?

9 **MR. LEDUC:** Yes.

10 **MS. JONES:** Okay. Could you also turn as
11 well to Bates page 1260 of the same document?

12 If you could please scroll down a little
13 bit, Madam Clerk? Stop there. Thank you.

14 To put it in context, he's looking at the
15 envelope, I presume the one that we've got in evidence as
16 well, but this brown envelope, and Reverend Bryan is
17 identifying it, saying:

18 "Yes, that was the envelope."

19 And he goes further to say:

20 "Actually, Mr. Leduc, when he dropped
21 it in, indicated he didn't have a file
22 open on it."

23 Do you see those words?

24 **MR. LEDUC:** Yes.

25 **MS. JONES:** So it would appear that he's

1 confirming or stating that you had told him that you had
2 not opened up a file on the Silmsen matter?

3 MR. LEDUC: That's right.

4 MS. JONES: And that seems to be consistent
5 with what you said earlier.

6 MR. LEDUC: Yes.

7 MS. JONES: So if we think back to your
8 Affidavit of Documents, because we went over that before --
9 that's Exhibit 1914, if you want to go back there -- you
10 will recall that there is a draft -- the draft of the
11 agreement with some markings on it. You said they were not
12 your markings.

13 MR. LEDUC: Yes.

14 MS. JONES: You were asked this question
15 yesterday, but now when you look at the testimony of
16 Reverend Bryan which was brought to your attention today,
17 are you able to illuminate any further where that draft of
18 the agreement would have come from if in fact you are
19 stating to Reverend Bryan you didn't have a file open?

20 MR. LEDUC: All I can say is that this
21 confirms that, as I said before, that I did not believe I
22 had a file. I'm trying to think how that would have come
23 up, and I'm sorry; I can't help you.

24 MS. JONES: All right.

25 MR. LEDUC: I have no idea.

1 **MS. JONES:** Those are my questions. Thank
2 you.

3 **THE COMMISSIONER:** Thank you.

4 Monsieur Leduc, I want to thank you for your
5 many days here. I certainly will consider your evidence in
6 preparing my report.

7 **MR. LEDUC:** Thank you very much, Mr.
8 Commissioner.

9 **THE COMMISSIONER:** Thank you.

10 **MS. HAMOU:** Mr. Commissioner, I just wanted
11 to let you know that the next witness, Père Ménard, will be
12 scheduled for the 28th and we will resume on Monday with
13 Père Lebrun if that's satisfactory?

14 **THE COMMISSIONER:** At 9:30. Okay. Thank
15 you very much.

16 **MS. HEINEN:** I just wanted to thank you, Mr.
17 Commissioner. I know we started early today and that was
18 to accommodate me and my son who's throwing milk on his
19 head in protest. So I wanted to thank you for that
20 indulgence.

21 **THE COMMISSIONER:** Thank you. You're
22 welcome.

23 All right. Have a good weekend.

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

1 This hearing is adjourned until July 21st at
2 9:30 a.m.

3 --- Upon adjourning at 12:56/

4 L'audience est ajournée à 12h56

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

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

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



Sean Prouse, CVR-CM