

**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 149

Held at :

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

Friday, October 12 2007

Tenue à:

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

Vendredi, le 12 octobre 2007

Appearances/Comparutions

Ms. Julie Gauthier	Registrar
Ms. Deidre Harrington Mr. Ian Stauffer	Commission Counsel
Mr. John E. Callaghan Mr. Peter Manderville	Cornwall Police Service Board
Mr. Neil Kozloff Ms. Suzanne Costom	Ontario Provincial Police
M ^e Claude Rouleau	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Leslie McIntosh	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Michael Neville	The Estate of Ken Seguin and Scott Seguin and Father Charles MacDonald
Me Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Ian Paul	Mr. Carson Chisholm

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1 --- Upon commencing at 9:42 p.m./

2 L'audience débute à 09h42

3 **THE REGISTRAR:** Order. All rise. À
4 l'ordre. Veuillez vous lever.

5 This hearing of 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 **MR. STAUFFER:** Good morning, Mr.
11 Commissioner. I believe we left off yesterday with Mr.
12 Manderville asking some questions of Mr. Chisholm.

13 **THE COMMISSIONER:** Yes.

14 **MR. STAUFFER:** And so if Mr. Chisholm could
15 be recalled.

16 **THE COMMISSIONER:** There he is over there.
17 Okay, good.

18 Mr. Chisholm, could you come forward please?

19 **MR. STAUFFER:** I will turn this over then to
20 Mr. Manderville, unless there are other matters, Mr.
21 Commissioner? No, thank you.

22 **CARSON CHISHOLM:** Resumed/Sous le même serment :

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

24 **MANDERVILLE (cont'd/suite):**

25 **MR. MANDERVILLE:** Good morning, Mr.

1 Commissioner.

2 **THE COMMISSIONER:** Good morning.

3 **MR. MANDERVILLE:** Good morning, Mr.

4 Chisholm.

5 **MR. CHISHOLM:** Good morning.

6 **THE COMMISSIONER:** We left off at the
7 statements.

8 **MR. MANDERVILLE:** I was speaking with Mr.
9 Chisholm about statements collected or generated from Mr.
10 Leroux, and I don't intend to take Mr. Chisholm through the
11 statements. What I intend to do, Mr. Chisholm, is get you
12 to agree with me hopefully that as at November 19th, 1996,
13 Mr. Dunlop, Mr. Bourgeois and yourself had obtained four
14 statements from Mr. Leroux; one dated October 10th, one
15 dated October 31st, and two dated November 13. Do you agree
16 with me?

17 **MR. CHISHOLM:** Well, I can't disagree. I
18 don't know about the dates but it's probably all correct,
19 yeah.

20 **MR. MANDERVILLE:** Those four statements are
21 exhibits, sir, and they do appear to be dated as of those
22 dates so would you agree with me that as of November 19th
23 it's likely that you and certainly your brother-in-law,
24 Perry, are aware of the four statements?

25 **MR. CHISHOLM:** I would think so, if all

1 that's true, yeah, then that would follow, yeah.

2 **MR. MANDERVILLE:** And the reason I'm using
3 the date November 19 of 1996 is that is the day that you
4 and I believe your sister and your brother-in-law, Perry --
5 your sister, Helen, and your brother-in-law, Perry attended
6 Stuart McDonald's house and have the meeting or
7 confrontation with him. Is that correct?

8 **MR. CHISHOLM:** Probably, yes.

9 **MR. MANDERVILLE:** And you were telling Mr.
10 Stauffer about that occasion and, if I recall correctly,
11 you and Perry confronted Stuart McDonald with the notion
12 that he had been an attendee at Ken Seguin's house on
13 various occasions. Is that right?

14 **MR. CHISHOLM:** Sounds about right, yeah.

15 **MR. MANDERVILLE:** Mr. McDonald denied that.
16 Correct?

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

18 **MR. MANDERVILLE:** And am I correct that
19 either you or Perry or your sister, Helen, told Mr.
20 McDonald you didn't believe him?

21 **MR. CHISHOLM:** Probably, yeah.

22 **MR. MANDERVILLE:** And it became a little
23 heated at that point, didn't it?

24 **MR. CHISHOLM:** I think so, yeah.

25 **MR. MANDERVILLE:** Am I correct, Mr.

1 Chisholm, that on the day you attended at Stuart McDonald's
2 house and had that confrontation with him, the allegations
3 you had placing him at Ken Seguin's house were solely those
4 of Mr. Leroux?

5 **MR. CHISHOLM:** I didn't hear the whole
6 thing. Placing who against who or what?

7 **MR. MANDERVILLE:** On the day that you and
8 your sister, Helen, and your brother-in-law, Perry,
9 attended at Stuart McDonald's house and had that
10 confrontation with him concerning the allegation that he
11 was attending at Ken Seguin's house, the only person making
12 those allegations that you and your brother-in-law were
13 aware of was Mr. Leroux. Is that correct?

14 **MR. CHISHOLM:** I don't know.

15 **MR. MANDERVILLE:** Well, we know that you
16 don't have a statement from C-8 at that point.

17 **MR. CHISHOLM:** No, but I think one of the
18 Renshaw boys told us that too.

19 **MR. MANDERVILLE:** You don't have any
20 statements from the Renshaws until 1997, sir.

21 **MR. CHISHOLM:** I never got a statement, as I
22 recall, from Renshaw. I don't think so.

23 **MR. MANDERVILLE:** But we've seen the Renshaw
24 statements ---

25 **MR. CHISHOLM:** But this is what he told me,

1 you know.

2 **MR. MANDERVILLE:** But we've seen the Renshaw
3 statements, sir, and none of them exist until January-
4 February 1997. So they certainly weren't there in November
5 1996.

6 **MR. CHISHOLM:** What are you talking about, a
7 written statement you mean?

8 **THE COMMISSIONER:** Yes. In fairness, the
9 written statement might not exist, but you haven't closed
10 off the possibility -- you see because this gentleman has a
11 different definition of a statement than we do. And so you
12 may be correct saying there's no written rendition of those
13 accounting until then, but he may have talked to them
14 before.

15 **MR. CHISHOLM:** Exactly, that's -- thank you;
16 exactly.

17 **MR. MANDERVILLE:** Well, Mr. Renshaw, Robert,
18 told us he never met Mr. Dunlop or you until January 1997.

19 **MR. CHISHOLM:** M'hm.

20 **MR. MANDERVILLE:** He testified to that here.

21 **MR. CHISHOLM:** M'hm. I don't think it was
22 Robert. There's three or four, but I think it was Gerry.

23 **MR. MANDERVILLE:** Mr. Gerry Renshaw told us
24 that he had never met Mr. Dunlop until December 1996. Did
25 you meet Gerry Renshaw before Perry, do you think?

1 **MR. CHISHOLM:** I don't think so.

2 **THE COMMISSIONER:** Okay, so -- I'm sorry,
3 but that closes off that door.

4 **MR. CHISHOLM:** Well, probably. I don't
5 know. I don't remember these dates really. I don't
6 remember if -- what you're asking here -- if Leroux was the
7 only source of information with regards to Stuart being at
8 one of those residences. I'm not sure.

9 **MR. MANDERVILLE:** To be fair to you, Mr.
10 Chisholm, it did emerge subsequently that there were other
11 sources making those allegations, subsequently.

12 I'm talking about what you had on the day
13 that you went to Stuart McDonald's house.

14 **MR. CHISHOLM:** I understand. But I really
15 can't help you there, because I don't remember.

16 **MR. MANDERVILLE:** Is it fair for me, sir, to
17 suggest to you that, if all you had were Leroux'
18 allegations, you preferred the information of a pedophile
19 who you now know to be a perjurer over that of your own
20 family. Is that correct?

21 **MR. CHISHOLM:** You can assume that.

22 **MR. MANDERVILLE:** But it's a fact; is it
23 not?

24 **MR. CHISHOLM:** Is it? I don't know. You're
25 the lawyer.

1 **THE COMMISSIONER:** No, no.

2 **MR. MANDERVILLE:** If you ---

3 **MR. CHISHOLM:** I'm just telling you what I
4 think.

5 **THE COMMISSIONER:** I know but what he's
6 saying is look it -- and he's not trying to -- he says
7 look, when you go over to your brother-in-law's home, all
8 right, what's in your mind?

9 Well, in your mind, what he said is -- what
10 he is asking you is the only thing you really know about
11 Stuart McDonald's involvement comes from Leroux.

12 **MR. CHISHOLM:** That's what he's saying. I
13 don't know that to be a fact though.

14 **THE COMMISSIONER:** Well ---

15 **MR. CHISHOLM:** So if you want me -- I don't
16 know, what do you want me to say?

17 **THE COMMISSIONER:** Well, come on now. Just
18 a second, just a second.

19 He's saying, okay, look it; where did you
20 get the other information? You got it from the Renshaw
21 boys maybe, okay. And what he is saying is well, wait a
22 minute now, the Renshaw boys would have talked to you after
23 this. And they testified that they never talked to you
24 before you went and seen Stuart.

25 So if they say that, do you disagree with

1 what they're saying?

2 **MR. CHISHOLM:** I don't know, I never -- I
3 don't know those dates. They may -- they probably believe
4 that. So I'm not going to say they are lying about it but
5 I don't remember. Really, I don't remember. But it
6 doesn't seem -- I know what you are driving at, but it
7 seems to me that there was more information that he was
8 there than just Ron Leroux. That's what's in my mind.

9 **THE COMMISSIONER:** Okay.

10 **MR. CHISHOLM:** I mean I can do no more.

11 **MR. MANDERVILLE:** Let me put it to you this
12 way, Mr. Chisholm, if all you had on November 19, 1996 to
13 confront Stuart McDonald with was the allegations of Ron
14 Leroux, if that was all you had, is it not the case that
15 you elected to prefer the word of someone you know to be a
16 pedophile ---

17 **THE COMMISSIONER:** Whoa, Whoa ---

18 **MR. MANDERVILLE:** --- of someone you now
19 know to be a ---

20 **MR. CHISHOLM:** That's a lot of conjecture in
21 there ---

22 **THE COMMISSIONER:** Just a minute, just a
23 minute -- an alleged pedophile.

24 **MR. MANDERVILLE:** Fair enough sir.

25 **THE COMMISSIONER:** No, no, well, you know.

1 **MR. MANDERVILLE:** Fair enough, sir.

2 **THE COMMISSIONER:** Okay.

3 **MR. MANDERVILLE:** No, I quite agree.

4 **THE COMMISSIONER:** And then the other thing.

5 **MR. MANDERVILLE:** I will be more careful.

6 **THE COMMISSIONER:** And then the other thing

7 on the perjury thing, when did that come to light this
8 thing about the bail?

9 **MR. MANDERVILLE:** Oh, it would have been
10 subsequent to November '96.

11 **THE COMMISSIONER:** All right. So he
12 wouldn't have known that at the time.

13 **MR. MANDERVILLE:** And I'm not suggesting
14 otherwise.

15 **THE COMMISSIONER:** Well, okay.

16 **MR. MANDERVILLE:** I am suggesting, Mr.
17 Chisholm ---

18 **MR. CHISHOLM:** I think one of your
19 colleagues was certainly suggesting it that Mr. Leroux was
20 a pedophile. I think he actually admitted it. So I guess
21 if you're an alleged pedophile or admit you're a pedophile,
22 then ---

23 **THE COMMISSIONER:** Well, I don't know that
24 Mr. Leroux has ever admitted to anything in that nature.

25 **MR. MANDERVILLE:** My point, Mr. Chisholm, is

1 that if you only had the allegations of Mr. Leroux to
2 support the contentions concerning Stuart McDonald and you
3 rejected Mr. McDonald's denial of being in attendance at
4 Ken Seguin's house, then you were in effect preferring the
5 word of someone who is an alleged pedophile and who you now
6 know to be a perjurer over the word of your own family,
7 over the word of someone you had known for 30 years. Is
8 that correct?

9 **MR. CHISHOLM:** I don't know. It's kind of a
10 hypothetical situation, so it's pretty difficult to answer.

11 **MR. MANDERVILLE:** Well, it wasn't very
12 hypothetical on November 19th of '96; was it?

13 **MR. CHISHOLM:** Yeah, but I think I might
14 have had a little more information than you're letting on
15 that I had. I don't recall, but I don't think I'd ---

16 **THE COMMISSIONER:** Well, let's put it at its
17 best.

18 **MR. CHISHOLM:** Okay.

19 **THE COMMISSIONER:** What's the best
20 information that you had?

21 **MR. MANDERVILLE:** It wasn't very
22 hypothetical on November 19th of '96 was it?

23 **MR. CHISHOLM:** Yes, but I think I might have
24 had a little more information than you're letting on I had.
25 I don't recall, but I don't think I'd ---

1 MR. COMMISSIONER: Okay, well, let's put it
2 at its best.

3 MR. CHISHOLM: Okay.

4 MR. COMMISSIONER: What's the best
5 information that you had? So you -- so let's assume ---

6 MR. CHISHOLM: I don't remember what all the
7 information I had. I must have had some kind of reason for
8 thinking it happened. I just didn't wake up one morning
9 and decide to go down there and confront my brother-in-law,
10 as you say. I think he's a good fellow.

11 He may have been compromised; something
12 tells me that's exactly what happened. He was third in
13 command at the police station. I think he was an inspector
14 after -- you know, chief deputy and inspector I think is
15 next -- and I think they were grooming him for the next
16 position, but I think along with that you had to kind of
17 play the game, go out at night with these boys. My
18 recollection is my sister -- that is his wife -- didn't
19 agree with that, maybe in conjunction with him; I'm not
20 sure how that played out.

21 And my brother who was down from the west
22 there two weeks ago told me about a conversation that he
23 had with her. I know he did have a meltdown, a nervous
24 breakdown. She saw him on the street and didn't recognize
25 him after twenty-five, thirty-years marriage. You think he

1 might have been under a little pressure?

2 MR. COMMISSIONER: Can you get rid of your
3 gum, sir?

4 MR. CHISHOLM: Yes, sure.

5 MR. COMMISSIONER: Thanks. In a kleenex or
6 something.

7 MR. CHISHOLM: Sure.

8 MR. COMMISSIONER: Thanks.

9 MR. CHISHOLM: So ---

10 MR. MANDERVILLE: I'll move to a different -
11 --

12 MR. CHISHOLM: I'm not -- I'm not worried
13 about Stuart McDonald being a pedophile. He's a good
14 fellow; I've known him for a long time. I think what may
15 have happened, now this is conjecture, like I said ---

16 MR. MANDERVILLE: This is speculation on
17 your part?

18 MR. CHISHOLM: Speculation -- he may have
19 been ---

20

21 MR. MANDERVILLE: I'm not sure ---

22 MR. CHISHOLM: --- in a ---

23 MR. MANDERVILLE: I'm not sure that you need
24 to do that today, sir.

25 MR. CHISHOLM: Well, I think I do.

1 **MR. COMMISSIONER:** No. I don't want to hear
2 it.

3 **MR. CHISHOLM:** Don't want to hear it?

4 **MR. COMMISSIONER:** No.

5 **MR. CHISHOLM:** Ten-four.

6 **MR. MANDERVILLE:** Mr. Commissioner, one of
7 the documents that was disclosed to us on Wednesday evening
8 in that disk, is a document with number 124245 and I'd ask
9 that put on -- at least put in front of Mr. Chisholm.

10 **MR. COMMISSIONER:** We don't have it? All
11 right, do we have it on the screen? What document is it,
12 Mr. Manderville?

13 **MR. MANDERVILLE:** It's a two-page
14 handwritten document, appears to be dated October 30, 1996.

15 **MR. COMMISSIONER:** Are there any
16 confidentiality -- can you put it on my screen, please,
17 ma'am?

18 **MR. MANDERVILLE:** I don't believe there are,
19 Mr. Commissioner, but I'm a little leery in saying so.

20 **MR. COMMISSIONER:** Okay, well you know we
21 all have that ongoing responsibility. So you're the one
22 who was presenting it so I would hope that you would have
23 looked at that again.

24 **MR. MANDERVILLE:** Mr. Commissioner, I don't
25 believe there are any ---

1 MR. COMMISSIONER: Okay.

2 MR. MANDERVILLE: --- confidentiality
3 issues.

4 MR. COMMISSIONER: Okay.

5 Pardon? Seven-hundred-and-twelve (712) is the exhibit
6 number.

7 --- EXHIBIT NO./PIÈCE No. P-712:

8 (124245) Handwritten notes from Helen Dunlop

9 MR. MANDERVILLE: Do you have that document
10 in front of you, Mr. Chisholm?

11 MR. CHISHOLM: I don't think so.

12 MR. COMMISSIONER: No, it's not.

13 MR. CHISHOLM: Okay, well it's here anyway.

14 MR. COMMISSIONER: Do you recognize that
15 document, sir?

16 MR. CHISHOLM: Yes.

17 MR. MANDERVILLE: Is that your writing, Mr.
18 Chisholm?

19 MR. CHISHOLM: No.

20 MR. MANDERVILLE: Is it your sister,
21 Helen's?

22 MR. CHISHOLM: Looks like it, yes.

23 MR. MANDERVILLE: Are those Helen's initials
24 at the top?

25 MR. CHISHOLM: I think so, yes.

1 **MR. MANDERVILLE:** Do you know anything about
2 this document, sir?

3 **MR. CHISHOLM:** "Conversation ...". Well, yes,
4 I read it.

5 **MR. COMMISSIONER:** Can we -- because it's
6 just on the screen, I'd like to read it all.

7 **MR. MANDERVILLE:** Certainly, sir.

8 **MR. COMMISSIONER:** Could you scroll down,
9 please? Okay, now keep going. Is there -- there's two
10 pages, Madam Clerk? Okay, keep going. Okay, keep going.
11 Okay.

