

**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 2

Held at :

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

Thursday, November 17, 2005

Tenue à:

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

Jeudi, le 17 novembre 2005

Appearances/Comparutions

Mr. John Spice	Lead Investigator
Mr. Peter Engelmann	Lead Commission Counsel
M ^e Lise Kosloski	Registrar
Me Pierre R. Dumais	Commission Counsel
Me Raija Pulkkinen	Commission Counsel
Me Christine Morris	Commission Counsel
Mr. John E. Callaghan	Cornwall Police Services Board
Me Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Ms. Barnali Choudhury	Citizens for Community Renewal
Mr. Rob Talach	Victims Group
Me Vicky Ringuette	The Coalition for Action on Child Abuse
Mr. Rick Goodwin	The Men's Project
Mr. David Bennett	
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall
Me André Ducasse	and Bishop Eugene Laroque
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Mr. Christopher Avery	M. Jacques Leduc
Mr. Mark Wallace	Ontario Provincial Police Association

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1 --- Upon commencing at 10:02 a.m. /

2 L'audience débute à 10h02

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session. The Honourable Mr.
5 Justice Normand Glaude, Commissioner, presiding.

6 Please be seated.

7 **LE COMMISSAIRE:** Bonjour, tout le monde.
8 Encore, pour les francophones qui veulent s'exprimer en
9 français, vous avez, comme de raison, le droit et c'est mon
10 plaisir d'accueillir les commentaires en français. Encore
11 pour préciser qu'une fois que la preuve sera commencée que
12 nous offrirons un système de traduction simultanée avec les
13 écouteurs. Donc, si vous voulez simplement patienter avec
14 nous jusqu'à ce moment-là, et puis encore une fois, ceux et
15 celles qui auront à s'exprimer, si vous voulez le faire en
16 français, c'est notre plaisir de vous accueillir.

17 A few announcements, I suppose, in
18 housekeeping matters. The first one, I suppose, is that
19 the last time we were here, I omitted to formally put on
20 the record exhibit numbers for the different applications.

21 As well, there have been supplementary
22 materials that have been filed, both at my request and some
23 were unsolicited, and I will make comment about that in a
24 few minutes.

25 As well, as you may be aware, we do have a

1 website and part of the website is there to receive
2 comments from the public, and I did receive a letter and
3 what I decided to do with that specific letter, which is
4 not to say that we are going to run an inquiry through
5 material that we receive through our website, but it is a
6 means of communication. I have indicated and I will
7 continue to indicate that this inquiry welcomes the
8 participation of the public, all the while reserving the
9 right to decide what is relevant and what might not be as
10 relevant.

11 In any event, I did receive a letter from
12 Mrs. MacEachern which I have passed out to counsel and
13 invited them to comment on if and to what extent it may
14 affect their position.

15 In any event, that letter will be marked as
16 an exhibit as well and we will deal with it at a later
17 time.

18 So Madam Clerk, could you get us up to date
19 and correct my lapse in not having those exhibits filed
20 properly?

21 **THE REGISTRAR:** Yes, Your Honour.

22 As noted, the application for standing and
23 funding in the matter of the Estate of Ken Seguin and Doug
24 Seguin will be marked Exhibit Number 11.

25 **---EXHIBIT NO./PIÈCE No. 11:**

1 the Commission from Sylvia MacEachern dated November 14
2 will be marked Exhibit 15.

3 **---EXHIBIT NO./PIÈCE No. 15:**

4 Letter from Ms. Sylvia MacEachern to
5 Justice Normand Glaude or Mr. Peter
6 Engelmann dated November 14, 2005

7 **THE REGISTRAR:** Supplementary submission in
8 the matter of standing and funding for Citizens for
9 Community Renewal dated November the 16th will be marked
10 Exhibit 6.1.

11 **---EXHIBIT NO./PIÈCE No. 6.1:**

12 Letter from Mr. Peter C. Wardle of the
13 Citizens for Community Renewal dated
14 November 16, 2005

15 **THE REGISTRAR:** The supplementary submission
16 in the matter of standing and funding for the Victims Group
17 dated November 11 will be marked Exhibit 7.1.

18 **---EXHIBIT NO./PIÈCE No. 7.1:**

19 Letter from Mr. Robert P.M. Talach of
20 the Victims Group dated November 11,
21 2005

22 **THE REGISTRAR:** Supplementary submission in
23 the matter of standing and funding for the Men's Project
24 dated November 9 will be marked Exhibit 9.1.

25 **---EXHIBIT NO./PIÈCE No. 9.1:**

1 Letter from Rick Goodwin of the Men's
2 Project dated November 9, 2005

3 **THE REGISTRAR:** Supplementary submission in
4 the matter of standing and funding for the Diocese of
5 Alexandria-Cornwall and Bishop Eugene Laroque will be
6 marked as follows: letter dated November 14 will be marked
7 Exhibit 10.1.

8 **---EXHIBIT NO./PIÈCE No. 10.1:**

9 Letter from Mr. David Sherriff-Scott
10 for the Diocese of Alexandria-Cornwall
11 and Bishop Eugene Laroque dated
12 November 14, 2005

13 **THE REGISTRAR:** Letter dated November 16
14 will be marked Exhibit 10.2.

15 **---EXHIBIT NO./PIÈCE No. 10.2:**

16 Letter from Mr. David Sherriff-Scott
17 for the Diocese of Alexandria-Cornwall
18 and Bishop Eugene Laroque dated
19 November 16, 2005

20 **THE REGISTRAR:** And letter with
21 clarification dated November 16 will be marked Exhibit
22 10.3.

23 **---EXHIBIT NO./PIÈCE No. 10.3:**

24 Letter from Mr. David Sherriff-Scott
25 for the Diocese of Alexandria-Cornwall

1 and Bishop Eugene Laroque dated
2 November 16, 2005

3 **THE REGISTRAR:** Supplementary submission in
4 the matter of standing and funding for the Estate of
5 Kenneth Seguin and Douglas Seguin dated November 14 will be
6 marked Exhibit 11.1.

7 **---EXHIBIT NO./PIÈCE No. 11.1:**

8 Letter from Mr. Michael Neville from
9 the Estate of Kenneth Seguin and
10 Douglas Seguin dated November 14, 2005

11 **THE REGISTRAR:** Supplementary submission in
12 the matter of standing and funding for Father Charles
13 MacDonald dated November 14 will be marked Exhibit 12.1.

14 **---EXHIBIT NO./PIÈCE No. 12.1:**

15 Letter from Mr. Michael Neville on
16 behalf of Father Charles MacDonald
17 dated November 14, 2005

18 **THE REGISTRAR:** Supplementary submission in
19 the matter of standing and funding for Jacques Leduc dated
20 November the 8th will be marked Exhibit 13.1.

21 **---EXHIBIT NO./PIÈCE No. 13.1:**

22 Supplementary submissions for standing
23 and funding by Marie Henein on behalf
24 of Jacques Leduc

25 **THE COMMISSIONER:** Mr. Engelmann, you are

1 standing?

2 **MR. ENGELMANN:** Just before we finish with
3 Mr. Leduc, you may remember from the last time we were here
4 his counsel mentioned that there may be some personal
5 financial material filed.

6 Madam Registrar, I understand that the
7 supplementary submissions at Tab 1 contain a statutory
8 declaration setting out his personal financial
9 circumstances.

10 They have asked that that be treated
11 confidentially, Mr. Commissioner, and the question would be
12 if you wish to mark this material with a "C", as per the
13 Rules, for confidentiality. If so, I would propose that we
14 mark the submissions excluding the statutory declaration as
15 13.1 and perhaps the statutory declaration as 13.2C in
16 accordance with the Rules, if that pleases the
17 Commissioner?

18 **THE COMMISSIONER:** Thank you.

19 Yes, sir.

20 **MR. AVERY:** Good morning, Commissioner.
21 Christopher Avery here on behalf of Monsieur Leduc and
22 Marie Henein.

23 **THE COMMISSIONER:** Yes.

24 **MR. AVERY:** I would agree with that
25 procedure, Your Honour, that on Exhibit 13.1 which would be

1 a copy of Ms. Henein's CV in the supplementary materials
2 would be appropriate and that a marking of "C" on Tab 1 of
3 the supplementary materials would be appropriate with a
4 "C".

5 **THE COMMISSIONER:** Well, I agree and I
6 suppose we are putting the horse before the cart in the
7 sense that in the reasons I am about to give, I am making a
8 decision in the ruling that the affidavit ought to be
9 marked as confidential. And for the reasons I will give, I
10 find that in balancing the wish to keep the matter as
11 public as possible and also weighing the financial
12 circumstances of Monsieur Leduc, that it would serve no
13 good purpose to have it published and it would, in my view,
14 protect his rights to privacy with respect to those items.

15 So yes, given that we are dealing with
16 procedural matters at this time, Madam Clerk you can
17 indicate that the statutory declaration is Exhibit 13.2 and
18 will be marked as "C" as confidential and, as such, will
19 not be available to the public, unless of course an
20 application is brought before me or a court of competent
21 jurisdiction to deal with the matter, but I think that
22 should put an end to that issue.

23 **MR. AVERY:** Thank you, Commissioner.

24 **THE COMMISSIONER:** Thank you.

25 Madam Clerk, anything else?

1 **THE REGISTRAR:** No. The exhibit has to be
2 entered as 13.2C.

3 **---EXHIBIT NO./PIÈCE No. 13.2C:**

4 Statutory Declaration in the matter of
5 Jacques Leduc (CONFIDENTIAL)

6 **---REASONS FOR DECISIONS BY THE HONOURABLE JUSTICE GLAUDE:**

7 **THE COMMISSIONER:** Thank you.