12 **MR. MANDERVILLE:** Mr. Chisholm, is this a
13 document that you have kept in your possession over the
14 years?

15 **MR. CHISHOLM:** I think I have, yes, I think
16 so, but it was also divulged to the Inquiry or the ---

17 **MR. MANDERVILLE:** This week, yes.

18 **MR. CHISHOLM:** I think before that.

19 **MR. MANDERVILLE:** Well, it was on the disc
20 of materials that we received on Wednesday.

21 **MR. CHISHOLM:** Genier had a copy of it,
22 Constable Genier. That's quite a while ago.

23 **MR. MANDERVILLE:** To your knowledge, sir,
24 was this document ever disclosed to the police in the late
25 1990s?

1 **MR. CHISHOLM:** I don't remember.

2 **MR. MANDERVILLE:** Did you ever disclose it
3 to the police yourself, sir?

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

5 **MR. MANDERVILLE:** Mr. Commissioner, Mrs.
6 Dunlop is in the room. Perhaps she could be recalled later
7 today and we could ask her about this document. It's in
8 her writing; she's the generator of it?

9 **MR. COMMISSIONER:** Okay.

10 **MR. MANDERVILLE:** Mr. Chisholm, I'm going to
11 switch gears a little bit so we don't ---

12 **MR. CHISHOLM:** Yes, could you go back to it
13 a bit? There's something in there they just -- about a
14 letter that Ken Seguin left for different people, I don't
15 know, Joss van Diepen, Malcolm MacDonald, I just briefly
16 saw it there -- excuse me.

17 Were these guys ever questioned about it?
18 Was it only Dunlop and Chisholm, Dunlop and Chisholm,
19 Dunlop and Chisholm?

20 **MR. COMMISSIONER:** Mr. -- yes, okay. What
21 I'm going to try to explain to you -- no, no, put it down,
22 sir.

23 **MR. CHISHOLM:** Okay.

24 **MR. COMMISSIONER:** Put it down for a minute.

25 **MR. CHISHOLM:** Yes.

1 **MR. COMMISSIONER:** Okay.

2 If I'm getting a little impatient, it
3 certainly isn't because of what you're saying. It's that
4 you, obviously because of your life experiences and things,
5 are seeing this as being a Chisholm and Dunlop thing and
6 what I'm going to ask you to understand is that this is
7 bigger than Chisholm and Dunlop.

8 **MR. CHISHOLM:** You think?

9 **MR. COMMISSIONER:** Well, I'm ---

10 **MR. CHISHOLM:** Are you patronizing me? Do
11 you think I don't know that?

12 **MR. COMMISSIONER:** Well, you just said to
13 the lawyer ---

14 **MR. CHISHOLM:** Well, only because we're
15 sitting here. We've been grilled and hammered and it's
16 like a trial. Where are the pedophiles? Where are the
17 diddlers? Where's the homos that are doing this stuff?
18 Like where are they?

19 **MR. COMMISSIONER:** Well, sir ---

20 **MR. CHISHOLM:** I mean how come they never
21 have to take the stand? This has been going on for years.
22 I know it's not about us only but it just seems that we're
23 the ones that are getting the heat. Why don't they ---

24 **MR. COMMISSIONER:** Well, actually ---

25 **MR. CHISHOLM:** --- get some of these

1 sodomites to testify, or is it all alleged? Excuse me. I
2 don't know.

3 **MR. COMMISSIONER:** We're going to hear
4 evidence from the institutions, eventually.

5 **MR. CHISHOLM:** Eventually, yes.

6 **MR. COMMISSIONER:** All I want you to do --
7 first of all, your lawyer is sitting there. He has not
8 objected once. I have stopped a couple of times when
9 there's things that are going on. You are not on trial
10 here; you're not.

11 **MR. CHISHOLM:** I know it just seems that
12 way.

13 **MR. COMMISSIONER:** Ah, ah, ah ---

14 **MR. CHISHOLM:** Ah, that's it.

15 **MR. COMMISSIONER:** You're right, but what
16 I'm asking ---

17 **MR. CHISHOLM:** Silly me, I'm sorry.

18 **MR. COMMISSIONER:** No, no, no. I can
19 understand -- what I'm asking you to do is understand that,
20 first of all, Perry Dunlop was acquitted and found that he
21 did the right thing and nothing's going to change about
22 that part of it.

23 **MR. CHISHOLM:** Unless they appeal it the
24 third time. I don't know, not likely. I mean I thought --
25 why did they appeal it the first time?

1 MR. COMMISSIONER: Okay.

2 MR. CHISHOLM: That's the -- you know, well,
3 I mean ---

4 MR. COMMISSIONER: Okay, but ---

5 MR. CHISHOLM: Is that not a ---

6 MR. COMMISSIONER: Sir, sir ---

7 MR. CHISHOLM: --- obvious?

8 MR. COMMISSIONER: No, no, no, sir ---

9 MR. CHISHOLM: It's not that obvious.

10 THE COMMISSIONER: No, no, sir. I'm going
11 to ask you to speak to your lawyer, at -- when you are
12 finished testifying. And he's going to explain to you that
13 process. All right? The Appeal is done. No one can take
14 that away

15 MR. CHISHOLM: I realize that, yes.

16 THE COMMISSIONER: Okay, well then, there's
17 not going to be any other appeal.

18 MR. CHISHOLM: No, but what I'm asking you
19 -- as a lawyer and judge,

20 "do you think there should have been an
21 Appeal in the first place?"

22 THE COMMISSIONER: Well, we're going to get
23 to that --

24 MR. CHISHOLM: No I mean, we're there now,
25 I'm just -- it's a simple question. It's just -- do you

1 think that that Appeal should have ever happened?

2 **THE COMMISSIONER:** Will you, will you listen
3 for a minute?

4 **MR. CHISHOLM:** Well, sure!

5 **THE COMMISSIONER:** When we get to the
6 Institutional Response, we're going to look into all of
7 that. You don't believe it, I understand --

8 **MR. CHISHOLM:** Oh, I -- we will if we live
9 long enough, we'll get to that. I know. But I mean, right
10 now I've just -- that's a simple question. That Appeal, in
11 my mind, should never have happened. But, of course I'm
12 not a lawyer.

13 **THE COMMISSIONER:** No you're not.

14 **MR. CHISHOLM:** But you are, I believe, is
15 that -- why is it so hard to answer a simple question? I
16 don't understand. I know there's a process and all that.
17 But, it's very frustrating.

18 **THE COMMISSIONER:** And I share your
19 frustration. That will be looked into in the fullness of
20 time.

21 **MR. CHISHOLM:** Good.

22 **THE COMMISSIONER:** All right.

23 Now, if you can just sit back and understand
24 that what I am trying to do is get an understanding of what
25 went on.

1 So, this gentlemen is asking you some
2 questions. He is being polite. He is trying to formulate
3 his questions in the best way and respectfully, and your
4 lawyer is sitting there and I'm sitting here and Commission
5 counsel are sitting here and we're going to make sure that
6 he doesn't ask anything that he's not supposed to.

7 So, all I'm asking you to do is answer the
8 questions to the best of your ability.

9 **MR. CHISHOLM:** I'll certainly try.

10 **THE COMMISSIONER:** All right.

11 **MR. MANDERVILLE:** Now Mr. Chilsholm, I want
12 to talk about your trip to Florida with Mr. Leroux. And we
13 know from Mr. Leroux that on December 1, 1996 in was in New
14 Market, providing a statement or a videotape in Mr.
15 Bourgeois' office we believe and the he returned to
16 Cornwall and you and he went off to Florida. Is that
17 correct?

18 **MR. CHISHOLM:** We did go off to Florida.
19 The other stuff I'm not -- I don't know about.

20 **MR. MANDERVILLE:** Fair enough and I don't
21 expect you to. I'm just trying to orientate it for you.
22 How did you get down to Florida?

23 **MR. CHISHOLM:** How did we get down there?
24 Drove.

25 **MR. MANDERVILLE:** Okay. Did you stop over on

1 the way? Or did you drive through the night?

2 MR. CHISHOLM: Drove through.

3 MR. MANDERVILLE: Cornwall to Fort
4 Lauderdale, about a day and a half?

5 MR. CHISHOLM: Eighteen hours.

6 MR. MANDERVILLE: And you met with the
7 proprietor of the Salt Air Motel, among other people.
8 Right?

9 MR. CHISHOLM: Yes.

10 MR. MANDERVILLE: And do you recall how long
11 you stayed down there?

12 MR. CHISHOLM: Not exactly. Maybe five
13 days. Something like that.

14 MR. MANDERVILLE: Well, we know that you got
15 a statement from Mr. Svetkowski, that's dated December 6th.
16 So obviously you are down there then.

17 MR. CHISHOLM: My daughter's birthday, okay.

18 MR. MANDERVILLE: Sorry. Oh.

19 MR. CHISHOLM: My daughter's birthday --
20 oldest daughter. Anyway --

21 MR. MANDERVILLE: So we know you are down in
22 Florida on December 6th, of '96

23 MR. CHISHOLM: Okay, and presumably if you
24 left right after, even if you left right after getting the
25 statement from Mr. Svetkowski you wouldn't have been back

1 here until the 7th or the 8th. Correct?

2 MR. CHISHOLM: Probably, yeah.

3 MR. MANDERVILLE: Do you recall after taking
4 the Statement from Mr. Svetkowski if you stayed down for an
5 additional period of time or did you head right back?

6 MR. CHISHOLM: I think we did stay one or
7 two days, but that was it. I think that would be about it.
8 So it would be like a five day -- in my recollection, but I
9 could be out a day or so.

10 MR. MANDERVILLE: So if you stayed another
11 couple of days you'd have, you'd have started to return
12 from Florida December 8th, December 9th perhaps?

13 MR. CHISHOLM: Yeah, probably, probably,
14 that's --

15 MR. MANDERVILLE: Now apparently, during the
16 time you and Mr. Leroux were down in Florida together, Mr.
17 Leroux was able to generate two additional statements. One
18 dated December 4th which is Exhibit 570, Mr. Commissioner.

19 THE COMMISSIONER: Yes.

20 MR. MANDERVILLE: No I'm sorry. That is
21 not.

22 THE COMMISSIONER: I thought it was 565, or
23 thereabouts.

24 MR. MANDERVILLE: 569. So there's a
25 statement of Mr. Leroux that Exhibit 569 dated December 4th.

1 Now I take it that that had to have been prepared while you
2 and he were down in Florida. Is that correct?

3 MR. CHISHOLM: It was prepared December 4th?

4 MR. MANDERVILLE: December 4th, 1996.

5 MR. CHISHOLM: Well, I don't know. I'd --
6 It's news to me. If he prepared it --

7 MR. MANDERVILLE: Did you, did you --
8 prepare the statement for him?

9 MR. CHISHOLM: No, I don't know what
10 statement you're talking about. I --

11 MR. MANDERVILLE: Just a second. Just a
12 second. Go to 569.

13 MR. CHISHOLM: Okay.

14 MR. MANDERVILLE: See the heading Mr.
15 Chisholm, it says statement Ron Leroux and then it gives
16 his date of birth.

17 MR. CHISHOLM: It says 23 January (forty
18 seven) '47, okay.

19 MR. MANDERVILLE: Now if you turn to the
20 last page, See it says,

21 "I make this statement of my own free
22 will, Ron Leroux, 4 December 1996."

23 MR. CHISHOLM: No, I don't see that.

24 THE COMMISSIONER: Last page, Sir.

25 MR. CHISHOLM: Well, how many pages are

1 there?

2 **THE COMMISSIONER:** Well, just go to the end.

3 **MR. CHISHOLM:** (inaudible)

4 **MR. MANDERVILLE:** On the right hand side --
5 signature

6 **MR. CHISHOLM:** Ron Leroux, December 4th,
7 (ninety-six) '96.

8 **MR. MANDERVILLE:** Now did you assist --

9 **MR. CHISHOLM:** We were -- if that's the date
10 we were like at that motel, the 6th, this wasn't -- I --
11 this wasn't made on the 4th.

12 **MR. MANDERVILLE:** Did you have a role in
13 preparing this statement?

14 **MR. CHISHOLM:** I don't know. At least --
15 it's all news to me. What?

16 **MR. MANDERVILLE:** Did you have a role in
17 preparing this statement, Sir?

18 **MR. CHISHOLM:** No. No. This is something
19 else. I'd like to read it though.

20 **MR. MANDERVILLE:** Certainly.

21 **(SHORT PAUSE/COURTE PAUSE)**

22 **MR. MANDERVILLE:** I don't want to interrupt
23 your reading Mr. Chisholm, but are you saying that you've
24 never read this statement before?

25 **MR. CHISHOLM:** I don't know. I -- I've got

1 about four or five lines of it read.

2 (SHORT PAUSE/COURTE PAUSE)

3 MR. MANDERVILLE: Let me know when you're
4 done, Mr. Chisholm.

5 (SHORT PAUSE/COURTE PAUSE)

6 MR. MANDERVILLE: Mr. Chisholm, the next
7 document I'd like you to look at is the one-page
8 handwritten document. It's Exhibit 695.

9 MR. CHISHOLM: M'hm.

10 THE COMMISSIONER: Madam Clerk, could you
11 assist him?

12 MR. MANDERVILLE: Do you need a document
13 number, Madam Clerk? Yes, that's it.

14 MR. CHISHOLM: December 6th, yes.

15 MR. MANDERVILLE: And that's the statement
16 of Mr. Cvetkovsky, isn't it?

17 MR. CHISHOLM: Yes.

18 MR. MANDERVILLE: And it's dated December 6th
19 of '96?

20 MR. CHISHOLM: Yes.

21 MR. MANDERVILLE: And you witnessed it and
22 so did Mr. Leroux; correct?

23 MR. CHISHOLM: Yes, and this one is December
24 the 4th, two days prior. It doesn't make any sense to me.
25 How could he have written that on December the 4th? It may

1 be dated that but I find that hard to believe.

2 **MR. MANDERVILLE:** And certainly no debate
3 that on December 6th, you and Mr. Leroux were down in Fort
4 Lauderdale; correct?

5 **MR. CHISHOLM:** I would say so, yes, but I've
6 heard these stories from Ron, basically the way it's
7 written, but I've never seen it all together like that.

8 **MR. MANDERVILLE:** The next document I'd like
9 to turn your attention to, Mr. Chisholm, is Exhibit 570.

10 **THE COMMISSIONER:** We'll get that one for
11 you, Mr. Chisholm.

12 (SHORT PAUSE/COURTE PAUSE)

13 **MR. CHISHOLM:** Okay.

14 **MR. MANDERVILLE:** And that, sir, appears to
15 be another statement of Mr. Leroux and if you'd turn to the
16 last page of that -- it's a six-page document; if you'd
17 turn to the last page.

18 **MR. CHISHOLM:** December the 7th.

19 **MR. MANDERVILLE:** You see it says:

20 "I make this statement of my own free
21 will. Ron Leroux, December 7, 1996."

22 **MR. CHISHOLM:** M'hm.

23 **MR. MANDERVILLE:** And I guess my question
24 for you, sir, is: was this document prepared by you and
25 Mr. Leroux while you were down in Florida together?

1 **MR. CHISHOLM:** There's no way. I'd like to
2 read this one too. This looks like a good one. I don't
3 know how that could -- he couldn't have made this on the
4 7th.

5 **MR. MANDERVILLE:** No idea how this document
6 came about?

7 **MR. CHISHOLM:** No.

8 **MR. MANDERVILLE:** And did you have a role in
9 preparing this document?

10 **MR. CHISHOLM:** Obviously not.

11 **MR. MANDERVILLE:** Are you able to type, Mr.
12 Chisholm? Are you like me, about five words a minute?

13 **MR. CHISHOLM:** That's right. No, in fact
14 the way that's -- this didn't happen on December the 7th as
15 far as I can see. I don't know how it possibly could if we
16 were there on the 6th, like, no, no.

17 **MR. MANDERVILLE:** I take it if your typing
18 skills are like mine, generating a six-page document like
19 this would take you a long time at the computer?

20 **MR. CHISHOLM:** Yes, a long time. Obviously
21 I didn't write it and I doubt that Ron Leroux did. I don't
22 know who did but I doubt -- it's almost impossible that
23 could happen on December the 7th, '96. I mean it just
24 didn't happen, but paper takes ink.

25 **THE COMMISSIONER:** I'm sorry?

1 **MR. CHISHOLM:** I said paper takes ink. You
2 can put any date on that you want.

3 **THE COMMISSIONER:** Yes.

4 **MR. CHISHOLM:** But I'd like to read it.

5 **MR. MANDERVILLE:** Mr. Chisholm, you're free
6 to read it. I don't intend to ask you questions about the
7 statement, simply to take ---

8 **MR. CHISHOLM:** No, I want to read it.

9 **THE COMMISSIONER:** Well, no, sir.

10 **MR. CHISHOLM:** Oh, not reading it now.

11 **THE COMMISSIONER:** No, just a minute. You
12 are a party to this thing. You can read it in the comfort
13 of your lawyer's surroundings, but right now, we're going
14 to move on.

15 **MR. MANDERVILLE:** Now, continuing on with
16 this chronology, Mr. Chisholm, we understand that on
17 December 12, 1996, C-8 gave his first statement, his first
18 formal statement to Mr. Dunlop and it was recorded.

19 Were you there on that occasion?

20 **MR. CHISHOLM:** I don't remember.

21 **MR. MANDERVILLE:** Did you attend any
22 meetings with C-8 where he gave a statement to your
23 brother-in-law, Perry?

24 **MR. CHISHOLM:** I think so, yes, at his house
25 there in Summerstown. I think that's where it was.

1 **MR. MANDERVILLE:** Would you have made any
2 notes of that meeting?

3 **MR. CHISHOLM:** No, I don't think so.

4 **MR. MANDERVILLE:** And that was the first
5 recorded statement where C-8 made certain allegations about
6 being sexually abused himself.

7 Now, on December 18, 1996, C-8 was charged
8 with sexually assaulting his 14 year-old niece. Were you
9 aware of that?

10 **MR. CHISHOLM:** On December the what?

11 **MR. MANDERVILLE:** Eighteenth.

12 **MR. CHISHOLM:** Eighteenth of that year?

13 **MR. MANDERVILLE:** Of 1996.

14 **MR. CHISHOLM:** I remember hearing about it,
15 yes.

16 **MR. MANDERVILLE:** So at some point you
17 became aware that C-8 was alleged to have sexually
18 assaulted his 14-year-old niece?

19 **MR. CHISHOLM:** Yes. I thought she was 13,
20 but anyway, whatever.

21 **MR. MANDERVILLE:** Now, with that in your
22 mind and we were talking about this yesterday, and I'm not
23 suggesting that -- I'm asking you to make a binding or
24 legal definition, but would that in your mind constitute a
25 paedophilic act on the part of C-8?

1 **MR. CHISHOLM:** I reckon it would.

2 **MR. MANDERVILLE:** You believe it would?

3 **MR. CHISHOLM:** I think it would, yes.

4 **MR. MANDERVILLE:** So at this point in your
5 investigation and Mr. Dunlop's investigation ---

6 **MR. CHISHOLM:** Incidentally, while we're at
7 it, I can't remember; I thought it was 13 but maybe it was
8 14, but they've changed the definition back and forth for
9 age of consent. I believe it was 14 for a while and then
10 it was -- is it 16 now?

11 **MR. MANDERVILLE:** You got me.

12 **MR. CHISHOLM:** Well, all these legal eagles,
13 here -- can anybody answer that?

14 **THE COMMISSIONER:** Well, no, no. We're not
15 here to answer your questions, sir. We just want to get
16 through the questions that he has.

17 All he asked you was, as far as you're
18 concerned, if ---

19 **MR. CHISHOLM:** If an adult has sex with a
20 child, yes, I would think.

21 **THE COMMISSIONER:** There you go. That's
22 all.

23 **MR. MANDERVILLE:** At this point in your
24 investigation, and we're now at the end of 1996, you've
25 tracked down two alleged pedophiles, haven't you; being C-8

1 and Mr. Leroux?

2 MR. CHISHOLM: We've tracked them down?

3 MR. MANDERVILLE: Well, you have heard
4 allegations at this juncture that C-8 and Mr. Leroux may
5 well be pedophiles?

6 MR. CHISHOLM: I guess so. I think they
7 came to us, I don't think we tracked them down. These are
8 victims themselves that are trying to get their heads
9 straight, I think.

10 MR. MANDERVILLE: And I suggest to you, Mr.

11 ---

12 MR. CHISHOLM: Not like we hunted them down
13 or tracked them down.

14 THE COMMISSIONER: No, no, no. Bad word,
15 bad word.

16 MR. CHISHOLM: Well, jeepers.

17 MR. MANDERVILLE: My choice of words ---

18 MR. CHISHOLM: I mean, these guys are
19 hurting enough, they don't need this really.

20 MR. CHISHOLM: I'm going to suggest to you,
21 Mr. Chisholm, that the two individuals you've become aware
22 of who may well be pedophiles, being C-8 and Mr. Leroux ---

23 MR. CHISHOLM: Yes.

24 MR. MANDERVILLE: --- were not reported to
25 the police by you, or to law enforcement agencies, but

1 rather they were used to assist Mr. Dunlop in his lawsuit.

2 Is that correct?

3 **MR. CHISHOLM:** Well, that's your
4 interpretation.

5 **MR. MANDERVILLE:** Do you agree with that?

6 **MR. CHISHOLM:** Wouldn't be mine, no. We
7 weren't using them at all.

8 **MR. MANDERVILLE:** What would be your
9 interpretation of your involvement, Mr. Dunlop's
10 involvement, with Mr. Leroux and C-8?

11 **MR. CHISHOLM:** Well, using them, you know,
12 to further his aims on his civil suit, is that what you're
13 saying?

14 **MR. MANDERVILLE:** I asked you what would be
15 your interpretation ---

16 **MR. CHISHOLM:** Of ---

17 **MR. MANDERVILLE:** Of your relationship, your
18 brother-in-law Perry's relationship, with Mr. Leroux and C-
19 8?

20 **MR. CHISHOLM:** Trying to get to the truth.
21 If we were using them for that, yes, I guess we were using
22 them.

23 **MR. MANDERVILLE:** The truth of their
24 activities, sir?

25 **MR. CHISHOLM:** Their activities.

1 Everybody's activities.

2 **MR. MANDERVILLE:** Now, I want to shift over
3 to January 23rd, 1997.

4 We understand that Mr. Bourgeois came down
5 to your brother-in-law Perry's house and he stayed
6 overnight and C-8 came the next morning and Mr. Dunlop
7 decided he needed a new statement from C-8. Were you
8 present at that -- on that occasion?

9 **MR. CHISHOLM:** I don't remember.

10 **MR. MANDERVILLE:** Did you ever meet C-8 in
11 the company of Mr. Bourgeois and your brother-in-law,
12 Perry?

13 **MR. CHISHOLM:** I believe so, so it might
14 have been there. What was it, January, you said? Of '97?

15 **MR. MANDERVILLE:** January 23, 1997.

16 **MR. CHISHOLM:** I don't really remember, but
17 it's entirely possible.

18 **MR. MANDERVILLE:** Would you have assisted in
19 crafting that statement and in preparing it?

20 **MR. CHISHOLM:** I don't think so.

21 **MR. MANDERVILLE:** Would you have kept any
22 notes of that meeting?

23 **MR. CHISHOLM:** No.

24 **MR. MANDERVILLE:** Would you have made any
25 notes about it?

1 **MR. CHISHOLM:** I doubt it, no.

2 **MR. MANDERVILLE:** In that statement, C-8
3 makes certain allegations against Father Charles MacDonald
4 which he now says are false. Are you aware of that?

5 **MR. CHISHOLM:** In that statement, he made
6 accusations that he said ---

7 **MR. MANDERVILLE:** Against Father Charles
8 MacDonald ---

9 **MR. CHISHOLM:** --- that now he says are
10 false?

11 **MR. MANDERVILLE:** Which he now says were
12 false. Are you aware of that?

13 **MR. CHISHOLM:** Not really. I did hear
14 something to the effect that he couldn't recall if he
15 abused him.

16 Did he say they were actually false because
17 he swore that they were true? And I believe that they were
18 true. He certainly convinced me and I'm still convinced
19 that it's true. No doubt about it, absolutely none.

20 **MR. MANDERVILLE:** We've heard you do not
21 accept what his evidence before this Inquiry has been?

22 **MR. CHISHOLM:** Well, I don't really know
23 what his evidence before this Inquiry is, only what I read
24 in the paper, that he changed his story and what I recall
25 about the article in the paper was that he couldn't recall

1 if he had abused him? Do you think --does that ring true
2 to you? You either -- if you're abused by a priest or
3 anybody I would think, but more so by a priest, when
4 you're, you know, an 11, 12 year-old altar boy, do you
5 really think -- I guess you could, because there is lots of
6 evidence, cases of people who are abused that do forget it
7 because it's the only way that they can survive, I think.

8 There's probably 97 to 99 percent of cases
9 of multiple personality are as a result of sexual abuse.
10 They just dissociate from reality, I mean. This is what's
11 happened to these guys. They're been hammered so much over
12 this, it's just criminal. Criminal.

13 And now you got them to say that maybe it
14 didn't happen. It happened. Go talk to them. Look them
15 in the eye and tell them it didn't happen. Good luck.

16 **MR. MANDERVILLE:** Continuing on with this
17 statement, Mr. Chisholm, the statement of C-8, this is also
18 the statement where he makes the allegation that he was
19 sexually abused on a school trip. And this is the
20 allegation he recanted at the trial of Mr. Lalonde. You're
21 aware of that?

22 **MR. CHISHOLM:** I remember hearing about that
23 too, I guess. I read that in the paper, that he changed
24 his story about the school trip to Toronto that Dunlop had
25 pressured him to put that in his claim or something. It

1 never happened.

2 **MR. MANDERVILLE:** I take it you don't accept
3 that that is -- that C-8's evidence on this point is
4 accurate?

5 **MR. CHISHOLM:** Obviously, yes.

6 **MR. MANDERVILLE:** Now, later that same day,
7 January 23, 1997, Mr. Bourgeois went with C-8 as his lawyer
8 for his first court appearance in connection with his
9 sexual assault. And would I be correct that Mr. Dunlop had
10 arranged for Mr. Bourgeois to accompany C-8?

11 **MR. CHISHOLM:** I would imagine he would have
12 a lot to do with it, they were working together, yes,
13 probably.

14 **MR. MANDERVILLE:** And subsequently, Mr.
15 Bourgeois ---

16 **MR. CHISHOLM:** (Inaudible)-- called him on
17 his own, who knows, like I mean but ---

18 **MR. MANDERVILLE:** But you presume Mr. Dunlop
19 arranged it for him because he had a relationship with Mr.
20 Bourgeois?

21 **MR. MANDERVILLE:** I would think so. He was
22 using him as a lawyer so ---

23 **THE COMMISSIONER:** One at a time, please.

24 **MR. CHISHOLM:** Yes.

25 **MR. CHISHOLM:** And later on, Mr. Bourgeois

1 went with Mr. Leroux to the OPP station where Mr. Leroux
2 gave a statement. And to your knowledge, would Mr. Dunlop
3 have arranged for Mr. Bourgeois to accompany Mr. Leroux to
4 the OPP office to give a statement?

5 **MR. CHISHOLM:** What was the question again -
6 - did he arrange it?

7 **MR. MANDERVILLE:** To your knowledge, would
8 Mr. Dunlop have arranged ---

9 **MR. CHISHOLM:** I don't have any knowledge of
10 it. I have no idea who arranged what.

11 **MR. MANDERVILLE:** Did you arrange it, sir?

12 **MR. CHISHOLM:** I certainly didn't.

13 **MR. MANDERVILLE:** No, I didn't -- to my
14 understanding, Mr. Bourgeois was never your lawyer was he?

15 **MR. CHISHOLM:** No. And when did they go to
16 the OPP with this -- for this statement?

17 **MR. MANDERVILLE:** I'm not sure.

18 **MR. CHISHOLM:** Maybe that's where this
19 statement was put together, the one that says December 7th.

20 **MR. MANDERVILLE:** Now, Mr. Chisholm, I want
21 to talk to you briefly about Perry's work history, for want
22 of a better term?

23 **MR. CHISHOLM:** M'hm.

24 **MR. MANDERVILLE:** You understood that he was
25 on disability from 1994 to 1997?

1 **MR. CHISHOLM:** I'm not sure of the dates. I
2 know he was on disability for a while.

3 **MR. MANDERVILLE:** For a while, and you
4 understood he got payments from the disability insurer?

5 **MR. CHISHOLM:** I believe so, yes.

6 **MR. MANDERVILLE:** And did you also
7 understand that the Police Association paid all of Perry's
8 legal fees in connection with the discipline case?

9 **MR. CHISHOLM:** Yes, I believe that's true,
10 yes.

11 **MR. MANDERVILLE:** And you were -- are you
12 aware, sir, that the Cornwall Police did not appeal Mr.
13 Dunlop's discipline charges but rather the Public
14 Complaints Commission did?

15 **MR. CHISHOLM:** I'm not sure who did. I
16 thought -- I think the chief's lawyer there, Mr. McKinnon.
17 I think he had a hand in that. Was he not the one that
18 recommended that?

19 **MR. MANDERVILLE:** I'm going to suggest to
20 you, sir, that the appeal was launched by the Public
21 Complaints Commission, a provincial body, and not by the
22 Cornwall Police. Are you aware of that?

23 **MR. CHISHOLM:** I'm not sure who did it,
24 really.

25 **THE COMMISSIONER:** Would it surprise you to

1 know that it wasn't the Cornwall Police?

2 **MR. CHISHOLM:** No, nothing would surprise
3 me, sir, at this point.

4 **THE COMMISSIONER:** No, but, you're saying --
5 no but, let's be fair a little bit.

6 **MR. CHISHOLM:** Well, I'm trying to be as
7 fair as I can and nothing would surprise me at this point.
8 That's my answer.

9 **THE COMMISSIONER:** No, no ---

10 **MR. CHISHOLM:** I'm serious.

11 **THE COMMISSIONER:** Okay, but see I'm trying
12 to figure things out here.

13 **MR. CHISHOLM:** M'hm.

14 **THE COMMISSIONER:** So you testify that Mr.
15 Dunlop was hard done by and treated badly by the Cornwall
16 Police. All right? And that's what you're saying and I
17 respect what you're saying. All right? And you say one of
18 the reasons why you think that the Cornwall Police had it
19 out for him is they continued to appeal.

20 And you ask me why did they continue to
21 appeal. And this gentleman is putting to you, well, maybe
22 they didn't appeal. Maybe it was somebody else, and it was
23 out of their hands as to whether or not to appeal -- I
24 don't know but would that change your -- would that kind of
25 lessen your criticism of the Cornwall Police, and I don't

1 know now, but if it wasn't their decision to appeal?

2 **MR. CHISHOLM:** And what's the question?

3 **THE COMMISSIONER:** Would it lessen ---

4 **MR. CHISHOLM:** Would it change my opinion of
5 the Cornwall Police?

6 **THE COMMISSIONER:** No, no, not change; no,
7 no. No, not change it completely, but you know like it's
8 one ---

9 **MR. CHISHOLM:** It wouldn't even change it a
10 little bit really.

11 **THE COMMISSIONER:** It wouldn't change a
12 little bit? Not at all?

13 **MR. CHISHOLM:** No really -- it's them or
14 they're behind the scenes doing it or whatever. Or they
15 instigating it?

16 **THE COMMISSIONER:** Okay.

17 **MR. CHISHOLM:** Basically.

18 **THE COMMISSIONER:** Okay, your position is
19 that they had a hand in it no matter what.

20 **MR. CHISHOLM:** When you say, they're hard
21 done by, I ---

22 **THE COMMISSIONER:** Well, hard done by;
23 you're saying that the Cornwall Police ---

24 **MR. CHISHOLM:** I thought they were the ones
25 that instigated these charges, police or discipline or

1 whatever they call them, ---

2 **THE COMMISSIONER:** Yes.

3 **MR. CHISHOLM:** charges against Dunlop for
4 reporting ---

5 **THE COMMISSIONER:** Yes.

6 **MR. CHISHOLM:** --- a suspected pedophile.

7 **THE COMMISSIONER:** Yes.

8 **MR. CHISHOLM:** Who the OPP eventually
9 charged with I don't know how many charges of doing kids.

10 **THE COMMISSIONER:** Right.

11 **MR. CHISHOLM:** So I think he had a good
12 reason to report that to the CAS.

13 **THE COMMISSIONER:** Well, just a second, just
14 -- see, you are missing the point again.

15 **MR. CHISHOLM:** No, well, not really. The
16 point I'm trying to make is I think he had a good reason to
17 go to the Children's Aid Society despite their telling him
18 not to go there.

19 **THE COMMISSIONER:** Right.

20 **MR. CHISHOLM:** You understand?

21 **THE COMMISSIONER:** Yes.

22 **MR. CHISHOLM:** And then they charged him for
23 doing it ---

24 **THE COMMISSIONER:** Yes.

25 **MR. CHISHOLM:** --- which was his sworn duty

1 to do.

2 **THE COMMISSIONER:** Yes.

3 **MR. CHISHOLM:** Does that sound like they're
4 on his side of that issue?

5 **THE COMMISSIONER:** Okay, just a second.

6 **MR. CHISHOLM:** They're the ones that
7 instigated it, you know.

8 **THE COMMISSIONER:** And they lost.

9 **MR. CHISHOLM:** Yeah, but that didn't take
10 that sin down. I mean it was appealed.

11 **THE COMMISSIONER:** And the issue is who
12 appealed. And what this gentleman is just suggesting to
13 you is what happens if it comes out in facts, you know.

14 **MR. CHISHOLM:** Yes.

15 **THE COMMISSIONER:** That the Cornwall Police
16 really didn't appeal. It was somebody else that was
17 totally -- and I don't know about this -- but totally
18 separate from the Cornwall Police?

19 **MR. CHISHOLM:** I don't see that it makes a
20 whole, huge bunch of difference. Who -- if they did it or
21 only were behind the scenes.

22 **THE COMMISSIONER:** But let's assume for a
23 minute ---

24 **MR. CHISHOLM:** You know?

25 **THE COMMISSIONER:** Yes, and ---

1 **MR. CHISHOLM:** It's kind of splitting hairs
2 really in a sense.

3 **THE COMMISSIONER:** Really? Okay.

4 **MR. CHISHOLM:** Well, I would think so.

5 **THE COMMISSIONER:** Okay, no, that's your
6 evidence, and that's fine. I respect that. Thank you.

7 **MR. MANDERVILLE:** Did you ever visit Mr.
8 Dunlop at the police station while he was on duty?

9 **MR. CHISHOLM:** I think I went probably to
10 the front desk a couple of times. That's about it -- to
11 speak to him or maybe meet him.

12 **MR. MANDERVILLE:** Sorry, sir?

13 **MR. CHISHOLM:** Just, yeah, I think I went to
14 the desk there type of thing.

15 **MR. MANDERVILLE:** And so on those occasions
16 when you went, did you personally observe any sort of
17 ostracism of Perry by the other policemen?