8 I have also indicated to the reporters and
9 to Madam Clerk that they should feel free to interrupt the
10 proceedings when I am deleterious in my duties with respect
11 to exhibits and that is one of my many weak spots with
12 respect to affidavits.

13 By way of initial comment, I suppose, I
14 would just like to stress that it is my view and my hope to
15 keep the inquiry running on a solid timeline but also to
16 assure the members that have applied for standing, and I
17 hope that it will be reflected in my reasons, that I am
18 here to include as many people as possible.

19 Part of my duty, of course, is to see if we
20 can include as many people as possible, all the while
21 respecting the fact that the public purse is being
22 depleted, I suppose, and that is something that I am going
23 to have to balance throughout, but the guiding principle is
24 that I try to include as many people as possible.

25 So I think it is a question of waiting for

1 the Commission to go through all of the documentation and
2 make the proper decisions. So while that may try the
3 patience of many people who have been waiting a long time,
4 I think that given time you will see that the openness of
5 this inquiry is there to serve all of the public of
6 Ontario.

7 So if you will permit me, I will go through
8 -- and I think it's important that I read through my
9 decision so that we reiterate the issues and the principles
10 that I want to make sure are at the forefront of everyone's
11 mind.

12 So with respect to the Ruling on Standing
13 and Funding, I'm going to go through it a little bit
14 because it's a decision, I suppose, that I have been
15 appointed by an Order in Council to inquire into and report
16 on the institutional response of the justice system and
17 other public institutions, including the interaction of
18 that response with other public and community sectors in
19 relation to the allegations of historical abuse of young
20 people in the Cornwall area, including the policies and
21 practices then in place to respond to those allegations and
22 for the creation and development of policies and practices
23 that were designed to improve the response to allegations
24 of abuse in order to make recommendations directed to the
25 further improvement of the response in similar

1 circumstances.

2 I will also inquire into and report on
3 processes, services or programs that would encourage
4 community healing and reconciliation in Cornwall.

5 As I have indicated in the past, the inquiry
6 will be conducted in two parts. The focus of Part I will
7 be to inquire and report in the manner in which public
8 institutions responded to the allegations of abuse as
9 reported to them by the citizens of this community.

10 The focus of Part II will be more remedial
11 in nature and one that will explore the healing and
12 reconciliation of this community.

13 I will also make recommendations directed at
14 ensuring that this situation does not repeat itself.

15 Now, Part I will be conducted by way of
16 public hearings to be held in Cornwall. Witnesses will be
17 called to give evidence under oath or affirmation and will
18 be examined and perhaps cross-examined.

19 Parties with standing will make closing
20 submissions at the conclusion of Part I.

21 Part II will primarily assess or address
22 policy issues and will proceed, at least to some extent,
23 concurrently with Part I.

24 In Part II, the Commission will seek
25 research and policy papers from experts, invite written and

1 oral submissions from parties with standing and the public,
2 hold round-table community dialogues and establish advisory
3 committees on relevant policy topics arising from key
4 issues identified in Part I.

5 Now, the Commission published a Notice of
6 Hearing that invited interested parties to apply for
7 standing and funding. The Notice of Hearing explained that
8 applications by interested individuals and/or organizations
9 for standing and funding in relation to both Part I and
10 Part II of the inquiry were to be submitted to the
11 Commission by not later than 5:00 p.m. on October 25th,
12 2005.

13 These applications were then heard in
14 Cornwall on November 7th, 2005. I received 14 applications
15 for standing, some of them involving multiple individuals
16 or organizations. Eight (8) of the 14 applicants also made
17 requests for funding. Counsel for all of the 14 applicants
18 appeared before me on November 7th to make oral submissions.

19 Now, the Rules of Practice and Procedure,
20 which I will refer to as "the Rules", which are available
21 at our website, set out the criteria for standing in Part I
22 and II.

23 For Part I, section 8 of the Rules explains
24 that I will be granting standing to persons or groups if I
25 am satisfied that they either are directly and

1 substantially affected by Part I of the inquiry, in which
2 event the party may participate in accordance with
3 subsection (1) of section 5 of the *Public Inquiries Act* or;
4 b) represent distinct ascertainable interests and
5 perspectives that are essential to his mandate -- that's me
6 -- in Part I which I consider ought to be separately
7 represented before the inquiry, in which event the party
8 may participate in a manner to be determined by me.

9 Now, for reference, subsection (1) of
10 section 5 of the *Public Inquiries Act* provides as follows:

11 "A Commission shall accord to any
12 person who satisfies it that the person
13 has a substantial and direct interest
14 in the subject matter of its inquiry an
15 opportunity during the inquiry to give
16 evidence and to call and examine or to
17 cross-examine witnesses or counsel on
18 evidence related to the person's
19 interest."

20 For Part II of the inquiry, section 55 of
21 the Rules provide that I will grant standing to groups or
22 persons if I am satisfied that they are sufficiently
23 affected by Part II of the inquiry or that they represent
24 distinct, ascertainable interests and perspectives that are
25 essential to my mandate in Part II and which I consider

1 ought to be separately represented before the inquiry.

2 In order to avoid duplication, groups of
3 similar interest are encouraged to seek joint standing.

4 Now, in combination with the criteria
5 outlined above in the Rules, a number of general principles
6 have guided my decisions on standing and funding. These
7 general principles have also guided other commissioners in
8 their respective decisions on standing and funding, and I
9 have benefited from their direction and insight in this
10 regard.

11 It is of the utmost importance that this
12 inquiry be fair, full and complete and that I consider all
13 relevant information and a variety of perspectives on the
14 issues that are raised in the Order in Council.

15 So as I have said before, a balance must be
16 struck, however, between attaining a thorough inquiry and
17 completing the inquiry as expeditiously as possible.

18 For this reason, I will endeavour to avoid
19 repetition in the evidence and the examination of matters
20 not relevant or useful to the achievement of my mandate and
21 unnecessary delay.

22 To assist in this regard, I considered
23 grouping certain applicants into coalitions. The forming
24 of coalitions is appropriate only in those circumstances or
25 situations where applicants have a similar interest or

1 perspective, where there is no apparent conflict of
2 interest and where I am satisfied that the relevant
3 interest or perspective will be fully and fairly
4 represented by granting standing to the parties as a group.

5 Now, I will say at this point that I did not
6 form any coalitions with the applicants of this inquiry.

7 Another guiding principle is that of
8 transparency and openness. This is a public inquiry, but
9 again, another balancing act is required. This inquiry
10 presents unique challenges given that it is made to look
11 into historical abuse against young people.

12 I anticipate that some of the evidence will
13 be of a sensitive nature in that not all witnesses will be
14 comfortable appearing during the evidentiary hearing under
15 the eyes of an audience. Yet, it is important that all
16 relevant and useful evidence come before this Commission.

17 As a result, at times, some of the evidence
18 may be heard in camera. Witnesses may also apply to me for
19 measures aimed at protecting their identity for compelling
20 reason.

21 Now, Commission counsel will play a
22 significant role for the inquiry and will assist me
23 throughout the process. Commission counsel do not
24 represent any particular interest or point of view and
25 their role is not adversarial or partisan.

1 Instead, Commission counsel have the
2 principal responsibility for representing the public
3 interest, including the responsibility to ensure that all
4 interests that bear on the public interest are brought to
5 my attention.

6 I should note that applicants who are not
7 granted standing, or not granted full standing, and even
8 those who did not apply for standing are encouraged to
9 communicate with Commission counsel if they feel they have
10 information that may be of assistance to the Commission in
11 fulfilling its mandate.

12 So in accordance with the Rules, I am
13 required to determine the extent to which a party granted
14 standing might participate in the inquiry.

15 Now, based on the language outlined in the
16 Rules, I have a certain degree of discretion which I must
17 exercise judiciously to decide which persons or groups
18 shall be authorized to participate and to what degree.

19 Following the guiding principles I have
20 outlined above, a review of the applications that I have
21 received and the oral submissions presented at the standing
22 and funding hearing, I have granted standing in respect to
23 Part I of the inquiry on the basis of two categories: full
24 standing and special standing.

25 Full standing will be granted to those

1 applicants whose rights are directly and substantially
2 affected by Part I of the inquiry or to those who represent
3 distinct ascertainable interests and perspectives that are
4 essential to my mandate in Part I and I consider ought to
5 be separately represented before the inquiry.

6 I will grant special standing on a
7 discretionary basis to those applicants who do not meet the
8 criteria for standing for Part I but whose participation
9 will be of assistance to me in fulfilling my mandate.

10 Applicants who are granted special standing
11 will have participation rights that are circumscribed in
12 comparison to the participation rights of those applicants
13 who are granted full standing.

14 Now, as I've indicated above, I will be
15 granting standing to persons or groups if I am satisfied
16 that they are directly and substantially affected by Part I
17 of the inquiry.

18 The meaning of the words "substantial" and
19 "direct" have been explored in other inquiries. The
20 starting point is a principle that it is not desirable or
21 even possible to set out a comprehensive list of the types
22 of interests that will come within the substantial and
23 direct interest test for public inquiries.

24 As each inquiry presents its own unique
25 circumstances, in each case the Commissioner must consider

1 his or her mandate, the nature of the aspect of the inquiry
2 for which standing is sought and the type of interest that
3 is being asserted by the applicant and the connection of
4 the applicant to the inquiry's mandate.

5 While it is not appropriate or even possible
6 to delineate a catalogue of factors to be taken into
7 consideration when assessing whether an applicant's
8 interest is sufficiently substantial and direct so as to
9 warrant a grant of standing, other inquiries, including
10 most recently the Arar and Gomery inquiries, provide some
11 useful guidance.