18 **MR. CHISHOLM:** I don't recall. It might
19 have been even before all this unfolded. I think it was,
20 in fact. I don't know if I ever went there after. I may
21 have. I don't recall.

22 **MR. MANDERVILLE:** So am I correct, sir, that
23 you, yourself, had no first-hand knowledge of the
24 suggestion that Perry was ostracized by members of the
25 police service?

1 **MR. CHISHOLM:** I never saw him on the racks,
2 no. I don't know.

3 **MR. MANDERVILLE:** This is just what you
4 heard from others; right?

5 **MR. CHISHOLM:** What about him being
6 ostracized?

7 **MR. MANDERVILLE:** The notion of Perry being
8 ostracized is something you heard from ---

9 **MR. CHISHOLM:** Basically, yeah. None of
10 them ever come up and told me that they're going to
11 ostracize him or, hardly, no.

12 **MR. MANDERVILLE:** When you were speaking
13 with Mr. Stauffer the other day, you mentioned among other
14 things that on Perry's return to work from disability, he
15 was confined to clerical duties.

16 Do you recall suggesting that to Mr.
17 Stauffer?

18 **MR. CHISHOLM:** I think he had something
19 along those lines, clerical duties or something.

20 **MR. MANDERVILLE:** Were you aware, sir, that
21 clerical duties and light clerical duties were what Perry's
22 doctor told the police he was capable of doing and that he
23 recommended that's what -- that duties be assigned to him?

24 **MR. CHISHOLM:** Probably a good idea, yeah,
25 m'hm ---

1 **MR. MANDERVILLE:** So you are aware of that?

2 **MR. CHISHOLM:** Probably a good idea, maybe
3 that's why he's doing it, probably.

4 **MR. MANDERVILLE:** And lastly on this issue,
5 sir, you mentioned that to your knowledge or to your
6 understanding Mr. Dunlop was confined to an office in 2000
7 to generate his will state. Correct?

8 **MR. CHISHOLM:** I think so.

9 **MR. MANDERVILLE:** Were you aware that he was
10 actually placed in a Staff Sergeant's office?

11 **MR. CHISHOLM:** I'm not sure what office he
12 was in. I never saw it.

13 **THE COMMISSIONER:** Well just a minute. What
14 you said at the beginning was that he was put in an office
15 with no windows to write up his will state. Do you
16 remember that part?

17 **MR. CHISHOLM:** I don't remember -- he
18 definitely said he had no windows, but it might have had no
19 windows.

20 **THE COMMISSIONER:** Oh, I think that's ---

21 **MR. CHISHOLM:** I don't know. I never saw
22 it.

23 **THE COMMISSIONER:** No, but I thought that --

24 -

25 **MR. CHISHOLM:** We could boot it up I guess.

1 **THE COMMISSIONER:** Pardon me?

2 **MR. CHISHOLM:** We could boot it up.

3 **THE COMMISSIONER:** Oh, we could, we could.

4 **MR. CHISHOLM:** Let's do it.

5 **MR. MANDERVILLE:** I guess my point, sir, is
6 you never saw the office. Correct?

7 **MR. CHISHOLM:** No. It might have had seven
8 windows.

9 **MR. MANDERVILLE:** Right. You don't know.
10 That was speculation on your part.

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

12 **MR. MANDERVILLE:** Okay.

13 Now, the various statements or information
14 that you compiled in the course of your investigation, did
15 you ever turn any of that over to the law enforcement
16 agencies yourself?

17 **MR. CHISHOLM:** I tried.

18 **MR. MANDERVILLE:** You tried to turn it over
19 directly?

20 **MR. CHISHOLM:** Yes.

21 **MR. MANDERVILLE:** And the reason -- I want
22 you to be careful about this. The reason is it's my
23 understanding that pretty much everything you generated,
24 all your notes and so on, you would turn over to Perry
25 Dunlop?

1 MR. CHISHOLM: That's right.

2 MR. MANDERVILLE: Did you ever turn anything
3 over to the police yourself?

4 MR. CHISHOLM: I tried, but no, it didn't
5 work.

6 MR. MANDERVILLE: What prevented you?

7 MR. CHISHOLM: What prevented me? That's --
8 -

9 THE COMMISSIONER: Well, you say you tried.
10 What did you mean? Did you go up to a police station with
11 some documents and say take this?

12 MR. CHISHOLM: Yes.

13 THE COMMISSIONER: Okay, give me the
14 incidence and when.

15 MR. CHISHOLM: Well, I've told that story a
16 few times.

17 THE COMMISSIONER: Never to me though.

18 MR. CHISHOLM: Then I must have Alzheimer's.
19 I thought I said it the other day. I just
20 didn't ---

21 MR. MANDERVILLE: Are you referring to John
22 MacDonald?

23 MR. CHISHOLM: Yeah.

24 THE COMMISSIONER: Oh, okay, okay.

25 MR. MANDERVILLE: That is the occasion you

1 mean?

2 **MR. CHISHOLM:** Does that not count?

3 **MR. MANDERVILLE:** Certainly, it could count.
4 Are there other occasions?

5 **MR. CHISHOLM:** Well, that's the occasion I'm
6 talking about. I tried real hard I thought, but I mean
7 what do you do? I'm in the police station.

8 The Chief isn't supposed to be there, so I'm
9 talking to the acting Sergeant. He won't take it and we
10 were very adamant on getting it accepted and dealt with.
11 They wouldn't deal with it.

12 The Chief was there as it turned out, as we
13 left we saw him. I didn't recognize him because he was
14 relatively new and I saw his picture in the paper after.
15 So I couldn't possibly identify him back then. He was
16 there and listened to this and didn't interject or
17 intervene at all.

18 **THE COMMISSIONER:** Okay ---

19 **MR. CHISHOLM:** So that's an institutional
20 response, and it seems to be the way it goes in this town.

21 **THE COMMISSIONER:** Well, we are going to
22 look into that and they're going to have to answer for
23 that.

24 Other than that one occasion, and I guess
25 what counsel is wanting to know is, you know, when you had

1 all of the information in a box or anything like that, did
2 you ever try -- other than what Perry did -- you, yourself,
3 did you ever try to go ---

4 **MR. CHISHOLM:** I didn't keep information in
5 a box. I had information; I got that statement in this
6 instance of MacDonald the day I met him, I think, I asked
7 him to write it out in his own words. I would witness his
8 signature. We would go to the police station. That's what
9 we did.

10 I'm not -- I don't want this stuff. I want
11 it out there. I want it, just like Dunlop did, but this is
12 the stonewall you hit. What can you do? I'm not ---

13 **MR. MANDERVILLE:** Mr. Chisholm, you
14 suggested that, to use your words, "we were adamant".
15 Who's "we"?

16 **MR. CHISHOLM:** John MacDonald.

17 **MR. MANDERVILLE:** Well, Mr. MacDonald
18 testified here ---

19 **MR. CHISHOLM:** Well, they didn't really say
20 much, but we were there. I was doing the talking it's
21 true. Excuse me ---

22 **MR. MANDERVILLE:** Mr. MacDonald testified
23 that he didn't say a word.

24 **MR. CHISHOLM:** I don't recall if he did. I
25 think he did, but ---

1 **MR. MANDERVILLE:** And he was willing to ---

2 **MR. CHISHOLM:** --- he might have said his
3 name or something or verified.

4 **MR. MANDERVILLE:** He was willing to concede
5 that you might have been abrasive on that day.

6 **MR. CHISHOLM:** Might have been? I was
7 abrasive when, yeah, when -- as it turned out, before I
8 left, I was. I certainly didn't go in abrasive.

9 **MR. MANDERVILLE:** And I take it on that day
10 and maybe even today, you weren't aware that Mr.
11 MacDonald's complaint was already being addressed by
12 another officer in the Cornwall Police.

13 **MR. CHISHOLM:** What?

14 **MR. MANDERVILLE:** I take it that on that
15 date and even today perhaps you are not aware that Mr.
16 MacDonald's complaint was already being addressed by a
17 member of the Cornwall Police.

18 **MR. CHISHOLM:** Being addressed, like, what
19 would that mean? Being buried, deep-sixed somewhere? Is
20 that how you address it? It wasn't being dealt with ---

21 **MR. MANDERVILLE:** My question, sir, is I
22 take it you were not aware of that?

23 **MR. CHISHOLM:** I wasn't aware of that it was
24 being addressed?

25 **MR. MANDERVILLE:** Correct.

1 MR. CHISHOLM: Whatever that means?

2 MR. MANDERVILLE: Correct.

3 MR. CHISHOLM: Well, I don't know if I was
4 aware that it was being deep-six somewhere, is that how you
5 address it?

6 MR. MANDERVILLE: My question, sir ---

7 MR. CHISHOLM: It wasn't being dealt with.

8 MR. MANDERVILLE: --- is I take it you were
9 not aware of that.

10 MR. CHISHOLM: I wasn't aware that it was
11 being addressed?

12 MR. MANDERVILLE: Correct.

13 MR. CHISHOLM: Whatever that means?

14 MR. MANDERVILLE: Correct.

15 MR. CHISHOLM: Well, I don't know if I was
16 aware that it was being addressed. I don't know, what the
17 hell does "addressed" mean?

18 They certainly weren't dealing with it any
19 better than they dealt with his friends, David Silmsers.
20 Like, it was buried for 11 months before Dunlop heard about
21 it. This would be buried still if we hadn't made a stink
22 about it.

23 MR. MANDERVILLE: That's speculation on your
24 part, isn't it, sir?

25 MR. CHISHOLM: Oh, yes, for sure. It's a

1 dream I had.

2 **MR. STAUFFER:** Mr. Commissioner, could I
3 just ask My Friend here if he could put to Mr. Chisholm who
4 is addressing the case, just to see -- you know, perhaps a
5 name might jog his memory, I don't know.

6 **MR. MANDERVILLE:** Have you heard of Officer
7 David Bough?

8 **MR. CHISHOLM:** I've heard the name.

9 **MR. MANDERVILLE:** I take it you weren't
10 aware that Mr. MacDonald -- prior to you going into the
11 station on September 12th, '95, you were not aware that Mr.
12 MacDonald was already in communication with Officer Bough
13 about his complaint?

14 **MR. CHISHOLM:** Oh, I think he was in
15 communication with maybe more than one. But it wasn't
16 going anywhere, that's my point.

17 They can communicate till the cows come
18 home, and everybody dies. You know, time does move along
19 but ---

20 **MR. MANDERVILLE:** I take it you weren't
21 aware ---

22 **MR. CHISHOLM:** --- there's no resolution.

23 **MR. MANDERVILLE:** I take it you weren't
24 aware, and may not be today, that Officer Bough and Mr.
25 MacDonald had agreed that Mr. MacDonald would come in to

1 see Officer Bough and give his statement when Mr. MacDonald
2 felt he was ready to do so. Did you understand that, sir?

3 **MR. CHISHOLM:** When he was ready to do so.
4 He'd been in many times, as I recall. They've tried many
5 times but there's lots of ways to keep it ---

6 **MR. MANDERVILLE:** You're not aware of what I
7 just suggested to you, are you?

8 **MR. CHISHOLM:** No.

9 **MR. MANDERVILLE:** Thank you.

10 **THE COMMISSIONER:** Well, okay, you're saying
11 that you're aware that John MacDonald was in there many
12 times trying to get his story out?

13 **MR. CHISHOLM:** Well, as I recall he told me
14 that, basically, he had tried to get this dealt with.

15 I remember him telling me about phoning
16 different priests, for instance.

17 **THE COMMISSIONER:** Right.

18 **MR. CHISHOLM:** And the police. I forget
19 exactly his words or whatever, but he tried and tried and
20 he couldn't get anywhere. And I remember about the priest,
21 about one hanging up on him, one of them -- they just give
22 him the run around.

23 I do remember him saying that one of them
24 told him to call their insurance company.

25 **THE COMMISSIONER:** Okay, so ---

1 **MR. CHISHOLM:** What would you do, call
2 Zurich, Switzerland?

3 **THE COMMISSIONER:** No, no. No, no. Those
4 are the priests.

5 **MR. CHISHOLM:** Yeah.

6 **THE COMMISSIONER:** What you're telling me --
7 -

8 **MR. CHISHOLM:** Yeah, about the police?

9 **THE COMMISSIONER:** Yes, about the police.

10 **MR. CHISHOLM:** Yes, only I don't remember
11 specifics. Just that come up about the insurance company,
12 I thought how absurd. But -- that he had been to the
13 police and couldn't get anywhere. That's basically what I
14 remember. I don't know all the times or who he spoke to.

15 **THE COMMISSIONER:** Okay, but you see what
16 I'm trying to figure out is ---

17 **MR. CHISHOLM:** He was frustrated.

18 **THE COMMISSIONER:** --- conclusions, you see?

19 **MR. CHISHOLM:** Yes.

20 **THE COMMISSIONER:** You're telling me ---

21 **MR. CHISHOLM:** I would have loved if he
22 would tell me that the police were dealing with it. I
23 don't want that job. But it was only because of his
24 frustration that he couldn't get anywhere that I got
25 involved and took it down and said, "I see how you're

1 right." So -- excuse me.

2 **THE COMMISSIONER:** Okay.

3 **MR. CHISHOLM:** I believe that's when we went
4 to the press and said for -- you know, "Do something with
5 them." What the hell could we do? We can't go down and
6 force them to -- what the heck.

7 **THE COMMISSIONER:** Just a second, what
8 you're telling me is that the Cornwall police is not
9 responding properly, right? And so you're kind of
10 levelling that charge against them. You're saying, "You
11 guys aren't act properly." And I'm interested in finding
12 out about that.

13 And so -- but what you have to do is give me
14 some ammunition and say, well -- you can't just say, "They
15 weren't doing anything," without giving me some details.
16 And so what you're telling me is, "Look at, I came across
17 this guy, John MacDonald, he's frustrated, he's hurt. He
18 tells me about the priests and he's not getting anywhere
19 there." Right? Now, let's look at the police. What did
20 they do wrong? And you're saying, "Well, he had talked to
21 the police before, all right?" Is that what you're saying?

22 **MR. CHISHOLM:** I do remember reading
23 something, it's in somewhere, the Inquiry has it, it's a
24 note, police officer's notes.

25 But, anyway, I thought it weird that they

1 were calling Silmser and MacDonald the suspects.

2 **THE COMMISSIONER:** Okay. No, no. No, no.
3 No, no.

4 **MR. CHISHOLM:** I mean, it's just I thought
5 they were the victims and the other guys were the suspects
6 but they had it the wrong way -- this is their own notes, I
7 think I saw it here.

8 **THE COMMISSIONER:** Okay, sir. But what I'm
9 trying to do is this, is that I want you to talk to me
10 about ---

11 **MR. CHISHOLM:** Yes.

12 **THE COMMISSIONER:** --- what's in your mind
13 and so if you're telling me, well, this is what happened,
14 bang, but I need facts.

15 **MR. CHISHOLM:** Well, the fact is he called
16 me and told me that he couldn't get anywhere and he was
17 completely frustrated, it's taken many moons. He was up
18 against a wall.

19 **THE COMMISSIONER:** Okay. But what you've
20 told me so far ---

21 **MR. CHISHOLM:** He couldn't do anything.

22 **THE COMMISSIONER:** --- he was frustrated
23 about phoning a bunch of priests.

24 **MR. CHISHOLM:** And the police.

25 **THE COMMISSIONER:** Okay, now ---

1 **MR. CHISHOLM:** And the police.

2 **THE COMMISSIONER:** Okay, now narrow it down.
3 Focus now on what you know about what John MacDonald's
4 interactions with the Cornwall police were.

5 Can you give me those facts?

6 **MR. CHISHOLM:** Well, I can just tell you I
7 don't -- I wasn't privy to those conversations with the
8 police but when I met him, excuse me, he was in very bad
9 shape emotionally and physically.

10 In fact, I remember going out to get him
11 Imodium, he had diarrhoea so bad. And, I mean, he was just
12 a wreck. A wreck.

13 **THE COMMISSIONER:** And of that there is no
14 doubt.

15 **MR. CHISHOLM:** Yeah, but ---

16 **THE COMMISSIONER:** But why?

17 **MR. CHISHOLM:** --- why? Pourquoi?

18 **THE COMMISSIONER:** So you what you've ---

19 **MR. CHISHOLM:** Because he couldn't get
20 anywhere with this, that's was what he told me. And what
21 it appeared to me to be a fact.

22 **THE COMMISSIONER:** Sure.

23 **MR. CHISHOLM:** And so I said write your
24 thing out there and we'll run with it and see if we can get
25 it addressed.

1 I was naive enough to think that we could,
2 you know. But I guess we did finally, we're here but it's
3 been a long old road and it's still a pile of answers out
4 there that have never been ---

5 **THE COMMISSIONER:** He's upset.

6 **MR. CHISHOLM:** Really.

7 **THE COMMISSIONER:** He's in trouble.

8 **MR. CHISHOLM:** Very much so.

9 **THE COMMISSIONER:** So far what you've told
10 me, right ---

11 **MR. CHISHOLM:** Yes.

12 **THE COMMISSIONER:** --- from what I
13 understand, is he phoned a bunch of priests.

14 **MR. CHISHOLM:** Yeah.

15 **THE COMMISSIONER:** And that would be enough
16 -- if he's not getting anywhere there, that would be reason
17 for being upset.

18 Now, let's look at the Cornwall police, all
19 right? What did you know other than he wasn't getting
20 anywhere? Give me what your thought process is because
21 that's a conclusion that you're reaching. And so I need
22 facts. Did he tell you that he'd been over to the Cornwall
23 police once, twice, three times?

24 **MR. CHISHOLM:** NO, I don't remember how many
25 times. I don't really, honestly.

1 **THE COMMISSIONER:** Do you ---

2 **MR. CHISHOLM:** I don't know. just -- He
3 was stonewalled, he was euchred. That's all I recall.

4 **THE COMMISSIONER:** Yes.

5 **MR. CHISHOLM:** I don't remember any times or
6 any conversations he had with them. It just was he was in
7 rough shape because he couldn't get anywhere. That's what
8 I recall.

9 **THE COMMISSIONER:** Anywhere with whom?

10 **MR. CHISHOLM:** With the police.

11 **THE COMMISSIONER:** Based on what?

12 **MR. CHISHOLM:** And ---

13 **THE COMMISSIONER:** Based on what?

14 **MR. CHISHOLM:** Based on his problems with
15 being abused.

16 **THE COMMISSIONER:** Right. Do you know if he
17 had gone to the police before you went with the -- went to
18 the police station with him that night?

19 **MR. CHISHOLM:** Well he told me he did. I
20 don't know. I never saw him. I didn't know the guy. I'm
21 only telling you what he told me.

22 **THE COMMISSIONER:** Exactly. So what did he
23 tell you?

24 **MR. CHISHOLM:** I don't remember exactly what
25 he told me. Only that he'd been to the police and he's

1 been to the clergy and he couldn't get anywhere.

2 **THE COMMISSIONER:** Okay. Thank you.

3 **MR. CHISHOLM:** But I don't know any more
4 specifics than that, except for what I remember about the -
5 - phoning one, hanging up on him and the general run-around
6 and one telling him to call their insurance company. I
7 thought, wow. That just stuck in my mind.

8 **THE COMMISSIONER:** I'm sorry to butt in on
9 that.

10 **MR. MANDERVILLE:** Mr. Chisholm, we
11 understand that in April, 1997 a man who became Mr.
12 Dunlop's lawyer, Mr. John Morris, met at the Ramada with a
13 number of alleged victims with the idea of pursuing
14 lawsuits. Did you have a role in arranging for that
15 meeting?

16 **MR. CHISHOLM:** John Morris? I don't know
17 where that name came from but we had heard with he's with a
18 big firm in Toronto. Dunlop got it from somewhere. It
19 might have been Al -- he did have a good lawyer in Ottawa
20 on his -- defending himself against the police force there.
21 But that fellow couldn't act because it was a conflict. He
22 had acted for the church, or something. Most good lawyers
23 do at one point in their career.

24 **MR. MANDERVILLE:** Okay. No, sir ---

25 **MR. CHISHOLM:** But I think what you're

1 asking where we heard it from?

2 **THE COMMISSIONER:** Stop.

3 **MR. CHISHOLM:** That's where I ---

4 **THE COMMISSIONER:** Stop. Stop. I don't
5 want anymore of your editorializing about -- about ---

6 **MR. CHISHOLM:** Well, I'm not sure where we
7 heard from -- about John Morris.

8 **THE COMMISSIONER:** Did you ---

9 **MR. CHISHOLM:** I think it was Al.

10 **THE COMMISSIONER:** Did you have a role in
11 setting up the meeting at the Ramada?

12 **MR. CHISHOLM:** No, I didn't have a role in
13 the meeting. I don't recall at the Ramada Inn setting up
14 an appointment with John Morris, no.

15 **MR. MANDERVILLE:** Okay. Did you attend the
16 meeting?

17 **MR. CHISHOLM:** I wouldn't know him if I
18 tripped over him. Pardon?

19 **MR. MANDERVILLE:** Did you attend the
20 meeting?

21 **MR. CHISHOLM:** I don't think so.

22 **MR. MANDERVILLE:** Now, earlier in this
23 Inquiry, sir, we heard from Albert Roy.

24 **MR. CHISHOLM:** Yes.

25 **MR. MANDERVILLE:** And we know you've met Mr.

1 Roy in the past?

2 MR. CHISHOLM: Yes.

3 MR. MANDERVILLE: And he told us among other
4 things that you had urged him to get rid of his lawyer
5 describing her as a lightweight. Why would you suggest
6 that to Mr. Roy?

7 MR. CHISHOLM: Well, only from what he had
8 told me, I think his case had been going two and-a-half
9 years. I believe she was a Legal Aid lawyer and he would
10 call her, she would lose his file, couldn't get a hold of
11 her, it would be months it would happen and I don't know.
12 The office had moved. I don't know where -- he kind of
13 wasn't very happy with her.

14 It had been going on for I think a couple of
15 years at least and it was going nowhere. He was completely
16 frustrated and Perry or I, I think, recommended John
17 Morris, a lawyer, and I think he used him and he finally
18 did get a settlement from I think the Ministry of
19 Corrections, I think.

20 MR. MANDERVILLE: Now, I want to move on a
21 little bit, Mr. Chisholm. We looked at Exhibit 693 which
22 is the brief statement by Alwin Laplante. Do you remember
23 looking at that the other day?

24 MR. CHISHOLM: Yes, I do.

25 MR. MANDERVILLE: And as we heard, Mr.

1 Laplante suggests that you misrepresented yourself to him -
2 --

3 MR. CHISHOLM: Who does? This is Laplante?

4 MR. MANDERVILLE: Laplante suggests you told
5 him you were ---

6 MR. CHISHOLM: Yes, I saw that.

7 MR. MANDERVILLE: --- a court appointed
8 investigator?

9 MR. CHISHOLM: Never happened, guaranteed,
10 100 percent.

11 MR. MANDERVILLE: So Mr. Laplante is wrong
12 on that point?

13 MR. CHISHOLM: Absolutely.

14 MR. MANDERVILLE: And I think you've been
15 quite candid in saying it's possible you suggested you were
16 a private investigator?

17 MR. CHISHOLM: Well, I guess so. Yes,
18 that's possible. I'm private in that respect. I'm not
19 trying to pass myself off as a licensed investigator or any
20 association with the police or whatever. I'm private in
21 that sense. He basically knows that. I mean we bought
22 equipment I believe from his father. He's still in that
23 business or was then. Like it's not like I'm somebody
24 coming into town here that he doesn't know about, you know.
25 He knows I'm not court-appointed, I would think.

1 **MR. MANDERVILLE:** Well, he says right here
2 in his statement that he questioned that when he suggests -
3 --

4 **MR. CHISHOLM:** Well, if he questioned it,
5 yes. Well then, he knew for sure. Questioned it.

6 **MR. MANDERVILLE:** So you were doing
7 investigations. It was a private matter. So that sort of
8 made you a private investigator; right?

9 **MR. CHISHOLM:** I guess so.

10 **MR. MANDERVILLE:** We also looked the other
11 day at the statement of Mr. Cvetkovsky, not the one on
12 December 6th, 1996, but the subsequent one where he suggests
13 you identified yourself as a detective?

14 **MR. CHISHOLM:** I saw that. Who were the --
15 who took that statement?

16 **MR. MANDERVILLE:** He suggests you identified
17 yourself as a detective and I take it you disagree that you
18 ever did so?

19 **MR. CHISHOLM:** I've told you that many
20 times.

21 **MR. MANDERVILLE:** You disagree that you ever
22 identified yourself as a detective to Mr. Cvetkovsky?

23 **MR. CHISHOLM:** I never identified myself as
24 a detective to Mr. Cvetkovsky or any other person. But
25 what I'd like to know is where did you get that statement?

1 I know from him apparently but who is the investigator?

2 **THE COMMISSIONER:** That, sir, you can look
3 up with your lawyers and you will be able to participate in
4 the Inquiry and ask questions when the institutions do show
5 up.

6 **MR. CHISHOLM:** M'hm.

7 **MR. MANDERVILLE:** He also suggests in that
8 statement, Mr. Chisholm, that the December 6th, 1996
9 statement we looked at a little earlier was inaccurate,
10 that it was different than what had been read out to him.
11 You're aware that he suggests that?

12 **MR. CHISHOLM:** Apparently so.

13 **MR. MANDERVILLE:** And I take it you're here
14 today to say ---

15 **MR. CHISHOLM:** I read it out -- I wrote it
16 out right in front of him and read it out and he signed it.
17 It's that simple.

18 I think what happened with this little
19 discrepancy here in his testimony and mine is that they
20 were leaning on him a little bit. It would appear that
21 way. He's afraid for his reputation and his motel. This
22 guy, from what I recall, was a very straight individual,
23 straight shooter. He wouldn't let hanky-panky go on and I
24 think he was getting the impression that maybe that was
25 what they were leaning on him with, maybe, you know what I

1 mean.

2 **MR. MANDERVILLE:** That's just a guess on
3 your part; right?

4 **MR. CHISHOLM:** Yes, of course, but why would
5 he say that?

6 **MR. MANDERVILLE:** It's just a guess.

7 **MR. CHISHOLM:** Why would he say that and the
8 investigators, what vested interests would they have in
9 maybe getting that kind of a statement? Did they have
10 anything to do with Marleau?

11 **THE COMMISSIONER:** Mr. Chisholm, Mr.
12 Chisholm ---

13 **MR. CHISHOLM:** You know.

14 **THE COMMISSIONER:** When we get to the
15 institutional response, you as a party, through your
16 lawyers, will be able to ask those very questions.

17 **MR. CHISHOLM:** M'hm. Okay, yes. Thank you.
18 Sorry.

19 **THE COMMISSIONER:** So and ---

20 **MR. CHISHOLM:** Yes.

21 **THE COMMISSIONER:** --- we are looking at a
22 little bit of repetition here ---

23 **MR. MANDERVILLE:** No, fair enough.

24 **MR. CHISHOLM:** Yes, it's right. We've done
25 it.

1 THE COMMISSIONER: No, sir.

2 MR. CHISHOLM: Sorry.

3 THE COMMISSIONER: Enough, enough.

4 MR. CHISHOLM: Enough.

5 MR. MANDERVILLE: I did not intend to dwell
6 on this.

7 THE COMMISSIONER: Okay. Well, let's go.

8 MR. MANDERVILLE: Now, Mr. Chisholm, you
9 told me a couple of times that virtually all of the notes
10 and whatever statements, written statements you generated,
11 you gave to Mr. Dunlop; correct?

12 MR. CHISHOLM: Yes.

13 MR. MANDERVILLE: And you're aware that Mr.
14 Dunlop, on advice of his lawyer, claimed privilege over a
15 number of the documents that he was generating in the
16 course of his and your investigation. You're aware of
17 that?

18 MR. CHISHOLM: No. I don't know. It could
19 be true. I'm not denying it. I don't know anything about
20 it.

21 MR. MANDERVILLE: And would you agree with
22 me that if on the advice of his civil lawyer he's claiming
23 privilege over these various documents, it's pretty obvious
24 at least some of these statements are being gathered for
25 the purpose of the civil lawsuit?

1 **MR. CHISHOLM:** You tell me. You're the
2 lawyer. I don't know.

3 **THE COMMISSIONER:** Okay, no. The answer to
4 that is -- never mind "you tell me", you don't know. Is
5 that your answer, I don't know? I don't ---

6 **MR. CHISHOLM:** What's the next -- the
7 question rather again, sorry?

8 **MR. MANDERVILLE:** I would suggest to you
9 that if Mr. Dunlop on the advice of his lawyer is claiming
10 privilege over various statements and documents that you
11 and he are generating, that it's pretty obvious that at
12 least some of those statements and documents are being
13 gathered for the purpose of advancing his civil lawsuit.
14 Do you agree with that?

15 **MR. CHISHOLM:** I don't know.

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

17 **MR. MANDERVILLE:** Can you think of any
18 reason why Mr. Dunlop's civil lawyer, Charles Bourgeois, is
19 attending at various meetings with Mr. Leroux and the
20 Renshaws and C-8 and C-10 where statements and affidavits
21 are generated? Can you think of another reason other than
22 to advance the civil suit?

23 **MR. CHISHOLM:** I don't know.

24 **MR. MANDERVILLE:** Mr. Commissioner, I'm
25 going to move to another area. I won't be much longer.

1 I'm in your hands as to whether you want to take the
2 morning break.

3 **THE COMMISSIONER:** Well, we will take the
4 morning break, but after you there is the OPP and the OPPA.
5 How much time are we going to need to finish
6 off the cross-examination?

7 **MR. MANDERVILLE:** I expect myself to be not
8 more than another 10 minutes perhaps.

9 **THE COMMISSIONER:** All right. Do we have
10 any idea, Mr. Kozloff?

11 **MR. KOZLOFF:** I won't be cross-examining.

12 **THE COMMISSIONER:** So will your associate be
13 cross-examining?

14 **MR. KOZLOFF:** The OPP (off mic).

15 **THE COMMISSIONER:** Okay; a little levity at
16 this time is -- okay. Let's take ---

17 **MR. CARROLL:** I may, and it won't take more
18 than 10 minutes.

19 **THE COMMISSIONER:** Okay. Let's take the
20 morning break and we'll come back.

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

23 The hearing will resume at 11:15.

24 --- Upon recessing at 11:01 a.m. /

25 L'audience est suspendue à 11h01

1 --- Upon resuming at 11:22 a.m. /

2 L'audience est reprise à 11h22

3 **THE REGISTRAR:** This hearing is now resumed.

4 Please be seated. Veuillez vous asseoir.

5 --- **CARSON CHISHOLM:** Resumed/Sous le même serment

6 **THE COMMISSIONER:** Mr. Manderville?

7 **MR. MANDERVILLE:** Mr. Commissioner, I have
8 decided I have no further questions for Mr. Chisholm.

9 Mr. Chisholm, thank you for coming.

10 **MR. CHISHOLM:** Thank you.

11 **THE COMMISSIONER:** Mr. Kozloff, do you wish
12 -- no questions?

13 **MR. KOZLOFF:** No questions today.

14 **THE COMMISSIONER:** Mr. Carroll?

15 **MR. CARROLL:** Thank you.

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR.**
17 **CARROLL:**

18 **MR. CARROLL:** Good morning, Mr. Chisholm.

19 **MR. CHISHOLM:** Good morning.

20 **MR. CARROLL:** My name is Bill Carroll and I
21 represent the Ontario Provincial Police Association and its
22 members and I have just a few areas to ask you about and
23 they deal with information that arose out of an interview
24 that you gave to the Ontario Provincial Police. It's
25 Document Number 105398.

1 **THE COMMISSIONER:** So it will go on the
2 screen and we'll give it an exhibit number and then we'll
3 -- pardon? Oh, it's already an exhibit?

4 **THE REGISTRAR:** No, no.

5 **THE COMMISSIONER:** I'm sorry. It will be
6 Exhibit 713 and what is that document, Madam Clerk?

7 **MR. CARROLL:** What is it? It's an
8 interview, sir, given by Mr. Chisholm to the Ontario
9 Provincial Police, July 19th, 2001.

10 **--- EXHIBIT NO./PIÈCE No. P-713:**

11 (105398) Audio Taped Interview Report -
12 Carson Chisholm w/OPP P. Hall and D.C.
13 Genier, dated July 19, 2001

14 **THE COMMISSIONER:** Right. See if we can put
15 it on the screen. Okay.

16 **MR. CARROLL:** No, it's the other one. Do
17 you have a -- that in front of you, sir? Mr. Chisholm?

18 **MR. CHISHOLM:** I have something in front of
19 me. Yes.

20 **MR. CARROLL:** Okay. All right.

21 And this was an interview that you gave to
22 the OPP Detective Inspector Hall and a Constable Genier?

23 **MR. CHISHOLM:** Yes, okay.

24 **MR. CARROLL:** All right. I just want to get
25 one thing out of the way and that is you were shown Exhibit

1 712. That was that hand written document in Helen Dunlop's
2 hand writing and -- just this morning.

3 **MR. CHISHOLM:** Yes.

4 **MR. CARROLL:** And you said something about
5 Detective Constable Genier. What did you say about him in
6 relation to this document? I heard -- I thought I heard
7 you say, "Genier got it" or "Genier" had it. And I want to
8 know, did you say that?

9 **MR. CHISHOLM:** I think so, yes.

10 **MR. CARROLL:** And what was your basis for
11 saying that?

12 **MR. CHISHOLM:** Okay. At the Leduc trial,
13 when I was on the stand and they said, "Do you have
14 anything at your home, original documents or anything
15 related to this?"

16 And I didn't have anything that I figured
17 relating to that trial, but I said, "Well, I do have an
18 original document", because I still have the original
19 handwritten -- I knew it was an original because it was in
20 blue ink -- on Albert Lalonde. So I said, "Yes, I have
21 that but you guys have a copy". But anyway we went home
22 and got it and I think this was there also, and I said -- I
23 think I gave it to him, I believe.

24 **MR. CARROLL:** You have no specific
25 recollection I take it, sir, as you sit there today of

1 giving that specific document to Constable Genier? You
2 think you may have?

3 MR. CHISHOLM: I think so. But the thing
4 is, how'd they get it?

5 MR. CARROLL: Pardon?

6 MR. CHISHOLM: If I didn't give it to them,
7 how did they get it?

8 MR. CARROLL: It came in the materials on
9 the disk that we were given the other night; from you.

10 MR. CHISHOLM: Just this?

11 MR. CARROLL: Well, amongst other documents,
12 sir.

13 MR. CHISHOLM: No ---

14 MR. CARROLL: Does that mean ---

15 MR. CHISHOLM: -- excuse me ---

16 THE COMMISSIONER: Just a minute ---

17 MR. CHISHOLM: Excuse me?

18 THE COMMISSIONER: One person at a time.

19 MR. CHISHOLM: Okay, I thought there was
20 more to this, but anyway.

21 MR. CARROLL: No.

22 MR. CHISHOLM: I mean, there's more because
23 we just saw it there.

24 THE COMMISSIONER: We just saw what?

25 MR. CHISHOLM: I mean, there was more. This

1 letter is more than one page.