12 Generally speaking, the interest of the
13 applicant may be the protection of a legal interest in a
14 sense that the outcome of the inquiry may affect the legal
15 status or property interests of the applicant. Such an
16 interest would likely form the basis of the substantial and
17 direct interest.

18 An applicant's sense of well being or fear
19 of an adverse effect upon his or her reputation, even if
20 the fear proves to be unfounded, could be serious and
21 objectively reasonable enough to warrant full or intervenor
22 standing in the inquiry. It should be noted though that a
23 mere concern about the issues to be examined, if the
24 concern is not based upon the possible consequences to the
25 personal interests of the person expressing the concern, is

1 generally not sufficient to justify granting standing.

2 This was expressed by Judge Campbell in
3 Range Representative on Administration Segregation Kingston
4 Penitentiary and it's reported in 1989 39 Administrative
5 Law Reviews at page 13. In that case they were dealing
6 with a coroner's inquest and was cited with approval by Mr.
7 Justice O'Connor in his ruling on standing and funding on
8 May 4th, 2004 in the Arar Inquiry and by Justice Gomery in
9 his ruling on standing dated July 5th, 2004. As was stated
10 by Justice Campbell:

11 "Mere concern about the issues to be
12 canvassed at the inquest, however deep
13 and genuine, is not enough to
14 constitute direct and substantial
15 interest, neither is expertise in the
16 subject matter of the inquest or the
17 particular issues of fact that will
18 arise. It is not enough that an
19 individual has a useful perspective
20 that might assist the coroner."

21 In light of the foregoing, the ending point
22 of my discussion on substantial and direct interest test is
23 much like the starting point; namely, the assessment of
24 whether an applicant's interest is sufficiently substantial
25 and direct to the subject matter of the inquiry will

1 involve a certain degree of judgment. I will exercise that
2 judgment having regard to the general guidance provided in
3 other inquiries and, more importantly, the subject matter
4 of this inquiry, the potential importance of the findings
5 or recommendations to the applicant, including whether
6 their rights, privileges or legal interests will be
7 affected, and the strength of the factual connection to the
8 applicant and the subject matter at hand.

9 In this inquiry I have determined that
10 applicants that have been granted full standing will be
11 entitled to participate in Part I of the inquiry in the
12 following ways. They will have the opportunity to make
13 submissions as to the Rules of Practice and Procedure; the
14 opportunity to make written opening submissions one week
15 prior to the commencement of the hearings. The focus of
16 these opening submissions is to outline the major
17 principles the parties submit should guide the inquiry
18 process and the specific factual issues raised by the
19 mandate that they submit should be examined; thirdly,
20 access to the relevant documents collected by the
21 Commission subject to the Rules of Practice and Procedure;
22 four, advance notice of documents which are proposed to be
23 introduced into evidence; five, advance provision of
24 statements of anticipated evidence, if applicable; a seat
25 at the counsel table; opportunity to suggest witnesses to

1 be called by Commission counsel, failing which an
2 opportunity to apply to the Commissioner to lead evidence
3 of a particular witness; next, the opportunity to cross-
4 examine witnesses on matters relevant to the basis upon
5 which standing was granted, and the opportunity to make
6 closing submissions.

7 By seeking and being granted standing, a
8 party is deemed to have accepted the jurisdiction of the
9 Commission and to abide by the Commission's Rules of
10 Practice and Procedure once they are formalized and
11 accepted after an opportunity is given, of course, to make
12 suggestions on how to improve those rules.

13 Now, with respect to special standing, as I
14 will discuss below, in my assessment there is one applicant
15 who does not meet the test for full standing but whose
16 participation will be of assistance to me in fulfilling my
17 mandate. In my discretion I have decided to grant this
18 applicant special standing.

19 By providing certain applicants with rights
20 that are not as expansive as those granted applicants
21 having full standing, but which will provide them
22 nonetheless with the opportunity to participate in a
23 meaningful way, I will be able to obtain a maximal amount
24 of assistance without unnecessarily increasing the time and
25 expense of this inquiry. I anticipate that those with

1 special standing will make a useful contribution to the
2 inquiry and will assist me in better satisfying my mandate.

3 The applicant that has been granted special
4 standing will be entitled to participate in Part I of the
5 inquiry in the following ways. The applicant will have the
6 opportunity to make submissions, as through the Rules of
7 Practice and Procedure; the opportunity to make written
8 opening submissions one week prior to the commencement of
9 the hearings. The focus of these opening submissions is
10 the same as I've previously stated, and that's to outline
11 the major principles the applicant with special standing
12 submits should guide the inquiry process and specific
13 factual issues raised by the mandate that they submit
14 should be examined.

15 They will also have the right to access the
16 relevant documents collected by the Commission, of course,
17 subject to the Rules; advance notice of documents which
18 are proposed to be introduced into evidence; advance
19 provision of statements of anticipated evidence if
20 applicable, and the opportunity to suggest witnesses to be
21 called by Commission counsel and to suggest areas that
22 could and should be canvassed in the examination of certain
23 witnesses and, of course, the opportunity to make closing
24 submissions.

25 I have focused most of my discussion thus

1 far on standing for Part I of this inquiry.

2 The test for standing for Part II is
3 similar, providing that standing for Part II will be
4 granted if the applicant is sufficiently affected by Part
5 II of the inquiry or represents distinct ascertainable
6 interests and perspectives that are essential to my mandate
7 in Part II and ought to be separately represented before
8 the inquiry.

9 I should note that while I have made my
10 determinations on standing for Part II in this decision, I
11 will outline the distinct participation rights in respect
12 to Part II at a later date. This is because the format of
13 Part II will be different from that of Part I.

14 Let me turn now to funding. In accordance
15 with the Order in Council in section 59 of the Rules of
16 Practice and Procedure, I have the discretion to make
17 recommendations to the Attorney General regarding funding
18 to parties who have been granted standing to the extent of
19 the party's interest where the party would not otherwise be
20 able to participate in the inquiry without funding.

21 The Notice of Hearing specified that
22 applications for funding were to provide the following
23 information: why an application would not otherwise be
24 able to participate without funding; whether an applicant
25 has contacted other groups or individuals to bring them

1 into an amalgamated group and the results of those
2 contacts; a description of the purposes for which the funds
3 are required; how the funds will be disbursed and how they
4 will be accounted for; a statement of the extent to which
5 the applicant will contribute its own funds and personnel
6 to participate in the inquiry, and information about the
7 individual who will be responsible for administering the
8 funds and a description of the financial controls that will
9 be put in place to ensure that funds are disbursed for the
10 purposes of this inquiry.

11 I indicated that applications for funding
12 could include financial information and, for organizations,
13 financial statements, operating budgets, the number of
14 members and membership fee structure. This information,
15 when provided, was of assistance in assessing the need for
16 funding.

17 Because some groups did not address all of
18 these points in their written applications, I was required
19 to ask them to elaborate on those points when they appeared
20 before me to make oral submissions on November 7th, 2005.

21 Beyond these criteria, I was also guided by
22 the following factors that have been considered by
23 commissioners in previous inquiries: the nature of the
24 applicant's interest and/or proposed involvement in the
25 inquiry; whether the applicant has an established record of

1 concern or a demonstrated commitment to the interest it
2 seeks to represent and whether the applicant has special
3 experience or expertise with respect to the Commission's
4 mandate.

5 Finally, in making my determination on
6 funding, I was guided by the overarching principle that the
7 Commission must ensure that proper representation is
8 provided for all parties whose participation in all or part
9 of the inquiry is required.

10 If a necessary party were prevented from
11 presenting its full story due to lack of financial
12 resources, a disservice would be done to achieving the
13 mandate of this inquiry.

14 Accordingly, I decided that if I had any
15 doubts as to need for funding, that I would recommend
16 funding rather than deny it and potentially exclude a party
17 whose attendance and representation would be required.

18 While I certainly hope that I don't have to
19 continuously revisit the issue of funding over the course
20 of the inquiry, I recognize the situation of parties may
21 change as the inquiry unfolds so as to require them to seek
22 funding.

23 In the circumstances, if a party or witness
24 changes such that it would not be able to participate
25 without funding or without increased funding upon

1 application, I will assess whether funding should be
2 recommended.

3 Furthermore, if witnesses who are called to
4 give evidence during the course of this inquiry request
5 counsel and indicate that they are unable to fund counsel,
6 I will consider making recommendations for funding at that
7 time.

8 Now, any funding recommendations that I make
9 must be in accordance with the Management Board of Cabinet
10 Directives and Guidelines. In previous inquiries the
11 Ministry of the Attorney General has indicated that the
12 appropriate rate for the reimbursement of legal fees and
13 expenses should be the amount paid by the Ministry for
14 retention of private sector counsel.

15 In previous inquiries the Ministry also
16 provided further guidelines that include the following.
17 Legal fees and expenses eligible for reimbursement are only
18 those that relate to reasonable preparation for and
19 representation at those portions of the inquiry for which
20 standing has been granted, subject, of course, to the
21 Commissioner's recommendations.

22 Expenses related to the investigative
23 activities of other agencies or to investigative activities
24 of the Commission, except for attendance at interviews by
25 Commission counsel or staff, will not be eligible for

1 reimbursement.

2 Legal fees and related expenses accumulated
3 prior to the signing of the Order in Council are not
4 eligible.

5 A lawyer accepting funding cannot bill his
6 or her client or apply to any third party for any
7 additional funding for the services in question.

8 Unless the Commission recommends otherwise,
9 only one counsel per client is eligible for reimbursement.
10 If the Commissioner approves a junior counsel and the
11 junior counsel attends hearings with senior counsel, he or
12 she will be paid 75 per cent of the junior counsel's hourly
13 rate.

14 I have also included reasonable claims for
15 travel expenses and disbursements supported by receipts or
16 invoices may be claimed.

17 Photocopying may be claimed at an amount
18 specified by the Guidelines.

19 The reimbursement of eligible legal expenses
20 will be made on an *ex gratia* basis only with no right of
21 challenge or appeal.

22 I anticipate that the Attorney General will
23 issue similar, if not identical, Guidelines in this
24 inquiry.

25 I will recommend that an independent officer

1 assess accounts of those participants who are granted
2 funding. Once accounts are approved, they will be
3 forwarded to the Attorney General for payment.

4 Now, before I deal with the disposition part
5 and announce my final decision, I should go back and ask
6 and canvass the parties who were touched, or affected
7 perhaps is a better word, by the letter that we received by
8 e-mail. So I suppose the two parties that I asked whether
9 or not they wished to respond were the CCR, if I may call
10 them that, the Community Group and the Church -- the
11 Diocese, rather. I understand that both have provided me
12 with written submissions.

13 So at this time I just simply want to
14 canvass whether or not counsel for those two institutions
15 wish to make any further oral submissions at this time.

16 **MR. SCOTT:** Commissioner, I am content with
17 the written submission, unless you have any further
18 questions.

19 **THE COMMISSIONER:** No.

20 Mr. Scott answering for the Diocese.

21 **MS. CHOUDHURY:** I am here for CCR and we
22 also rely on our written submission.

23 **THE COMMISSIONER:** And your name, please?

24 **MS. CHOUDHURY:** Barnali Choudhury.

25 **THE COMMISSIONER:** Madam Clerk, reporters,

1 do you need the spelling for that?

2 Will you be providing a business card?

3 **MS. CHOUDHURY:** I have provided my name to -

4 --

5 **THE COMMISSIONER:** All right. Thank you
6 very much.

7 All right. Well, then let me deal with the
8 issue -- yes, sir.

9 **MR. NEVILLE:** Michael Neville for Father
10 MacDonald.

11 **THE COMMISSIONER:** I'm sorry -- yes, I'm
12 sorry. Yes, you were asked as well. Could you come
13 forward to the microphone, please, sir?

14 **MR. NEVILLE:** Just a couple of observations,
15 if I may, Your Honour.

16 Ms. MacEachern's letter I don't think, with
17 respect, contradicts, although she purports to, what I said
18 to you 10 days ago. She seems to be confirming, as I told
19 you, that Father MacDonald has been living on pension
20 income for the past 12 years or so, which she herself seems
21 to acknowledge. So I'm not sure, frankly, there is a
22 contradiction, although she starts off on that basis.

23 The only other issue I want to raise with
24 you, Your Honour, is this. As you know, I was counsel for
25 Father MacDonald at various other proceedings in the

1 criminal process and I'm certainly familiar with this
2 individual.

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

4 **MR. NEVILLE:** And I might say, without
5 getting into excessive detail, my relationship or contacts
6 with her were not pleasant.

7 I also query whether Ms. MacEachern is
8 indeed part of or at least a supporter of one of the groups
9 that has sought funding; namely, the group headed, if I can
10 use that phrase, by Mr. Chisholm and I frankly question, if
11 she indeed is a party or a member of that group, or at
12 least an active supporter, if not formal membership if
13 there is such a thing, these types of communications, with
14 all due respect, are inappropriate. That group have
15 counsel, I believe, Ms. Mullins. And while Your Honour has
16 said, and properly so, that the public has an interest and
17 perhaps can provide input, this input may be more in the
18 nature of an adversarial input than simply a public
19 interest input.

20 Those are the only observations I wish to
21 make.

22 **THE COMMISSIONER:** Thank you, Mr. Neville.

23 As I indicated in my opening statement, I
24 have to balance the fact that we wish to deal with this
25 matter in a public way. The website is there and I have, I

1 think, quite clearly indicated that I will exercise
2 discretion, either myself or counsel, as to what will be
3 taken up in the inquiry room.

4 Since this was the first communication of
5 that kind and it dealt with matters that I have decided
6 were worthy of being distributed and worthy of being asked
7 comments, bottom line, the document is now going to be a
8 public document because it has been filed.

9 Ms. MacEachern took issue with certain
10 representations with respect to Father MacDonald and to the
11 CCR, if I may call it that, and with respect to the Diocese
12 representation with respect to how the Diocese deals with
13 retired priests.

14 I have reviewed the material and the
15 response thereto and I akin this, I suppose, to cross-
16 examination on a collateral issue, if I can borrow the
17 criminal analogy. And so I can tell you that I re-read the
18 material. It does not, in my view, completely address all
19 of the issues, but because it is a collateral issue with
20 respect to my decision, it is not, in all forms, germane to
21 my decision.

22 So it will be there for people to read if
23 they wish.

24 As I've indicated, or Mr. Engelmann has
25 indicated to Ms. MacEachern, we don't plan on making this a

1 policy of bringing all these letters and things to the
2 inquiry proper. However, if there are some things that
3 come forward, they will be dealt with.

4 Now, with respect to whether Ms. MacEachern
5 is a party to something else, we will get to that in due
6 course.

7 The guiding principle is this is going to be
8 an open inquiry. I will not let it be run by a website,
9 but all participation is welcome.

10 Now, let me deal with the rest that you've
11 been waiting for. As I will detail below, I have not
12 granted some of the applicants all of the rights to
13 participate that they have requested or, understandably,
14 the degree of funding that they have requested. If, as the
15 evidence is called, circumstances change that affect the
16 interests of the individual, organization, or institution,
17 they may apply for an increased opportunity to participate
18 or for an amendment to the funding recommendation that I
19 have made on their behalf.

20 Before discussing my reasons in respect of
21 each application I must outline my concerns surrounding the
22 possibility of conflicts arising within several of the
23 applicant institutions. These conflicts may arise because
24 certain applicant institutions are representing all
25 components of the institution, including the institution

1 itself, managers, employees, both current and former. In
2 some cases allegations of abuse against young people have
3 been made against the employees of these institutions and,
4 accordingly, it is possible that conflicts may arise
5 between the subsets of the applicant institution.

6 Now, based on the information currently
7 before the Commission, it would appear that there is the
8 potential for such conflicts to arise within each of the
9 following applicant institutions: the Cornwall Police
10 Services Board and the Cornwall Community Police Service;
11 the Ontario Provincial Police, Commissioner Gwen Boniface
12 and commissioned officers of the Ontario Provincial Police,
13 the Ontario Provincial Police Association, the Ontario
14 Ministry of Community Safety and Correctional Services and
15 Adult Community Corrections, the Attorney General for
16 Ontario and the Children's Aid Society of the United
17 Counties of Stormont, Dundas and Glengarry.

18 Now, counsel for some of these applicants
19 have assured me that they will carefully monitor the
20 evidence as it unfolds to identify any conflicts and
21 potential conflicts. I expect the same of counsel for all
22 applicants. Should any conflict and/or potential conflict
23 arise, I expect that counsel for the applicant will advise
24 Commission counsel in a timely fashion and will ensure that
25 any conflicts and/or potential conflicts are effectively

1 resolved in the best interests of the affected parties.

2 Now, with respect to funding generally, I
3 note that a number of applicants requested that I consider
4 recommending an increased amount of funding in recognition
5 of the travel that will be required to attend the hearings.
6 At this time I will be recommending funding for expenses as
7 set out in the Guidelines provided by the Attorney General.

8 So I come to the different parties, the
9 Cornwall Police Services Board and the Cornwall Community
10 Police Service. The Cornwall Police Services Board and the
11 Cornwall Community Police Service have applied for standing
12 for Parts I and II of the inquiry. The Cornwall Police
13 Services conducted investigations into the alleged abuse of
14 young people in the Cornwall area that are being examined
15 in this inquiry and therefore it has a direct and
16 substantial interest in Part I of the inquiry.

17 I am therefore granting full standing to the
18 Cornwall Police Services for Part I.

19 As the Cornwall Police Services is likely to
20 be affected by any recommendations that I make as a part of
21 my mandate in Part II of the inquiry, I am also granting it
22 full standing for Part II. The Cornwall Police Services
23 further represents distinct ascertainable interests and
24 perspectives that are essential to my mandate in Part II.

25 The Cornwall Police Services did not apply

1 for funding.

2 Now, as I have indicated above, I have
3 concerns about the possibility of conflict arising within
4 the group, as the Cornwall Police Services is currently
5 representing the organization, the Cornwall Police Services
6 as an employer, and all individual officers, commissioned
7 and non-commissioned, as well as past officers, except
8 former officer Perry Dunlop.

9 Given the possibility that conflicts may
10 arise between these subsets, I expect that counsel will
11 monitor the situation and act quickly should any conflict
12 arise.

13 Now, with respect to the Ontario Provincial
14 Police, Commissioner Gwen Boniface and commissioned
15 officers of the Ontario Provincial Police, they've applied
16 for standing for Parts I and II of the inquiry.

17 The OPP and its officers were involved in
18 investigations into the allegations of abuse of young
19 people in the Cornwall area. In particular, the OPP was
20 responsible for what is known as the Project Truth
21 investigation.

22 Given its involvement in these
23 investigations I have found that the OPP has a direct and
24 substantial interest in the subject matter of this inquiry
25 and grant it full standing for Part I.

1 Given that the OPP is likely to be affected
2 by any recommendations that I make pursuant to Part II of
3 the inquiry, I am also granting the OPP full standing for
4 Part II. The OPP further represents distinct ascertainable
5 interests and perspectives that are essential to my mandate
6 in Part II. Again, my comments with respect to conflicts
7 apply here as well.