2 THE COMMISSIONER: Yes, it's two pages. Two
3 pages.

4 MR. CARROLL: Two pages.

5 MR. CHISHOLM: Well, just two? Okay, sorry,
6 it's on the other side.

7 MR. CARROLL: And that document was provided
8 to us the other night from the material that was turned
9 over by you or your counsel.

10 MR. CHISHOLM: Okay, okay.

11 MR. CARROLL: So you ---

12 MR. CHISHOLM: So that's the only time he's
13 ever had it? I was wondering where it came from, that's
14 all.

15 MR. CARROLL: Oh, so when you speculated ---
16 so you were speculating that perhaps that it had been given
17 to Genier?

18 MR. CHISHOLM: Yes.

19 MR. CARROLL: Ah. But now we know that it
20 came from you?

21 MR. CHISHOLM: Well, I presume it came from
22 me, yes, because it was -- I had it ---

23 MR. CARROLL: All right.

24 MR. CHISHOLM: -- or a copy of it. It's a
25 photocopy.

1 **MR. CARROLL:** Right. Okay.

2 Now, in the interview with Detective
3 Constable Genier and Detective Inspector Hall, there's a
4 couple of things that you are asked about and one of them
5 is the movies from Ken Seguin's place; the videos. Do you
6 remember it being asked about that?

7 **MR. CHISHOLM:** Yes. Yes.

8 **MR. CARROLL:** And you were asked if you had
9 ever seen those movies and you said certainly not, that you
10 hadn't seen them.

11 **MR. CHISHOLM:** No.

12 **MR. CARROLL:** And you were asked as well
13 about your knowledge as to what was on those videos and you
14 told the police that it was:

15 "...some kind, I have no idea..."

16 I'm on Page 8 if that assists you.

17 **THE COMMISSIONER:** Well, it's the screen, so
18 bare with this a little bit.

19 **MR. CHISHOLM:** Okay, sure. Oh, you don't
20 have the hard ---

21 **THE COMMISSIONER:** No, we don't.

22 So page 8.

23 **MR. CARROLL:** Right. A little further down,
24 I think.

25 **THE COMMISSIONER:** Scroll some more so we

1 can see the full -- there we go. Okay.

2 MR. CARROLL: You see the question from
3 Hall, sir, about half way down the page ---

4 MR. CHISHOLM: Okay, "What's your knowledge
5 of", yes.

6 MR. CARROLL: And what to your knowledge was
7 supposed to be on the tapes that the OPP had?

8 MR. CHISHOLM: Yes.

9 MR. CARROLL: Now, there we're talking about
10 the tapes that you understand were seized from Seguin's
11 place?

12 MR. CHISHOLM: Yes.

13 MR. CARROLL: And you say you:

14 "... have no idea..."

15 Right?

16 MR. CHISHOLM: Yes.

17 MR. CARROLL: "... except that it was some
18 kind of pornography, homosexual-type
19 of, you know, stuff."

20 MR. CHISHOLM: Yes.

21 MR. CARROLL: Okay. And you made it very
22 clear yesterday that you understood the difference between
23 homosexual -- the term "homosexual" and the term
24 "pedophile"; right?

25 MR. CHISHOLM: Yes, I guess so.

1 MR. CARROLL: Right. No, not guess so. You
2 said that yesterday.

3 MR. CHISHOLM: Okay, fine.

4 MR. CARROLL: And you accepted there is a
5 significant difference between "homosexual" and "pedophile"
6 in their definitions?

7 MR. CHISHOLM: Yes, yes.

8 MR. CARROLL: Right?

9 MR. CHISHOLM: Often they're the same
10 person, but, yes, there's certainly a difference.

11 MR. CARROLL: I understood you to say, sir,
12 that your information was yesterday that there were in fact
13 many more heterosexual pedophiles than homosexuals? That
14 was your understanding?

15 MR. CHISHOLM: Is there any more -- are
16 there more homosexual ---

17 MR. CARROLL: No, no.

18 MR. CHISHOLM: --- pedophiles -- what?

19 MR. CARROLL: You said yesterday that your
20 understanding of paedophilia ---

21 MR. CHISHOLM: Yes.

22 MR. CARROLL: --- that in fact there were
23 many more heterosexual paedophiles that there were
24 homosexual pedophiles?

25 MR. CHISHOLM: Yes, because there are more

1 heterosexuals ---

2 MR. CARROLL: Regardless of the reason, that
3 was your understanding; right?

4 MR. CHISHOLM: That's why I give the analogy
5 of the sheep.

6 MR. CARROLL: Well, we'll leave the sheep
7 for another day; okay?

8 I'd like to stick to the facts ---

9 MR. CHISHOLM: White sheep eat more than
10 black sheep because there's more white sheep.

11 MR. CARROLL: This is not amusing to me.

12 MR. CHISHOLM: No, it's not amusing to me
13 either.

14 MR. CARROLL: Well, then, stick to the
15 questions if you will.

16 MR. CHISHOLM: Okay. Fine.

17 MR. CARROLL: Thank you.

18 So you know and understood then and now the
19 difference between the concept of being a homosexual and
20 being a pedophile; right?

21 MR. CHISHOLM: Yes, oh yes.

22 MR. CARROLL: And you were being honest and
23 truthful with the police when you answered these questions?

24 MR. CHISHOLM: Yes.

25 MR. CARROLL: And being as helpful and

1 giving as much information as you could?

2 MR. CHISHOLM: Well, under the
3 circumstances, yes. I mean, it isn't a very long
4 interview. We didn't get into -- maybe they -- I don't
5 know how -- it wasn't very long.

6 MR. CARROLL: They didn't ---

7 MR. CHISHOLM: But I'm sure I had more
8 information ---

9 MR. CARROLL: They didn't ---

10 MR. CHISHOLM: --- but they didn't listen.

11 MR. CARROLL: You mean, if they didn't ask
12 the right questions, you weren't going to come up with the
13 information? Is that what you're telling us?

14 MR. CHISHOLM: Well, if they don't ask the
15 question, how am I going to give the answer ---

16 MR. CARROLL: But they did ask the question,
17 sir. They said:

18 "And what, to your knowledge, was
19 supposed to be on the tapes that the
20 OPP had?"

21 You understand that question?

22 MR. CHISHOLM: And -- yes ---

23 MR. CARROLL: Just a minute. Do you
24 understand that question?

25 MR. CHISHOLM: I want you to know it was

1 supposed to be on the tapes ---

2 **MR. CARROLL:** Do you understand -- I'm
3 asking --- I'm asking again -- well, I'm asking. I'm
4 reading -- do you mind if I read the question to make sure
5 that ---

6 **MR. CHISHOLM:** I don't ---

7 **MR. CARROLL:** Go ahead.

8 **THE COMMISSIONER:** No.

9 **MR. CARROLL:** Please?

10 **THE COMMISSIONER:** Good. Just ask the
11 question.

12 **MR. CARROLL:** And to what -- okay, and what,
13 to your knowledge, was supposed to be on the tapes the OPP
14 had?

15 **MR. CHISHOLM:** All right. My answer. I
16 have no idea except that it was some kind of pornography,
17 homosexual-type of, you know, stuff.

18 **MR. CARROLL:** All right.

19 Now I have ---

20 **MR. CHISHOLM:** Yes, that's my answer.

21 **MR. CARROLL:** --- I have a couple of
22 questions ---

23 **MR. CHISHOLM:** I stick with it.

24 **MR. CARROLL:** All right.

25 Did you understand the question?

1 MR. CHISHOLM: What ---

2 THE COMMISSIONER: What is the question?

3 MR. CHISHOLM: Suppose ---

4 MR. CARROLL: The question that he's just
5 read twice.

6 MR. CHISHOLM: Yes.

7 MR. CARROLL: Did you understand that
8 question?

9 MR. CHISHOLM: I think so.

10 MR. CARROLL: All right.

11 And were you being as complete and as full
12 in your answer as you could be when you were asked:

13 "What, to your knowledge, was supposed
14 to be on the tapes the OPP had?"

15 Was your answer as complete and as honest as
16 you could give that day?

17 MR. CHISHOLM: Well, I didn't have any
18 knowledge of it other than what I heard -- just let me
19 finish if you don't mind -- I know -- to my recollection,
20 yes, obviously. I could probably say more about it, that
21 there was maybe kiddie porn on it, or maybe there was
22 pedophile-type activity on it. I don't know. I didn't see
23 the tapes. I said, "Homosexual-type of stuff".

24 MR. CARROLL: Right. You did not say
25 pedophile ---

1 **MR. CHISHOLM:** I didn't say -- I've never
2 said the word pedophile, no.

3 **MR. CARROLL:** Right. So you did not have
4 any information in your possession at that time that the
5 tapes contained pedophile[sic], did you?

6 **MR. CHISHOLM:** No, I never saw it ---

7 **MR. CARROLL:** Otherwise you ---

8 **MR. CHISHOLM:** I never saw them. The only
9 information I had was in my head from being told.

10 **MR. CARROLL:** And you were never told that
11 there was pedophiles on the tape or you would have told the
12 police?

13 **MR. CHISHOLM:** Well, I -- I don't know. I
14 don't know. I might have been told there was pedophile
15 stuff. It was Ron Leroux that told me about the tapes.
16 Now, I don't remember if he specifically said, "There's
17 nothing on there with doing kids". I don't know. I'd said
18 homosexual-type of stuff. It was homosexual-type of stuff.

19 Whether there was pedophile stuff on it, I
20 don't know.

21 **MR. CARROLL:** And you didn't know then?

22 **MR. CHISHOLM:** Probably not.

23 **MR. CARROLL:** And you don't know today?

24 **MR. CHISHOLM:** I don't know for sure,
25 anything.

1 I don't know what was on them.

2 MR. CARROLL: No; but when you were asked
3 what knowledge you had ---

4 MR. CHISHOLM: Well, I didn't have much
5 knowledge of it, really.

6 MR. CARROLL: Other than ---

7 MR. CHISHOLM: Only the ---

8 MR. CARROLL: Other than it was ---

9 MR. CHISHOLM: Maybe they were all blank. I
10 don't know.

11 MR. CARROLL: We need to let each other
12 finish, okay?

13 MR. CHISHOLM: Okay.

14 MR. CARROLL: The only information that you
15 had, which you honestly and completely gave to the police
16 was that you understood that there may have been homosexual
17 pornography on those tapes.

18 MR. CHISHOLM: Yes.

19 MR. CARROLL: And that's it?

20 MR. CHISHOLM: I think so. I would have no
21 reason to lie to them.

22 MR. CARROLL: Exactly. And no reason to
23 hold any information back.

24 MR. CHISHOLM: No, no.

25 MR. CARROLL: All right.

1 Did you, sir, tell -- you know who Mr. Gary
2 Guzzo is?

3 MR. CHISHOLM: yes.

4 MR. CARROLL: Did you ever meet directly
5 with Mr. Guzzo?

6 MR. CHISHOLM: Yes.

7 MR. CARROLL: On how many occasions?

8 MR. CHISHOLM: I'm not sure.

9 MR. CARROLL: Approximately.

10 MR. CHISHOLM: I don't know.

11 MR. CARROLL: Any idea?

12 MR. CHISHOLM: I don't know.

13 MR. CARROLL: Under a dozen.

14 MR. CHISHOLM: I don't know.

15 MR. CARROLL: You don't know if it was even
16 under a dozen?

17 MR. CHISHOLM: I -- if it was 13 and it
18 comes out in evidence ---

19 THE COMMISSIONER: No ---

20 MR. CHISHOLM: --- and I'm sure there is
21 lots of evidence out there, who knows and it I say it was
22 under a dozen and it turns out there was 13, then I'm the
23 bad guy.

24 THE COMMISSIONER: No, no.

25 MR. CHISHOLM: That's how it works out. I

1 takes your ---

2 THE COMMISSIONER: No, no, no. No.
3 You're going to give us a ball park
4 estimate.

5 MR. CHISHOLM: Okay.

6 THE COMMISSIONER: Was it one, closer to one
7 than a 100?

8 MR. CHISHOLM: I would think so.

9 THE COMMISSIONER: And we're not going to --
10 -

11 MR. CHISHOLM: I would think so.

12 THE COMMISSIONER: Not more than a 100,
13 right?

14 MR. CHISHOLM: I don't think so.

15 THE COMMISSIONER: Well, never mind.

16 MR. CARROLL: Regardless of how many
17 meetings you had with Mr. Guzzo ---

18 MR. CHISHOLM: Yes.

19 MR. CARROLL: Did you discuss the tapes,
20 these homosexual tapes, with Mr. Guzzo?

21 MR. CHISHOLM: I don't know.

22 MR. CARROLL: Did you ever tell Mr. Guzzo
23 that you personally were in possession of these tapes?

24 MR. CHISHOLM: I don't know.

25 MR. CARROLL: Now ---

1 **MR. CHISHOLM:** I doubt it, because I never
2 was in possession with that knowledge.

3 **MR. CARROLL:** --- now just a minute, was
4 that -- is that an honest answer?

5 **MR. CHISHOLM:** I don't know -- well, yeah.
6 I was never in possession of those tapes ---

7 **MR. CARROLL:** And did you tell Mr. Guzzo
8 that you were ever in possession of those tapes?

9 **MR. CHISHOLM:** Well, I doubt it.

10 **MR. CARROLL:** No. did you ---

11 **MR. CHISHOLM:** I wouldn't say it if it
12 wasn't true, unless I was unconscious.

13 **MR. CARROLL:** Sir, your first answer was I
14 don't know. I'm trying to clarify this.

15 **MR. CHISHOLM:** Did I ---

16 **MR. CARROLL:** So just listen -- let me
17 finish the question.

18 **MR. CHISHOLM:** Okay; finish her up.

19 **MR. CARROLL:** Did you ever tell Mr. Guzzo
20 that you were in personal possession of tapes involving
21 pedophilia.

22 **MR. CHISHOLM:** Absolutely not.

23 **MR. CARROLL:** Did you ever tell Mr. Guzzo
24 that any member of the Citizen's Committee, was in
25 possession of such tapes?

1 **MR. CHISHOLM:** Absolutely not.

2 **MR. CARROLL:** Did any member of your
3 committee, to your knowledge, tell Mr. Guzzo that a member
4 of the committee was in possession of these tapes?

5 **MR. CHISHOLM:** Absolutely not. You did say
6 to my knowledge, right?

7 **THE COMMISSIONER:** Yeah, yeah.

8 **MR. CHISHOLM:** So -- okay. News to me.

9 **MR. CARROLL:** You told the officer as much
10 as you've told us here, sir, that your role essentially in
11 the investigation was to assist Constable Dunlop.

12 **MR. CHISHOLM:** I guess so, basically.

13 **MR. CARROLL:** Well, is it a guess, or ---

14 **MR. CARROLL:** I don't know if I'd call them
15 that. I'll take your word, maybe.

16 **MR. CARROLL:** Yeah; and you've told us -- is
17 that true, then?

18 **MR. CHISHOLM:** That's basically true, yes.

19 **MR. CARROLL:** Okay.

20 So, you weren't the primary investigator
21 that was Perry Dunlop?

22 **MR. CHISHOLM:** I guess so.

23 **MR. CARROLL:** All right. Your role was that
24 of assisting him?

25 Fair?

1 **MR. CHISHOLM:** I guess, yeah.

2 **MR. CARROLL:** Okay.

3 And, when you interviewed persons and
4 obtained written statements from them, you turned those
5 documents over to Mr. Dunlop, correct?

6 **MR. CHISHOLM:** Correct.

7 **MR. CARROLL:** And -- secure in the knowledge
8 tat he would make the appropriate use of those statements,
9 you believed he would use them appropriately.

10 **MR. CHISHOLM:** Correct.

11 Yes, of course.

12 **MR. CARROLL:** And that use, of course, would
13 be ultimately to turn them over to the authorities for a
14 possible further investigation and prosecution?

15 **MR. CHISHOLM:** Yes.

16 **MR. CARROLL:** And you also told us that
17 there were a number of persons, perhaps alleged victims or
18 witnesses or relatives of victims that you spoke to but
19 didn't take a formal statement from. Correct?

20 **MR. CHISHOLM:** Yes.

21 **MR. CARROLL:** They would be more in the
22 nature of the injuries, I guess, or conversations?

23 **MR. CHISHOLM:** Yes.

24 **MR. CARROLL:** Right. All right.

25 Did you make -- well, firstly, did you tell

1 Mr. Dunlop about those conversations. Like you'd give him
2 that information, if you thought it was relevant to the
3 investigation.

4 MR. CHISHOLM: I would, I'm sure.

5 Yeah.

6 MR. CARROLL: Yeah.

7 But you personally didn't make any notes of
8 those conversations that were not reduced to writing,
9 correct?

10 MR. CHISHOLM: I don't recall if I did, I
11 would have -- like I said, handed them over to Perry.

12 MR. CARROLL: You -- you -- again, for the
13 same purpose, so that you could turn them over to the
14 authorities?

15 MR. CHISHOLM: Obviously, yes. Yes, of
16 course.

17 MR. CARROLL: When you were -- do you know
18 what the term "debriefing" means? Because I don't want to
19 use a term that's ---

20 MR. CHISHOLM: Basically, yeah.

21 MR. CARROLL: Yeah? Okay.

22 When you would go to Dunlop and be debriefed
23 on the interviews you did, okay -- not the written ones,
24 because you just hand in the statement. Right? You'd hand
25 in a statement to Perry and let him read it?