8 Now, the OPP did not apply for funding.

9 The Ontario Provincial Police Association
10 applied for standing for Part I and Part II of the inquiry.
11 The OPPA is a statutory bargaining agent for all non-
12 commissioned officers of the OPP and civilian members of
13 the OPP not employed in a supervisory or confidential
14 capacity.

15 In its application the OPPA explained that
16 it represents the frontline officers who were directly
17 involved in the investigation of the allegations of
18 historical abuse of young people in the Cornwall area and
19 that the frontline officers form part of the institutional
20 response of the justice system and were integrally involved
21 in the events underlying the mandate of the inquiry.

22 I have determined that the OPPA has a direct
23 and substantial interest in the subject matter of this
24 inquiry and grant it full standing for Part I.

25 With respect to Part II of the inquiry,

1 again the OPPA and its officers are part of the broader
2 Cornwall community and will likely be affected by any
3 recommendation that I make pursuant to Part II of the
4 inquiry. The OPPA further represents distinct
5 ascertainable interests and perspectives that are essential
6 to my mandate in Part II.

7 I am therefore granting the OPPA full
8 standing for Part II.

9 They again did not apply for funding.

10 Then I turn to the Ontario Ministry of
11 Community Safety and Correctional Services and Adult
12 Community Corrections. In its capacity of provider of
13 probation and parole services, the Ministry has applied for
14 standing for Parts I and II of the inquiry. The Ministry
15 is representing its employees and former employees. In its
16 application the Ministry explained that it is a main
17 defendant in several different actions commenced in
18 Ontario.

19 In these actions damages are being claimed
20 for historical abuse caused by former probation and/or
21 parole officers that were employed by the Ministry in its
22 Cornwall Probation and Parole Office. Because it is a
23 defendant in these actions the Ministry is aware of certain
24 allegations against it made by ex-probationers involving
25 some of its former employees. The Ministry anticipates

1 that the inquiry will likely hear evidence concerning how
2 probation and parole services operated in Cornwall, how it
3 was involved in the subject matter of the inquiry, and that
4 its historic and current operations will be scrutinized.

5 Based on this, I am satisfied that the
6 Ministry will likely be directly and substantially affected
7 by Part I and grant it full standing for this part.

8 I am also granting full standing to the
9 Ministry for Part II of the inquiry. Based on its
10 submissions, the Ministry can provide insight in respect of
11 how it achieves its statutory goals and how it can more
12 effectively service the community. The Ministry will
13 likely be affected by any recommendations made in Part II
14 and it represents distinct ascertainable interests and
15 perspectives that are essential to my mandate in Part II.
16 Again, with respect to the conflict, my comments stand.

17 Now, the Ministry did not apply for funding.

18 With respect to the Attorney General now, in
19 its written application the Attorney General for Ontario
20 applied for standing for Part I of the inquiry and noted
21 that it may at a later date apply for standing for Part II
22 if necessary. During the course of the standing hearings
23 the Attorney General amended its application to also apply
24 for standing for Part II.

25 According to its submissions, the Attorney

1 General is responsible for superintending all matters
2 connected to the administration of justice in Ontario. As
3 such, it submitted that the mandate of the inquiry to
4 inquire into the institutional response of the justice
5 system directly affects the duties of the Attorney General.
6 In further support of its position it explained that in
7 accordance with legislation, Crown attorneys are agents for
8 the Attorney General for the purposes of the Criminal Code.

9 Now, given its role in the administration of
10 justice I am satisfied that the Attorney General is likely
11 to be directly and substantially affected by Part I and
12 grant it full standing for this part.

13 I am also granting full standing to the
14 Attorney General for Part II of the inquiry. It is likely
15 to be affected by Part II of the inquiry and also
16 represents distinct ascertainable interests and
17 perspectives that are essential to my mandate in Part II.

18 In his oral submissions, counsel for the
19 Attorney General explained that the Attorney General would
20 be representing the Attorney General and all Crown
21 attorneys and assistant Crown attorneys that were involved
22 in this matter. Counsel for the Attorney General could not
23 confirm whether or not it would be representing agents that
24 were involved in the prosecution of matters that touch on
25 the subject of this inquiry. However, he noted that it was

1 his current information that there were no agents involved
2 in prosecutions of the offences that are at issue for this
3 inquiry. I expect that counsel for the Attorney General
4 will clarify this matter and will monitor the evidence and
5 promptly address and resolve any conflicts should they
6 arise.

7 The Attorney General for Ontario did not
8 apply for funding.

9 With respect to the Children's Aid Society
10 of the United Counties of Stormont, Dundas and Glengarry,
11 the Children's Aid Society has applied for standing in Part
12 I and Part II of the inquiry.

13 The CAS has explained that it is
14 representing the Society, managers and employees, both
15 current and former, of the CAS, subject to any conflict
16 that might arise. The CAS carries out a multitude of
17 statutory functions in respect of the care of children,
18 including the protection of children from abuse.

19 In its application, the Children's Aid
20 Society stated that while carrying out its statutory
21 functions it comes into contact with other service
22 providers in the community such as various police services,
23 healthcare providers and women's shelters.

24 The Children's Aid Society further states in
25 its application that on September 30th, 1993 the Cornwall

1 Community Police Services Constable Perry Dunlop provided
2 the Executive Director of the CAS and Mr. Richard Abell
3 with a copy of a complainant's statement alleging that the
4 complainant had been sexually assaulted by a member of the
5 local clergy and by a local probation officer. The
6 application goes on to say that following the receipt of
7 the complainant's statement, the CAS carried out an
8 investigation pursuant to the *Child and Family Services*
9 *Act*.

10 Given the foregoing, I am of the view that
11 the Children's Aid Society has a direct and substantial
12 interest in Part I of the inquiry.

13 I am also granting full standing to the
14 Children's Aid Society for Part II of the inquiry. It will
15 likely be affected by any recommendations made in Part II
16 and it represents distinct ascertainable interests and
17 perspectives that are essential to my mandate in Part II.

18 As I have emphasized above, should conflicts
19 arise within this group I expect that they will be promptly
20 addressed and resolved.

21 The Children's Aid Society did not apply for
22 funding.

23 Let me turn now to the Citizens for
24 Community Renewal, and I will call them the CCR. They have
25 applied for standing for Part I and Part II of the inquiry.

1 It has also applied for funding.

2 The CCR is a Cornwall-based community group
3 with over 200 members. This application included a
4 membership list. The group and its predecessor groups
5 claim to have been committed to establishing an inquiry
6 into the allegations of abuse in the Cornwall area and that
7 its membership consists of citizens of Cornwall who have
8 lived through the events forming the subject matter of this
9 inquiry.

10 It is CCR's central position that the
11 failure of public institutions to respond appropriately to
12 allegations of historical abuse of young people has had two
13 profound effects on the community as a whole. Firstly, it
14 has led to a significant loss of confidence in local
15 institutions and it has left a cloud over Cornwall which
16 has had a negative effect on all of its residents and will
17 impede efforts to reveal and revitalize the city.

18 The CCR submits that it has a distinct and
19 ascertainable interest and perspective that is essential to
20 the Commissioner's mandate in Part I. It is of the view
21 that it can address how the community was affected by the
22 institutional failures that will be examined by the inquiry
23 and that its members have valuable insight as they observed
24 the events unfolding in their community.

25 The CCR's interest is in examining the

1 manner in which information about allegations of historical
2 abuse of young people in the investigation and prosecution
3 of those allegations was disseminated to the community over
4 time and the extent to which that contributed to a loss of
5 confidence in the public institutions and other community
6 sectors involved.

7 The CCR hopes to be able to provide the
8 Commission with recommendations to ensure that all other
9 small communities faced with similar issues in the future
10 are able to handle them differently.

11 I agree with the CCR's submissions with
12 respect to standing in that they do represent an
13 ascertainable interest and they will be granted full
14 standing for both Part I and Part II of the inquiry.

15 As for funding, I will recommend funding for
16 two senior counsel and one clerk. In recognition that much
17 of the time required will be of a preparatory nature, I
18 will recommend only one counsel attendance fee and, as I
19 understand it, that's what they had requested in any event.

20 With respect to the Victims Group, at the
21 outset I should make some comment about the name chosen by
22 this group. While it may be referred to as the Victims
23 Group there are two points to keep in mind. First, it
24 might be all too easy to accept that these are the only
25 victims in this matter, and that would be unfortunate.

1 There are a great number of different victims in this
2 community which might include those charged and never
3 convicted, employees of various organizations and
4 institutions that have worked under the dark cloud of this
5 controversy for many years. There are also the families.
6 We must not forget those families who have fretted over the
7 trials and challenges of their loved ones.

8 Second, given that my mandate does not
9 include determining guilt or innocence, I do not make any
10 findings on this other than that the members of this group
11 claim to be victims of sexual abuse. They, like all other
12 parties who wish to contribute to the objectives of this
13 inquiry, will be treated with respect and dignity.

14 This group has applied for standing for
15 Parts I and II of the inquiry. It has also applied for
16 funding. It is their position that the traumatic and life-
17 altering experiences that they faced when children
18 constitute the very subject matter of this inquiry and,
19 therefore, they have a direct and substantial interest in
20 the inquiry and the recommendations flowing from it.

21 Given the foregoing, in review of the
22 thorough application prepared by this group, I am in
23 agreement and am granting full standing for Part I and Part
24 II of the inquiry.

25 With respect to funding, this group has

1 prepared a detailed budget proposal. It has requested
2 funding for three counsel and a law clerk. I will
3 recommend funding for up to one senior, one intermediate,
4 one junior counsel and for one clerk. The counsel
5 attendance fee will be limited to two counsel or one
6 counsel and one clerk. With respect to the clerk, should
7 it be deemed necessary that Mr. Swales be part of the legal
8 team, I have no objection so long as the fact that he is
9 not a law clerk is reflected in the rate afforded by the
10 Attorney General.

11 Aside from funding for counsel, the group
12 has several additional requests for funding. With respect
13 to experts, the Commission will seek advice from the
14 parties and will determine which experts should become
15 involved. Accordingly, that expense is eliminated.

16 It has also requested retroactive funding
17 for the payment of legal and related expenses associated
18 with the coordination and organization of the victims and
19 the preparation of its application. As I will with all
20 parties, and I note that this is a general application, I
21 will recommend that funding be retroactive to the date of
22 my appointment, but only for those expenses directly
23 related to the preparation in preparation of its request
24 for standing and funding.

25 Finally, the group has asked this Commission

1 of Inquiry to consider providing independent clinical
2 support for victims participating in the inquiry because of
3 the possibility of retraumatization as a result of their
4 participation.

5 I am not prepared at this time to make any
6 recommendations in respect of independent clinical support.
7 I view this as an important issue, one which I will examine
8 carefully and will deal with shortly, and you will be
9 advised of my decision with respect to that in due course.

10 I now turn to the Coalition for Action on
11 Child Sexual Abuse in Cornwall. Coalition for Action on
12 Child Sexual Abuse in Cornwall has applied for standing for
13 Parts I and II of the inquiry. It has also applied for
14 funding.

15 I should express at the outset that the
16 application for this group was not as comprehensive as I
17 would have liked. It is difficult, and I realize that, to
18 formulate this type of application to fit the criteria for
19 standing and funding that I have set out, and I can
20 understand that a citizens group may have relatively
21 limited experience in public inquiries.

22 It appears from the submissions that Mr.
23 Chisholm is a central focus for this organization and his
24 name is a constant in their application. This, however, is
25 not in itself a sufficient ground for granting standing.

1 In paragraph 10 of its submissions, one of
2 the reasons they suggest in support of their position that
3 they should be granted standing is to review the import of
4 the subject matter of this inquiry on his sister and
5 brother-in-law. Mr. Dunlop, whom the group has as much as
6 said -- I'm sorry, let me re-read that.

7 In paragraph 10 of the submissions, one of
8 the reasons they suggest in support of their position that
9 they should be granted standing is to review the import of
10 the subject matter of this inquiry on his sister and
11 brother-in-law Mr. Perry Dunlop. Now, the group has stated
12 that they will not be representing him. So despite this,
13 it is not clear to me who this group represents and what
14 they clearly stand for.

15 It is clear that there is a historical
16 presence in Cornwall that has advocated for change, and I
17 very much would like to see that presence represented at
18 the inquiry. The CCR group certainly fills part of that
19 picture.

20 However, I do feel that there may well be a
21 place for the Coalition should they wish to submit to me
22 further details outlining the following: a more detailed
23 list of its members; a more detailed summary of the group's
24 history and mandate; how their participation is different
25 from the perspective offered by the Victims Group and the

1 CCR; and, more importantly, the role that they intend to
2 play in the inquiry.

3 And so upon receiving this information I
4 will further consider whether and to what degree standing
5 should be granted. The issue of funding will also be
6 addressed at that time. So I would very much appreciate
7 receiving that material and I will speak with counsel, if
8 counsel is here, at the end of my decision.

9 With respect to the Men's Project, the Men's
10 Project has applied for standing for Parts I and II of the
11 inquiry and has also applied for funding.

12 The Men's Project is an incorporated
13 charitable, non-profit organization that provides a variety
14 of victim services along with other counseling programs for
15 men and their families. The mission statement of the Men's
16 Project explains that, among other things, it provides
17 mental health services to men and their families in the
18 areas of childhood trauma recovery, recent sexual assault,
19 emotional integrity and anger management. It was formed in
20 partnership with the National Capital Region YMCA/YWCA and
21 has been funded by the Ministry of the Solicitor General
22 and Attorney General since 1999.

23 The Men's Project has a history of
24 involvement in Cornwall and still provides direct services
25 in the Cornwall area. It was brought into Cornwall by the

1 Ministry of the Solicitor General in 1999 to conduct a
2 needs assessment, a review community services and two other
3 public consultations concerning the needs of victims
4 identified through the Project Truth investigations. It
5 ultimately completed a report entitled "Final Report of the
6 Integrated Community Response Planning for Male Survivors"
7 which demonstrated a lack of community response at that
8 time.

9 Beginning in 1999, the Men's Project
10 provided counseling services addressing the needs of male
11 victims of sexual abuse and assault and worked jointly with
12 the OPP and Crown Attorney's Office to distribute
13 information packages to identify victims related to Project
14 Truth. The Men's Project also currently delivers services
15 to the Cornwall area.

16 It is clear from their submissions, both
17 written and oral, that the Men's Project has a genuine
18 interest in the Commission's Phase I work. While its
19 interest is not sufficient to meet the threshold required
20 for full standing, I am satisfied that their participation
21 will be of assistance to me in achieving my mandate.

22 Given the foregoing I am prepared to grant
23 special standing to the Men's Project for Part I of the
24 inquiry and full standing for Part II.

25 In respect of funding, based on the review

1 of its materials, I am prepared to recommend funding for
2 one senior counsel and one junior counsel limited to one
3 counsel attendance fee for the Men's Project.

4 Aside from its request for funding for
5 counsel, the Men's Project has made two additional and
6 admittedly unique requests for funding. The first is a
7 request for funding to hire a part-time interim manager of
8 the Men's Project. The Men's Project is of the view that
9 the involvement of its current Executive Director is
10 critical to the organization's role in the inquiry and, as
11 a result, the organization will be required to hire someone
12 to assume many of the Executive Director's Ottawa-based
13 duties.

14 While I appreciate the difficulty that the
15 Men's Group may experience if the Executive Director must,
16 to a certain extent, divide his time between the inquiry
17 and other responsibilities, given that I have granted only
18 special standing for Part I and full standing for Part II,
19 it is not appropriate for me to exercise my discretion to
20 recommend funding for an interim manager position.

21 With respect to the second request, that I
22 consider a full-time counselor, the Men's Project believes
23 that as a result of the inquiry there will be witnesses who
24 will require crisis intervention due to the strain of being
25 a witness. I asked the Men's Project to provide me with

1 further submissions on this issue.

2 I received these further submissions and my
3 decision on the Men's Project request for a counselor will
4 be, as I indicated before, issued at a later date.

5 Now I pass to discussion on the Diocese of
6 Alexandria-Cornwall and Bishop Eugene Laroque. Both the
7 Diocese and Bishop Laroque have applied for standing for
8 Parts I and II of the inquiry. They have also applied for
9 funding.

10 At page 2 and 3 of its application, the
11 Diocese submits that it has a distinct and substantial
12 interest in this matter and a unique perspective on the
13 issues that will be raised in the inquiry because of the
14 following: a) that a number of priests of the Diocese were
15 charged with criminal offences relating to sexual abuse
16 arising out of police investigations, including the Project
17 Truth investigation; a number of other members of the
18 Diocese were investigated by Project Truth but it was
19 determined that there was no evidence to support the
20 charges against them; that there were a number of members
21 of the Diocese who were subjected to unfair, repeated
22 aggressive and defamatory remarks by a website operated in
23 Cornwall alleging sexual abuse, and that the Diocese had
24 somehow acted to suppress police investigations, and that
25 the Diocese participated with the Cornwall police and the

1 Cornwall Children's Aid Society in reviewing and developing
2 protocol for the handling and reporting of allegations of
3 abuse, and that Bishop Laroque who is now retired and as
4 such is no longer employed by the Diocese was, during much
5 of the relevant time of inquiry, the Bishop of the Diocese
6 and, as such, its Chief Administrative Officer; that the
7 rights and privileges of the applicants represented by
8 their submissions may be affected during the inquiry or as
9 a result of findings made by the Commission and that the
10 Commission's finding will be of significant importance to
11 the applicants.

12 Now, upon review of its materials it is
13 evident that the Diocese has a direct and substantial
14 interest in this matter and it also represents distinct
15 ascertainable interest and perspectives that are essential
16 to my mandate.

17 Accordingly, I will grant the Diocese full
18 standing for Part I and Part II.

19 The outstanding issue is that of funding.
20 The materials before me show that the Diocese is a small
21 one and that its funds are being put to good use. The
22 Diocese has also seen fit to request the opportunity to
23 provide me with further material comparing itself to other
24 institutions granted standing in other inquiries. I will
25 accept those materials and have received some materials and

1 expect that they will be providing me with others
2 expeditiously.

3 I would like, however, to also focus on the
4 financial statements provided by the Diocese in its
5 application. In particular, I would like to address its
6 reserves in the amount of \$5 million to \$6 million. The
7 reserve is an accepted and wise course for any institution
8 to adopt. The reserve is for a rainy day. The reluctance
9 to use it is also wise and quite understandable. There are
10 days, however, when its use must be seriously considered.

11 The Diocese's involvement in this matter, I
12 would think, should be of highest importance. The cloud
13 that hangs over this community also hangs over the Church.
14 I say that now only to assess the need to access the
15 Diocese's reserve.

16 It would be most helpful if I could be
17 apprised of the nature of the reserve, whether the amount
18 is increasing or decreasing over time and whether the
19 reserve has been used in the past and, if so, for what
20 purpose.

21 As well, I am somewhat concerned with
22 limiting the assessment of need to a corporate one. At
23 this point, I must plead some ignorance on how the Church
24 hierarchy functions.

25 For example, does the Diocese, as part of

1 the Catholic Church, not have recourse to other funds? Is
2 this issue not of such vital importance that a higher
3 authority within the Church has the means to assist the
4 Diocese?