1 MR. CHISHOLM: M'hm.

2 MR. CARROLL: Correct?

3 MR. CHISHOLM: Yeah.

4 MR. CARROLL: Okay.

5 And you'd leave it with him?

6 MR. CHISHOLM: M'hm.

7 MR. CARROLL: But, in the interviews that
8 you had with the persons that were not reduced to writing,
9 you would go and tell Perry, "Look, so and so told me
10 this," right?

11 MR. CHISHOLM: M'hm.

12 MR. CARROLL: All right.

13 Did you see Perry making notes of what you
14 were telling him?

15 MR. CHISHOLM: I don't recall.

16 MR. CARROLL: Did you ever see Mr. Dunlop
17 make any notes at any time of information you were giving
18 him that was not reduced to writing?

19 MR. CHISHOLM: I don't recall.

20 MR. CARROLL: Did Mr. Dunlop ever ask you to
21 prepare a written statement of all the activities you
22 engaged in, in furtherance of his investigation?

23 MR. CHISHOLM: I don't recall.

24 MR. CARROLL: Did you ever prepare such a
25 statement outlining and detailing for Mr. Dunlop, all of

1 the activities you engaged in, in furtherance of this
2 investigation?

3 MR. CHISHOLM: All in one shot, kind of
4 thing?

5 MR. CARROLL: Yeah.

6 MR. CHISHOLM: No, I don't think so.

7 MR. CARROLL: Well, did you ever do it in
8 stages?

9 MR. CHISHOLM: Well ---

10 MR. CARROLL: "This month I did..." and write
11 out a -- let me just explain what I mean, okay?

12 MR. CHISHOLM: Okay, okay.

13 MR. CARROLL: After a month's activities, or
14 six months' activities, whatever, did you ever sit down and
15 chronologically or otherwise put down who you spoke to, and
16 what they told you?

17 MR. CHISHOLM: No.

18 MR. CARROLL: He never asked you to do that?

19 MR. CHISHOLM: Not that I recall.

20 MR. CARROLL: Did he ever, to your
21 knowledge, prepare -- do you know what a "will say" is?

22 MR. CHISHOLM: Well, kind of. Where you get
23 a statement of everything ---

24 MR. CARROLL: You know, where somebody else
25 -- well, somebody else, for example -- I'll give you the

1 example and then ask me about it.

2 Did Mr. Dunlop ever prepare a document
3 outlining what he says you told him for your -- you to
4 review and signoff on, or otherwise acknowledge as being
5 accurate?

6 **MR. CHISHOLM:** I don't recall. I don't
7 recall.

8 **MR. CARROLL:** You don't recall ever seeing
9 such a document?

10 **MR. CHISHOLM:** No.

11 **MR. CARROLL:** Did Mr. Dunlop ever tell you
12 how he was going to advise the authorities of your input.

13 **MR. CHISHOLM:** I don't recall.

14 **MR. CARROLL:** Did you ever discuss with Mr.
15 Dunlop -- "Perhaps it's a good idea, Perry, if we go and
16 see the police and tell them what we've got so far."

17 Did you ever suggest that?

18 **MR. CHISHOLM:** I don't recall that.

19 **MR. CARROLL:** Do you ever recall Mr. Dunlop
20 saying to you, "Carson, I think we should go and tell the
21 OPP what we have to date."

22 **MR. CHISHOLM:** I don't recall that, no.

23 **MR. CARROLL:** Did Mr. Dunlop keep you
24 advised, sir, of the efforts made by the OPP to obtain
25 material from him?

1 MR. CHISHOLM: I don't recall.

2 MR. CARROLL: He may have and you just don't
3 remember?

4 MR. CHISHOLM: I don't remember it.

5 MR. CARROLL: Do you ---

6 MR. CHISHOLM: He may have. I don't think
7 so.

8 No, he never kept me apprised of OPP -- I
9 don't' recall any of that.

10 MR. CARROLL: Okay; yeah. That's fine. I'm
11 just asking if you recall him saying ---

12 MR. CHISHOLM: I don't -- no.

13 MR. CARROLL: Did he come to you at any
14 point -- you know that he was spending a lot of time
15 preparing a will-say himself?

16 You're aware of generally him doing that?

17 MR. CHISHOLM: I think so, yeah. Yeah.

18 MR. CARROLL: Did he ever come to you, Mr.
19 Chisholm, and say, "Can you give me a run-down again of
20 what you did, so that I can include it in my will-say as to
21 what activities we engaged in?" Did he ever ask you that?

22 MR. CHISHOLM: I don't recall; although he
23 may have. I don't recall it.

24 MR. CARROLL: Do you ever recall sitting
25 down with him and giving him a recap, around the time he

1 prepared his will-say?

2 MR. CHISHOLM: I don't recall it.

3 MR. CARROLL: I guess -- all right.

4 MR. CHISHOLM: When was that? It was quite
5 a while ago, but ---

6 MR. CARROLL: Yeah.

7 MR. CHISHOLM: --- in the 90's?

8 MR. CARROLL: No, it was a little later than
9 that, but.

10 I guess, if you don't recall it, we'd have
11 to ask Mr. Dunlop if we could, right. For those answers?

12 MR. CHISHOLM: I think he volunteered. In
13 fact, did -- you have the will say in, I think they're
14 different organizations and ---

15 MR. CARROLL: I am aware of his will say.

16 MR. CHISHOLM: --- and agreed to read it
17 into the record, but I think it was declined.

18 MR. CARROLL: You have now given me your
19 best recollections of your activities in Mr. Dunlop's
20 investigation and the material you provided to him, as best
21 you can?

22 MR. CHISHOLM: As best I can, yes.

23 MR. CARROLL: Thank you.

24 MR. CHISHOLM: You're welcome.

25 THE COMMISSIONER: Thank you.

1 Mr. Paul.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. IAN
3 PAUL:

4 MR. PAUL: Mr. Chisholm, I have some points
5 I would like to clarify. I think it might be best to start
6 with today's evidence perhaps to refresh your memory. So I
7 am going to ask a few questions first of all about Mr.
8 Manderville's cross-examination.

9 The first point perhaps is the area,
10 questions surrounding your attendance at the Cornwall
11 Police station with John MacDonald.

12 MR. CHISHOLM: Yes.

13 MR. PAUL: What I want to ask you first of
14 all, the name Constable Bowe or Bough, did that name come
15 up while you attended?

16 MR. CHISHOLM: I don't believe it did.

17 MR. PAUL: And when you attended, did
18 anybody from the Cornwall Police suggest that Mr. MacDonald
19 contact Constable Bough and set up an appointment?

20 MR. CHISHOLM: No, not that I recall. I
21 believe after he came into the picture. I remember that
22 name, Bough, that John was talking to him, but I think that
23 was a fair bit after. I can't remember the exact time
24 though.

25 MR. PAUL: And at that meeting, did anybody

1 suggest that Constable Bough would contact Mr. MacDonald?
2 That he would contact him?

3 MR. CHISHOLM: At what meeting?

4 MR. PAUL: At the meeting where you attended
5 the Cornwall Police station?

6 MR. CHISHOLM: Oh, no. No.

7 MR. PAUL: And did they, in fact, take the
8 statement of Mr. MacDonald at that time?

9 MR. CHISHOLM: No, they wouldn't. That's
10 why I got so wind shook.

11 MR. PAUL: And did you offer the statement?

12 MR. CHISHOLM: Oh, yes.

13 MR. PAUL: So as far as Constable Bough's
14 involvement, did you even know he was involved at that
15 point?

16 MR. CHISHOLM: No.

17 MR. PAUL: Another point with respect to Mr.
18 Manderville's cross-examination. The issue of the Florida
19 trip came up and it was mentioned that Mr. Leroux had typed
20 statements that had dates of, I believe, 4th of December and
21 I believe 7th of December. And you had no knowledge of
22 statements being made on those dates?

23 MR. CHISHOLM: I don't recall any of that.
24 I would like to read that second one though, the 7th. Like
25 where did that come from? We're in Florida then.

1 **MR. PAUL:** Just being that they're typed
2 statements, I want to ask you did you have access to
3 computers or typing ---

4 **MR. CHISHOLM:** Or written or anything else;
5 that's -- this is all new to me.

6 **MR. PAUL:** Given that they're ---

7 **MR. CHISHOLM:** Well, not -- excuse me; it's
8 not all new to me. That first one I read there was --
9 whichever one that was -- the 4th.

10 **THE COMMISSIONER:** The 4th of December.

11 **MR. CHISHOLM:** The 4th, yeah; most of that
12 stuff on there I heard. He told me, but I never seen it
13 written up all together like that, to my knowledge.

14 **MR. PAUL:** Given that they're typed
15 statements, I want to ask you, did one or both of you on
16 the trip to Florida have access to computer laptop,
17 typewriter or anything like that?

18 **MR. CHISHOLM:** No, not that I'm aware of. I
19 don't think he did, but ---

20 **MR. PAUL:** All right. And the one statement
21 that we've heard about, that you took on that trip, the
22 hotel manager, I believe, was a written statement,
23 handwritten. Correct?

24 **MR. CHISHOLM:** Yeah, I just wrote it out in
25 front of him. Read it to him. He signed it. I don't know

1 how he can say he didn't understand it or anything. I
2 never went three feet from him.

3 **MR. PAUL:** Now, I just want to ask you a
4 couple of questions generally about your cooperation with
5 authorities.

6 Now I would take it that in the Leduc
7 proceeding, you received a subpoena?

8 **MR. CHISHOLM:** Yes.

9 **MR. PAUL:** And you abided by the subpoena?

10 **MR. CHISHOLM:** Yes.

11 **MR. PAUL:** As far as any court proceedings
12 prior to the Inquiry, would you have willingly attended,
13 under any subpoena, at any proceeding?

14 **MR. CHISHOLM:** Oh, yes obviously.

15 **MR. PAUL:** And with respect to the interview
16 by Constable Hall, was it? The OPP interview.

17 **MR. CHISHOLM:** Yeah, he was one at which --
18 I'm not sure which interview. The one we just talked
19 about?

20 **THE COMMISSIONER:** Yes.

21 **MR. CHISHOLM:** At my home?

22 **MR. PAUL:** Yes.

23 **MR. CHISHOLM:** Yes, Hall was there and ---

24 **THE COMMISSIONER:** Genier.

25 **MR. CHISHOLM:** --- Genier maybe?

1 MR. PAUL: Now, did they call you and invite
2 you in or did they attend your house? How did that happen?

3 MR. CHISHOLM: They attended the house. I
4 don't remember if they called in advance.

5 MR. PAUL: Okay, were you cooperative? Did
6 you allow them ---

7 MR. CHISHOLM: Oh, yeah, for sure.

8 MR. PAUL: Did you have any difficulty
9 giving them a statement?

10 MR. CHISHOLM: None.

11 MR. PAUL: I understand you were under a
12 subpoena again for these proceedings?

13 MR. CHISHOLM: Here?

14 MR. PAUL: Yes.

15 MR. CHISHOLM: Yes.

16 MR. PAUL: But you did in advance, I take
17 it, have some form of meeting with Commission staff
18 counsel?

19 MR. CHISHOLM: Yes.

20 MR. PAUL: Last week. Correct?

21 MR. CHISHOLM: Last week?

22 MR. PAUL: Yes.

23 MR. CHISHOLM: Yeah, last week.

24 MR. PAUL: Getting back to some of the
25 questions from yesterday, first of all, I'll ask you a few

1 points that came up in the cross-examination by Ms. Daley
2 representing CCR.

3 First of all, I believe in your evidence at
4 some point you indicated as far as an investigator or
5 investigations, you received no compensation? You didn't
6 receive any money. Correct?

7 **MR. CHISHOLM:** No, never.

8 **MR. PAUL:** There was some reference in her
9 evidence to you whether you acted as a lobbyist, and I
10 think you agreed that you acted, in a sense, as a lobbyist?

11 **MR. CHISHOLM:** I'm not a hundred per cent
12 sure of the definition but I was lobbying, I suppose, to
13 get this out.

14 **MR. PAUL:** I just wanted to clarify; as a
15 lobbyist, did you receive any money or compensation?

16 **MR. CHISHOLM:** Oh, no. No.

17 **MR. PAUL:** And either as a lobbyist or your
18 investigations, such as going to Florida, apart from
19 compensation in terms of a salary, did you receive any
20 reimbursement of expenses?

21 **MR. CHISHOLM:** Apart from a salary?

22 **MR. PAUL:** Did you receive any money for
23 expenses.

24 **MR. CHISHOLM:** No, no. Maybe the cheque is
25 in the mail. I don't know. I haven't got it yet.

1 **MR. PAUL:** Now on another point, there was
2 some reference in the same cross-examination by Ms. Daley,
3 questions about whether you perceived or believed Perry
4 Dunlop acting in his official capacity as a police officer
5 or not and on that point, I just want to ask you a point of
6 clarification; while you are assisting him in his
7 investigations of sexual abuse, what's your perception as
8 to whether he's getting any assistance or support from the
9 Cornwall Police.

10 **MR. CHISHOLM:** Well, he's certainly not
11 getting any assistance, to my knowledge. Maybe he is on --
12 I guess if he's on sick leave or disability, he's getting
13 help in that respect but as far as cooperation with the
14 Force as such, no.

15 **MR. PAUL:** What's your perception, whether
16 he is doing it with the approval of superiors or on his
17 own?

18 **MR. CHISHOLM:** On his own without their
19 approval.

20 **MR. PAUL:** Now, you were also questioned
21 with respect to the taking of statements, and I think you
22 agreed that you didn't have any formal training in taking
23 statements -- written statements I am talking about.

24 **MR. CHISHOLM:** Not formal training. I did
25 go to school and learned how to read and write and stuff

1 like that, you know, answer questions and ask them but
2 police-type training, no, no -- police college, never.

3 **MR. PAUL:** But maybe you can just comment.
4 In terms of a written statement, what method did you use to
5 take a written statement from the people that you did take
6 written statements from?

7 **MR. CHISHOLM:** Pen and ink, paper.

8 **MR. PAUL:** And what would you have told
9 them?

10 **MR. CHISHOLM:** What would I have told who?

11 **MR. PAUL:** Would there have been any
12 discussion before they gave the statement or what would you
13 say to them?

14 **MR. CHISHOLM:** I don't know. I guess it
15 would depend on the situation. I'm going to write down
16 your statement here and there was never ---

17 **MR. PAUL:** Would it vary as to whether --
18 would they write the statement down or would you write it?

19 **MR. CHISHOLM:** Well, in some instances, I
20 would ask them just to write their own statement down and
21 we'd go over it and read it. They sign it, I sign it.

22 **MR. PAUL:** Okay.

23 **MR. CHISHOLM:** Or I would just talk to them
24 and write their questions -- I'd write the question and the
25 answer down.

1 MR. PAUL: And how was it done with the case
2 of John MacDonald?

3 MR. CHISHOLM: He wrote his own.

4 MR. PAUL: Okay.

5 MR. CHISHOLM: Printed it actually.

6 MR. PAUL: Okay.

7 MR. CHISHOLM: I just told him, "Write it
8 down in your own words." I think it was about nine pages
9 long, and he was just finishing it up when I got there.

10 MR. PAUL: Now in cases where you were
11 discussing matters with a witness or taking a written
12 statement somehow where Perry Dunlop was present, who would
13 take the lead in that?

14 MR. CHISHOLM: Oh, Dunlop.

15 MR. PAUL: I take it that's because he's a
16 police officer.

17 MR. CHISHOLM: Yeah.

18 THE COMMISSIONER: Did he ever show his
19 badge to anybody when he was ---

20 MR. CHISHOLM: No, I never -- I don't think
21 I've ever seen -- well, I guess, maybe I have seen his
22 badge, yes, but no, he would never, that I'm aware of,
23 never show it, no. I've seen him do it for sure.

24 I think everybody basically knew him. It's
25 a small community, you know, that kind of thing.

1 **THE COMMISSIONER:** No, but down in Florida,
2 oh, wait, no you weren't there. I mean you weren't there
3 to get ---

4 **MR. CHISHOLM:** I don't think he ever went to
5 Florida.

6 **THE COMMISSIONER:** Right, right.

7 **MR. CHISHOLM:** I didn't take his badge with
8 me.

9 **MR. PAUL:** Just another question I had. Mr.
10 Neville had made a comparison with respect to your duties
11 as a real estate agent. Do you recall that?

12 **MR. CHISHOLM:** Yes.

13 **MR. PAUL:** And he suggested that, as a real
14 estate agent, you'd want to check out closely a property
15 before you list it.

16 **MR. CHISHOLM:** Yeah, that would be normal.

17 **MR. PAUL:** Now, in terms of the checking out
18 the statement of Mr. Leroux, I just wanted to ask you, I
19 mean, what did you view as the purpose of going to Florida
20 in terms of what you were doing in the investigation? What
21 was the reason for going down there?

22 **MR. CHISHOLM:** Well, he indicated that a lot
23 of people from the area would go down there.

24 **MR. PAUL:** Sorry. I'm asking you what was
25 your purpose -- in terms of what you were doing at the time

1 of the investigation, what was your purpose? Before you
2 went down, what were you looking for? What was your plan
3 before you went down there?

4 **MR. CHISHOLM:** What was my plan with regards
5 to going down, like the reason we went down?

6 **MR. PAUL:** Yes, what was the objective or
7 what were you trying to accomplish?

8 **MR. CHISHOLM:** Objective, well it would be
9 to gather information with regards to this story he was
10 telling us.

11 **MR. PAUL:** So did you think that it might --
12 you were seeking perhaps to try to ---

13 **MR. CHISHOLM:** Confirmation of what he was
14 saying that people went down there and we thought we'd get
15 some like hard evidence. It didn't turn out to be much of
16 anything really.

17 **MR. PAUL:** So that was one example of an
18 effort to try to confirm what Mr. Leroux was saying?