5 As well, the Diocese seems to treat Father
6 MacDonald a little differently than the former Bishop. The
7 employer-employee relationship that exists with priests is
8 one that is foreign to me and the Diocese might want to
9 enlighten me further on these matters before I make my
10 decision on funding.

11 While I realize that this might be a
12 sensitive issue, it is my view that if the Diocese wishes
13 to avail itself of public funds, it too must reveal all of
14 its financial structure and exhaust any means of funding
15 which might be available to it.

16 Accordingly, at the present time, on the
17 material before me, I am disinclined to recommend funding
18 for the Diocese. Should the Diocese wish to pursue the
19 matter further, as it has indicated in its supplementary
20 submissions, I am prepared to provide it with reasonable
21 time to present further material and I will, at that time,
22 give my final decision.

23 As for Bishop Laroque, I find it somewhat
24 unusual that the Diocese would seek funding for him as an
25 individual. His involvement as Bishop during this period

1 of time in question links him as the operating mind of the
2 Diocese. They are, in my view, intimately linked.

3 Therefore, Bishop Laroque will not be
4 granted separate standing but standing linked to the
5 Diocese, unless or until a real conflict arises.

6 With respect to the Estate of Ken Seguin and
7 Doug Seguin, the Estate of Ken Seguin and Doug Seguin seek
8 standing for Part I and II of the inquiry. Ken Seguin was
9 a probation officer with the Ministry and was alleged to
10 have been involved in the abuse of young persons.

11 According to the application of the Estate
12 of Ken Seguin and Doug Seguin, no charges were ever laid
13 against Mr. Seguin, but the allegation was that he used his
14 position as a probation officer to abuse young people. Mr.
15 Seguin took his life in 1993.

16 While I understand the desire of Mr.
17 Seguin's family to participate in this inquiry, I am not,
18 at this time, prepared to grant standing for Part I to the
19 Estate of Ken Seguin and Doug Seguin.

20 The Ministry has indicated that it currently
21 represents Ken Seguin as he was a former employee. As a
22 result, there is no need for the Estate or family to
23 represent his interests.

24 Should conflicts arise between Ken Seguin
25 and the Ministry, the Estate of Ken Seguin and Doug Seguin

1 may reapply for standing.

2 I am prepared, however, to grant full
3 standing to the Estate and Doug Seguin for Part II of the
4 inquiry to the extent that this part touches upon Mr. Ken
5 Seguin's interests and those of his family whose lives have
6 likely been deeply affected by the allegations against Mr.
7 Seguin. I will recommend funding for one counsel.

8 With respect to Father Charles MacDonald, he
9 is seeking standing for Part I and Part II of the inquiry.
10 He also seeks funding.

11 According to his submissions, along with Mr.
12 Ken Seguin, Father MacDonald was alleged to have been
13 involved in the abuse of young persons in the Cornwall
14 area. The Diocese entered into a settlement with one
15 complainant in relation to a complaint of abuse against
16 Father Charles MacDonald. In 1996, Father MacDonald was
17 charged by the OPP as a result of a number of additional
18 complaints of abuse. These charges against Father
19 MacDonald were ultimately stayed.

20 Given the foregoing, I will grant full
21 standing to Father MacDonald but only in respect to those
22 issues which directly affect his interests. I will grant
23 full standing to Father MacDonald on Part II of the inquiry
24 limited to those issues which directly affect his
25 interests.

1 I should note that but for the probability
2 of conflict, as stated in the supplementary submissions of
3 the Diocese, I would have joined Father MacDonald with
4 certain other applicants rather than granting him separate
5 standing.

6 As for Father MacDonald's request for
7 funding, I will recommend funding for one counsel and given
8 that -- who is it -- Mr. Neville, I take it you will be
9 representing both?

10 **MR. NEVILLE:** Both as in Mr. Seguin and ---

11 **THE COMMISSIONER:** Well, for Part II and ---

12 **MR. NEVILLE:** Yes.

13 **THE COMMISSIONER:** Thank you.

14 **MR. NEVILLE:** Myself or my office.

15 **THE COMMISSIONER:** Yes, that's right.

16 That's correct.

17 Now I turn to Mr. Jacques Leduc. Mr. Leduc
18 applied for standing on Part I and Part II of the inquiry.
19 He has also applied for funding. Mr. Leduc's application
20 states that he was charged with various sexual offences
21 against young people in relation to three complainants in
22 Cornwall. Mr. Leduc was the last of a series of
23 individuals who were criminally charged as a result of the
24 Project Truth police investigation. Mr. Leduc's arrest was
25 the subject of media and community scrutiny. The

1 proceedings against him lasted over six years and the
2 charges against him were ultimately stayed. He has
3 maintained his innocence throughout. Mr. Leduc's
4 submissions detail that the proceedings and publicity
5 associated with them took a devastating toll on him and on
6 his family.

7 He submits that he has a substantial and
8 direct interest in the subject matter of the inquiry for
9 the following reasons: a) he was a lawyer on behalf of the
10 Diocese in respect to the civil settlement between the
11 Diocese and the first complainant; he is one of the
12 individuals who was criminally charged as a result of the
13 allegations of historical abuse which is the subject matter
14 of this inquiry and that the inquiry will consider his case
15 directly as part of its mandate.

16 After reviewing his materials, I am
17 satisfied that Mr. Leduc has a substantial and direct
18 interest in respect of the issues outlined above.

19 As a result, I am granting Mr. Leduc
20 standing for Part I in respect of those specific issues
21 that affect his personal interests.

22 I am also satisfied that Mr. Leduc is
23 sufficiently affected by Part II of the inquiry in that he
24 has a distinct ascertainable interests and perspectives
25 that are essential to my mandate in Part II.

1 I am therefore prepared to grant him full
2 standing for Part II of the inquiry limited to those issues
3 which directly affect his interests.

4 Mr. Leduc has also applied for funding for
5 two senior counsel and one junior counsel throughout the
6 inquiry. On the date of the hearings, counsel for Mr.
7 Leduc indicated that Mr. Leduc had concerns regarding the
8 confidentiality of his financial records and requested the
9 opportunity to provide additional submissions on this
10 matter. I am in receipt of these submissions and will
11 grant his request to consider his materials concerning his
12 finances in camera and not to release these materials to
13 the public.

14 I have reviewed these materials and I'm
15 satisfied that Mr. Leduc would not otherwise be able to
16 participate without funding. Given that I have granted Mr.
17 Leduc's full standing only in respect to those issues that
18 directly affect his personal interests, I will recommend
19 funding for one senior and one junior counsel for the
20 limited interests described above. I will also recommend
21 one counsel attendance fee.

22 And so we come to the end of this part of
23 the day.

24 Does anyone have any -- counsel have any
25 questions or comments at this time?

1 Then what I would like to do is hear from
2 counsel for the Church and for the Coalition as to when I
3 can expect material, if they wish to, would be forthcoming.
4 Mr. Scott?

5 **MR. SHERRIFF-SCOTT:** Commissioner, the
6 material, as indicated in my submissions, is with the
7 Archives of Ontario in Toronto. We have someone reviewing
8 their material today. It took some time to get it. They
9 have -- they are under construction, so their files are not
10 marshalled properly. So it took us some time.

11 We have also communicated with counsel for
12 the Walkerton Inquiry who happens to be a colleague of mine
13 in my Toronto office, and they are reviewing their material
14 to determine if they can provide us with anything.

15 So I expect within a week to 10 days we
16 should have whatever we need to make a further submission.

17 **THE COMMISSIONER:** Okay. Well, that is on
18 that one issue.

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

20 **THE COMMISSIONER:** I have also canvassed
21 some issues that you might want to review.

22 **MR. SHERRIFF-SCOTT:** Yes. On that subject I
23 will take instruction from my client, who I am meeting with
24 today, and I will -- if it's satisfactory, I will
25 communicate that with Mr. Engelmann ---

1 **THE COMMISSIONER:** All right.

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

3 **THE COMMISSIONER:** So can we expect two
4 weeks?

5 **MR. SHERRIFF-SCOTT:** I think that's
6 reasonable. Thank you.

7 **THE COMMISSIONER:** Okay. So we're going to
8 expect -- if you are going to give us anything, it will be
9 in -- what is the date today?

10 **MR. SHERRIFF-SCOTT:** We are the 17th.

11 **THE COMMISSIONER:** So help me out; what is
12 two weeks from now?

13 **MR. SHERRIFF-SCOTT:** December 1st, I believe,
14 Your Honour.

15 **THE COMMISSIONER:** December 1st.

16 **MR. SHERRIFF-SCOTT:** And that's
17 satisfactory.

18 **THE COMMISSIONER:** All right. Five o'clock?

19 **MR. SHERRIFF-SCOTT:** Yes. Thank you, Your
20 Honour.

21 **THE COMMISSIONER:** For the Coalition.

22 **Me RINGUETTE:** Bonjour. Je suis ici de la
23 part de Anne Mullins.

24 **LE COMMISSAIRE:** Oui.

25 **Me RINGUETTE:** Puis une semaine -- j'imagine

1 qu'aujourd'hui elle va parler avec les clients pour décider
2 si on peut avoir plusieurs informations pour vous fournir
3 de plus amples informations la semaine prochaine.

4 **LE COMMISSAIRE:** D'accord.

5 **Me RINGUETTE:** C'est tout.

6 **LE COMMISSAIRE:** Tout simplement, j'aimerais
7 encore une fois souligner ---

8 **Me RINGUETTE:** Oui.

9 **LE COMMISSAIRE:** --- que je souhaite que le
10 groupe va s'entretenir et nous donnera occasion de revoir
11 d'autres informations.

12 **Me RINGUETTE:** C'est beau.

13 **THE COMMISSIONER:** All right.

14 So again, just to make it very clear, I am
15 hopeful that the Coalition will provide me with further
16 material so that I can exercise my discretion in an
17 inclusive manner as opposed to in any other way.

18 All right. Any other matters then that I
19 need to deal with?

20 So, Mr. Engelmann, do you have anything
21 else?

22 **MR. ENGELMANN:** I was just wondering, Mr.
23 Commissioner, if we wanted to set a date for submissions
24 from the Coalition ---

25 **THE COMMISSIONER:** Yes, yes.

1 **MR. ENGELMANN:** --- and whether it would be
2 appropriate to have the same date?

3 **THE COMMISSIONER:** Yes, we will give you the
4 same date of December 1st. Materials must be filed by five
5 o'clock either one way or the other at the Commission's
6 office.

7 All right. Now, I can advise you that I
8 want these things dealt with. These are still preliminary
9 matters with respect to funding, but I think it's important
10 that we get matters dealt with quickly.

11 So I can tell you that as soon as I get the
12 material I will publish a date when I will be releasing my
13 reasons for this part of it and it will be on the website
14 and there will be a news release in that regard.

15 What I would like to do now is take a few
16 moments and talk about where we go from here. As you are
17 aware, I have, over the summer, gathered a very competent
18 and diligent and eager team to deal with all of the
19 outstanding matters that consist my mandate.

20 The next steps will be that we get the
21 material that has been out there for so long. So I can
22 tell you that we will be speaking to all of the counsel and
23 advising them that now is the time to furnish whatever
24 documents, whatever information you may have.

25 We have an investigative team. They will be

1 out in the field and we will be talking to people whom have
2 something to say, wish to contribute to the Commission.

3 All that to say when will we begin to hear
4 evidence? As quickly as possible, but only when we're
5 ready. And so we will take the time it takes to get that
6 ready. It will not be until the New Year, maybe in the
7 early new year.

8 So if any of you have any questions with
9 respect to your participation, please speak to your
10 lawyers. They have access to Mr. Engelmann and we will
11 attempt to give you as much information as possible.

12 However, it is now the turn of people who
13 have standing to provide us with the material and to
14 provide us where they think we should be going with respect
15 to our research.

16 Having said that, we will be announcing as
17 quickly as possible when the hearing dates will be and keep
18 you apprised of any other developments.

19 On that, I bid you a good day. Thank you.

20 **THE REGISTRAR:** This hearing of the Cornwall
21 Public Inquiry is now adjourned.

22 --- Upon adjourning at 11:25 a.m./

23 L'audience est ajournée à 11h25

24

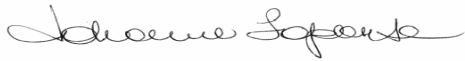
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I, Johanne Laporte a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Johanne Laporte, une 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.



Johanne Laporte, CVR-CM

<p style="text-align: center;">A</p> <p>Abell 41:2 abide 21:9 ability 65:6 able 21:23 23:20,24 25:24 43:7,10 59:15 about 1:23 8:7 18:23 19:11 24:6 35:3 43:1 43:21 63:16 above 14:5 16:20 17:14 35:2 41:18 58:18 59:20 abuse 10:19,24 11:8 15:11 33:2 34:13 35:18 36:18 37:20 40:18 42:6,12 43:2 44:11 46:11,12 49:11 51:15,23 52:3 55:10 55:14 56:13,15,18 58:13 accept 43:24 52:25 accepted 21:8,11 53:7 accepting 27:5 access 20:20 22:15 53:14 64:10 accord 13:11 accordance 7:16 13:2 16:12 23:14 26:9 39:7 According 38:25 55:11 56:11 accordingly 25:14 33:4 45:15 52:17 54:16 accounted 24:4 accounts 28:1,2 accueillir 1:16 accumulated 27:2 accurate 65:4 achievement 14:20 achieves 38:11 achieving 25:12 49:21 acknowledge 29:21 act 13:3,10 15:9 35:11 41:9 acted 51:24 Action 46:10,11 actions 37:17,19,23 active 30:12 activities 26:23,23 additional 27:7 45:12 50:5 56:17 59:9 address 11:21 24:17 31:18 40:5 42:21 53:5 addressed 41:20 48:6 addressing 49:10</p>	<p>adjourned 64:21 adjourning 64:22 administrating 24:7 administration 19:3 39:2,9 Administrative 19:4 52:6 admittedly 50:6 adopt 53:8 Adult 33:15 37:11 advance 20:22,23 22:17,18 adversarial 15:25 30:18 adverse 18:19 advice 45:13 advise 33:23 63:7 advised 46:9 advising 63:23 advisory 12:2 advocated 47:16 affect 2:14 18:14 32:15 56:22,24 58:21 59:3 59:18 affected 13:1,23 17:2 17:16 20:7 23:4 28:6 34:1,20 36:1 37:2 38:6,13 39:11,15 41:15 42:21 52:8 56:6 58:23 affects 39:5 affidavit 8:8 affidavits 9:12 affirmation 11:17 afforded 45:9 after 21:11 58:16 again 15:9 36:6 37:1,9 38:16 62:14 against 15:11 33:2,3 37:24 51:20 55:13 56:6,15,18 57:21 58:1,2 agencies 26:23 agent 36:11 agents 39:7,23 40:1 aggressive 51:22 ago 29:18 agree 7:24 8:5 43:11 agreement 44:23 Aid 33:16 40:9,11,19 40:24 41:11,14,21 52:1 aimed 15:19 ajournée 64:23 akin 31:15 Alexandria-Cornwall</p>	<p>5:5,10,17,25 51:6 allegation 55:13 allegations 10:19,21,23 11:8 33:2 35:18 36:17 37:24 42:6,12 43:1,3 52:2 56:6 58:13 alleged 34:13 55:9 56:12 alleging 41:3 51:23 along 48:14 56:11 altering 44:17 although 29:17,22 amalgamated 24:1 amended 38:23 amendment 32:18 among 48:16 amount 21:23 26:13 27:17 34:4 53:6,17 amples 62:3 analogy 31:17 and/or 12:8 24:24 33:22,25 37:20 anger 48:19 Anne 61:23 announce 28:5 announcements 1:17 announcing 64:16 another 15:7,9 answering 28:20 anticipate 15:12 21:25 27:22 anticipated 20:24 22:19 anticipates 37:25 anyone 59:24 anything 8:25 60:14 61:8 62:20 apparent 15:1 appeal 27:21 appear 33:7 appeared 12:18 24:19 appearing 15:14 appears 46:22 applicable 20:24 22:20 applicant 18:3,4,13,15 20:5,8 21:14,18 22:3 22:5,11 23:4,24 24:5 24:25 25:2 32:23,24 33:5,9,23 applicants 12:16,17 14:23,25 15:6 16:6 17:1,7,10,12 20:10 21:19,20 32:12 33:18 33:22 34:3 52:7,11 57:4</p>	<p>applicant's 18:7,18 19:24 24:24 application 2:22 3:4,11 3:18 8:20 23:23 26:1 32:21 36:15 37:16 38:19,23 40:19,25 41:6 42:3 44:22 45:19,20 46:16,18,24 51:10 53:5 55:11 57:19 applications 1:20 12:8 12:13,14 16:20 23:22 24:11,18 applied 9:16 34:11 35:15 36:10 37:13 38:20 40:11 41:25 42:1 44:14,15 46:12 46:13 48:10,11 51:7 51:8 57:18,19 59:4 apply 12:6 15:18 16:8 21:2 27:6 32:17 34:25 36:7,8 37:9 38:17,21,23 40:8 41:21 appointed 10:15 appointment 45:22 appreciate 48:6 50:14 apprised 53:17 64:18 appropriate 8:2,3 14:24 18:5 26:12 50:19 63:2 appropriately 42:11 approval 19:6 approved 28:2 approves 27:10 Arar 18:10 19:8 Archives 60:7 area 10:20 34:14 35:19 36:18 42:6 48:25 49:15 56:14 areas 22:21 48:18 arise 19:18 32:23 33:4 33:8,23 35:10,12 40:6,16 41:19 55:24 arises 55:5 arising 12:3 32:22 35:3 51:16 arrest 57:24 ascertainable 13:4,24 17:3 23:5 34:23 36:4 37:5 38:14 39:16 41:16 42:19 43:13 52:15 58:24 Aside 45:11 50:4 asked 7:10 28:8 29:12 31:6 45:25 50:25</p>	<p>aspect 18:1 assault 48:18 49:11 assaulted 41:4 asserted 18:3 assess 11:21 26:1 28:1 53:14 assessing 18:7 24:15 assessment 19:23 21:14 49:2 53:22 assist 14:22 15:22 19:20 22:2 54:3 assistance 16:10 17:9 21:16,24 24:15 49:21 assistant 39:21 associated 45:17 58:5 Association 3:19,24 33:13 36:9 assume 50:12 assure 9:16 assured 33:19 attaining 14:16 attempt 64:11 attend 34:5 attendance 25:17 26:24 43:18 45:5 50:3 59:21 attends 27:11 attention 16:5 Attorney 23:17 26:11 27:22 28:3 33:15 34:7 38:18,19,23,25 39:5,8,10,14,19,19 39:20,22 40:3,7 45:10 48:22 attorneys 39:7,21,21 Attorney's 49:12 au 65:10 audience 15:15 auront 1:15 authority 54:3 authorized 16:18 avail 54:13 available 8:19 12:20 54:15 avec 1:12,13 62:1 Avery 7:20,21,24 8:23 avez 1:9 avoid 14:2,18 avoir 62:2 aware 1:25 37:23 63:17 a.m 1:1 64:22</p>
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