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

20 **MR. PAUL:** A question on Bob Roth. I
21 believe he was the person that worked at some point for the
22 Seaway News?

23 **MR. CHISHOLM:** Yes.

24 **MR. PAUL:** And to your understanding he's
25 not there now?

1 **MR. CHISHOLM:** No, I think they fired him
2 for his stand on this. I think they advertisers pulled the
3 plug around him. In fact, there was a lawsuit I believe
4 over that. He ---

5 **THE COMMISSIONER:** He's no longer with ---

6 **MR. CHISHOLM:** He charged them with wrongful
7 dismissal.

8 **MR. PAUL:** Okay. and the Seaway News, just
9 to clarify that, it's a quickly newspaper, to your
10 understanding?

11 **MR. CHISHOLM:** Weekly, yes.

12 **MR. PAUL:** A weekly -- a free weekly
13 newspaper. It's not one you pay.

14 **MR. CHISHOLM:** Free, yes.

15 **MR. PAUL:** Now, just on the issue of
16 membership, to your recollection, back then when the
17 coalition was operating, were there any rules in terms of
18 membership who could be a member or not?

19 **MR. CHISHOLM:** Not really, I don't think.
20 It wasn't very restrictive. Anybody that wanted to help
21 was certainly allowed to join and ---

22 **MR. PAUL:** So ---

23 **MR. CHISHOLM:** --- both Bob Roth and -- to
24 finish that, I believe they did go to court on wrongful
25 dismissal. He defended himself and won that case.

1 **MR. PAUL:** All right. For example, if an
2 individual is a police officer or somehow connected to an
3 establishment, would that stop them from being a member of
4 the coalition necessarily?

5 **MR. CHISHOLM:** If a person was a police ---

6 **MR. PAUL:** Police officer or ---

7 **MR. CHISHOLM:** Would that stop them?

8 **MR. PAUL:** I mean did you have any
9 particular rules at the time?

10 **MR. CHISHOLM:** I don't recall anybody -- no,
11 that ever coming up. I don't know why that would exclude
12 them.

13 **MR. PAUL:** All right. Now, there were some
14 questions from Mr. Sherriff-Scott in relation to Mr. Leroux
15 and the fact that he was perhaps suspected as possibly
16 being a pedophile and how that would affect how you rely
17 upon him as a person.

18 I just want to ask you, generally, is there
19 anything in your mind that distinguished him, made him
20 different from the other people that were suspected?

21 **MR. CHISHOLM:** Well, he admitted it and he
22 seemed, you know, contrite and sincere that he wanted to
23 get his life in order and that he had a bad -- a lot of bad
24 experiences in the past kind of thing.

25 He seemed pretty sincere to me, you know,

1 and even pedophiles have a heart and soul. I mean they --
2 some of them do regret and repent and that's a wonderful
3 thing. That's the only way they're going to heal I think.

4 **MR. PAUL:** Now, in terms of taking his
5 information and relying upon it, in your mind at the time,
6 was there any other way for you and Mr. Dunlop or Constable
7 Dunlop to gather information other than trying to find
8 witnesses such as Mr. Leroux?

9 I mean in the sense that did you have any
10 resources from agencies or police departments where you
11 could do other things besides get witness statements such
12 as search warrants, wiretapping?

13 **MR. CHISHOLM:** No.

14 **MR. PAUL:** You didn't have those avenues;
15 correct?

16 **MR. CHISHOLM:** No, never. We were on our
17 own basically.

18 **MR. PAUL:** So as far as you were concerned,
19 was -- the approach of trying to get witnesses, was that
20 really all you had as an approach to investigating?

21 **MR. CHISHOLM:** Unless you count praying I
22 guess. I don't know.

23 **MR. PAUL:** Yes. Now, another question I
24 want to ask on that point was, as far as Mr. Leroux's
25 information, once you received Mr. Leroux's information,

1 was that it for you and Mr. Dunlop that you figured you had
2 enough and that was the end of your inquiries and
3 investigations, or did you proceed on and keep looking for
4 more information?

5 **MR. CHISHOLM:** Well, for sure, that was more
6 or less the beginning of the end.

7 **MR. PAUL:** On the Florida trip, just one
8 more question. If you had perceived at the time that
9 authorities were investigating the concerns about sexual
10 abuse in an appropriate and fair manner, would you have
11 gone to the extent of going to Florida if you thought there
12 was a fair investigation going on?

13 **MR. CHISHOLM:** No.

14 **MR. PAUL:** There's another point I wanted to
15 ask you about. If you recall yesterday, I believe towards
16 the beginning of Mr. Manderville's cross-examination, he
17 highlighted a bunch of points such as the -- I believe the
18 presumption of innocence or factors such as that.

19 But there was one point he brought up with
20 respect to your position on what should happen if a victim
21 does not want to proceed with charges. Do you recall him
22 inquiring about that?

23 **MR. CHISHOLM:** Do I recall him asking about
24 that?

25 **MR. PAUL:** Yes.

1 **MR. CHISHOLM:** Yeah, I remember that came
2 up.

3 **MR. PAUL:** Now, in terms of that issue, is
4 it your view that nevertheless the police should inquire
5 about whether it's a valid decision ---

6 **MR. CHISHOLM:** I think it should be
7 investigated. I know there was one -- this come up, oh,
8 two days or week ago or something. Somewhere it came up.
9 I forget.

10 Dunlop was withholding information about a
11 victim of Charlie and it didn't come out until 2000 or
12 2002, but it was like a two-year timeframe there from when
13 he got the information to when he divulged it. And I think
14 I know -- well, I do know who that was and it did come up
15 and -- that victim didn't want his name out there and
16 didn't want it divulged so he respected -- he's an adult.
17 He respected that.

18 It did eventually come out. Actually, it
19 was the OPP that told me his name, like they had the
20 information. They came to the house and they told me his
21 name, but Dunlop didn't. He, I think, gave me his
22 initials. He said, "You know him and all that but he
23 doesn't want to divulge it". So he held on, but it was --
24 this is all part of the Dunlop bad guy.

25 I know that for a fact is that fellow didn't

1 want his name out and actually it was the OPP who gave me
2 his name.

3 **MR. PAUL:** Assuming you have a case like
4 that where someone, a victim or complainant, does not want
5 to come forward or has changed their mind and it's been
6 checked and it is a valid informed decision, but
7 nevertheless it involves child abuse, do you think it
8 should end there or do you think the police should go on
9 and contact Children's Aid?

10 **MR. CHISHOLM:** They should go on. This was
11 well into the investigation. This all come out subsequent
12 to so many of these things coming out and I don't know how
13 he got a hold of Dunlop. He probably just dialled him up
14 and said that I wanted -- you know, but it did -- his name
15 has been out there. The charges I believe were laid and
16 all that finally and it's never been resolved of course.

17 That's like one instance, but like the guy
18 is an adult and you got to weigh, I guess, his decisions,
19 but of course the perpetrator in this case was already
20 being investigated.

21 So it's not like an isolated case, you know,
22 and he's the only victim, that kind of thing. He's just
23 one of many. So what do you do with it?

24 Well, as it turned out, it did go into the -
25 - into the vial, the mainstream, and there's been no

1 resolution but at least it's in the mix there. So
2 hopefully it will come.

3 MR. PAUL: All right. Those are my
4 questions, Mr. Commissioner.

5 THE COMMISSIONER: All right. Thank you.

6 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MR. STAUFFER:

7 MR. STAUFFER: Yes, thank you, Mr.
8 Commissioner.

9 Mr. Chisholm, a couple of questions to
10 clarify points coming out of your earlier testimony.

11 MR. CHISHOLM: M'hm.

12 MR. STAUFFER: Mr. Paul has asked you about
13 statements, as have others. I just want to be crystal
14 clear.

15 MR. CHISHOLM: M'hm.

16 MR. STAUFFER: The only two statements which
17 are actually in your handwriting ---

18 MR. CHISHOLM: Yes.

19 MR. STAUFFER: --- from alleged -- either
20 from an alleged victim or from a witness, if I may, is the
21 one of Mr. Silmsler from August -- August 14th, 1996. This
22 is in your handwriting ---

23 MR. CHISHOLM: Yes.

24 MR. STAUFFER: --- if you remember
25 correctly.

1 MR. CHISHOLM: M'hm.

2 MR. STAUFFER: And the other one is the one
3 from the motel manager, Bill Cvetkovsky ---

4 MR. CHISHOLM: M'hm.

5 MR. STAUFFER: From December 6th, 1996.
6 Those are the only two statements that you had seen in our
7 paperwork.

8 MR. CHISHOLM: Yes.

9 MR. STAUFFER: Which are actually in your
10 handwriting. Is that correct?

11 MR. CHISHOLM: I think so. I ---

12 MR. STAUFFER: Either ---

13 MR. CHISHOLM: That's all I recall.

14 MR. STAUFFER: Yes, there are no others that
15 you can recollect taking at some point in your own ---

16 MR. CHISHOLM: John -- oh, I see, yes, in my
17 own ---

18 MR. STAUFFER: --- in your own ---

19 MR. CHISHOLM: --- handwriting.

20 MR. STAUFFER: --- in your own handwriting?

21 MR. CHISHOLM: I see, yes. That's all I
22 recall, yes.

23 MR. STAUFFER: I just want to be crystal
24 clear on this.

25 MR. CHISHOLM: Yes, I don't have any more

1 that I'm aware of. No, nothing, for sure. I wish maybe
2 there was.

3 **MR. STAUFFER:** All right.

4 Those are the only questions I have, Mr.
5 Commissioner, on redirect. Thank you.

6 **THE COMMISSIONER:** Thank you.

7 **MR. CHISHOLM:** I'm just wondering, since
8 you're privy to a lot of this stuff and I'm not, well, I
9 think it's part of the -- in their database. When Charlie
10 went to Southdown where they ---

11 **THE COMMISSIONER:** No, no. No, sir. You're
12 a party to all of this.

13 **MR. CHISHOLM:** Oh, they can ask it.

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

15 **MR. CHISHOLM:** Okay, that's good.

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

17 **MR. CHISHOLM:** Okay, then I'll wait.

18 **THE COMMISSIONER:** Thank you.

19 **MR. CHISHOLM:** Thank you.

20 **THE COMMISSIONER:** Now, I have a few
21 questions for you, sir.

22 **MR. CHISHOLM:** Okay.

23 **MR. STAUFFER:** Thank you, Mr. Commissioner.

24 **THE COMMISSIONER:** You're obviously a man of
25 faith, a man of principle, a man who sees a wrong and wants

1 to right it. All right?

2 MR. CHISHOLM: Thank you.

3 --- QUESTIONS BY THE COMMISSIONER/QUESTIONS PAR LE

4 COMMISSAIRE:

5 THE COMMISSIONER: All right. Now, when you
6 got to Leroux and when he told you -- or when you learned
7 about all of what Leroux had to say, that must have been
8 pretty startling?

9 MR. CHISHOLM: Well, it is all a little bit
10 much, yes.

11 THE COMMISSIONER: All right. And you have
12 your ear to the ground and you may know a lot more than
13 what we'll ever know but, who knows?

14 You learn about this thing about Cameron's
15 Point, about children with sheets over their heads and
16 candles, did you go out and try to find anyone who was a
17 victim of that?

18 MR. CHISHOLM: I don't recall. Like this
19 apparently happened, I don't remember the years, but a long
20 time ago. I don't know if any of those victims are around.

21 THE COMMISSIONER: Okay.

22 MR. CHISHOLM: A lot of them ---

23 THE COMMISSIONER: In your travels ---

24 MR. CHISHOLM: -- are dead, probably.

25 THE COMMISSIONER: In your travels in all

1 that you would have ---

2 MR. CHISHOLM: I would have asked. Because
3 there was one -- because he mentioned, as I recall, going
4 there with a guy by the name of Stan Legallais, and he's
5 dead.

6 THE COMMISSIONER: He's dead, right, and I
7 forgot to premise that.

8 MR. CHISHOLM: But ---

9 THE COMMISSIONER: In your travels, have you
10 come across anyone who refers as being a victim of
11 Cameron's Point, of having a sheet over their head and
12 having a candle used in an improper fashion? Did you come
13 across anyone at all?

14 MR. CHISHOLM: I don't recall anybody under
15 those circumstances.

16 THE COMMISSIONER: All right.

17 MR. CHISHOLM: But I think Cam -- I don't
18 know, Camerson's Point I think has come up more than once.

19 THE COMMISSIONER: No, no. Just ---

20 MR. CHISHOLM: Not just in relation to Ron
21 Leroux, that's ---

22 THE COMMISSIONER: No, no, I'm asking about
23 you.

24 MR. CHISHOLM: Yes.

25 THE COMMISSIONER: Have you come across

1 anyone other than Ron Leroux who talks about that incident?

2 MR. CHISHOLM: Well, that incident with the
3 candles?

4 THE COMMISSIONER: Right.

5 MR. CHISHOLM: No, not that I'm aware of.

6 THE COMMISSIONER: Okay. About being abused
7 by a cult. Do you have anyone else that has ever mentioned
8 anything like that to you, as being a victim of an
9 organized ritual?

10 MR. CHISHOLM: Well, it seems to be that --
11 I can't remember who they are, but, like, the Renshaw boys,
12 John MacDonald. There's a few of them there but I don't
13 remember them saying, "We're the victims of a cult". But
14 sometimes they shared the same perpetrator, like in that
15 respect.

16 THE COMMISSIONER: Right. No, no.

17 MR. CHISHOLM: I don't understand the ---

18 THE COMMISSIONER: I'm trying to be ---

19 MR. CHISHOLM: Yes.

20 THE COMMISSIONER: --- as clear as I can.

21 MR. CHISHOLM: Yes.

22 THE COMMISSIONER: Of anyone coming up to
23 you and saying that we were at a place where four or five,
24 or more than two, people were abusing us at the same time?

25 MR. CHISHOLM: Well, one just comes to mind,

1 the fellow I just mentioned -- we didn't want to think --
2 he told me that he was abused by Charlie in Apple Hill.

3 **THE COMMISSIONER:** Yes.

4 **MR. CHISHOLM:** And then he told him, "Your
5 father is here" and he thought his biological father was
6 there to pick him up. It was another priest. He never
7 even saw his face; it was dark.

8 **THE COMMISSIONER:** Right.

9 **MR. CHISHOLM:** So there's two.

10 **THE COMMISSIONER:** Okay.

11 **MR. CHISHOLM:** And that was his
12 recollection.

13 **THE COMMISSIONER:** Okay. But other than
14 that ---

15 **MR. CHISHOLM:** I can't remember. There's so
16 many -- as I recall, there's - I may have met Don Renshaw
17 but I don't know for sure. Although I did meet Bobby and
18 Gerry and there is, I believe, a third one, C-8.

19 **THE COMMISSIONER:** Other than Renshaws?
20 We've heard their evidence.

21 **MR. CHISHOLM:** Other than the Renshaws?

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

23 **MR. CHISHOLM:** Well, it's pretty secretive.
24 It's not like a spectator sport.

25 **THE COMMISSIONER:** No, no. Come on now.

1 **MR. CHISHOLM:** I'm just -- no, no. I'm just
2 trying to tell you -- you don't want to hear about the
3 Renshaws?

4 **THE COMMISSIONER:** No, I think I've heard of
5 the Renshaws.

6 **MR. CHISHOLM:** You've heard of ---

7 **THE COMMISSIONER:** But anyone else? They
8 testified.

9 **MR. CHISHOLM:** Yes, but you're asking about
10 -- well, I'm trying to -- you say you want this in context.
11 I'm doing my best. What I understand is they didn't know
12 that they shared the same perpetrator ---

13 **THE COMMISSIONER:** Absolutely.

14 **MR. CHISHOLM:** --- until 30 years later.
15 That's how secretive it is. So it's very hard for even
16 those kids to realize ---

17 **THE COMMISSIONER:** No, no. I'm just asking
18 you a simple question.

19 You heard from Leroux that there were these
20 rituals where a bunch of people would get together and
21 abuse a bunch of children at the same time. And you ---

22 **MR. CHISHOLM:** I don't recall anybody else
23 saying that in so many words, no.

24 **THE COMMISSIONER:** Okay.

25 **MR. CHISHOLM:** That I recall, no.

1 **THE COMMISSIONER:** Mr. Chisholm, thank you
2 very much.

3 I know that you've been involved in this a
4 long time. I understand that -- I understand just a little
5 bit of the frustration that you feel. You have -- you and
6 your group have standing here and a lot of the questions
7 that you have, hopefully, will be channelled through your
8 lawyers ---

9 **MR. CHISHOLM:** Hopefully, yes.

10 **THE COMMISSIONER:** --- whom you will be
11 giving instructions to.

12 **MR. CHISHOLM:** I can hope and pray, yes.
13 That is what we would hope, yes.

14 **THE COMMISSIONER:** Well -- oh, boy. Okay.

15 **MR. CHISHOLM:** No, no. I'm anticipating
16 that -- but it's been along time and we're just -- we'd
17 like to get at her.

18 **THE COMMISSIONER:** Well, contrary to what
19 you may believe, we have been getting at it for along time
20 now.

21 **MR. CHISHOLM:** Well, I've been watching it.
22 I haven't seen any of them up here yet. But I'll take your
23 word for it that they're coming.

24 **THE COMMISSIONER:** Well, I don't want to
25 over-promise anything, Mr. Chisholm, but I just simply want

1 to thank you for having taken the time to ---

2 **MR. CHISHOLM:** Thank you.

3 **THE COMMISSIONER:** --- come up and answer
4 the questions as best you can.

5 **MR. CHISHOLM:** Thank you, sir.

6 **THE COMMISSIONER:** Thank you. All right.

7 **MR. STAUFFER:** Mr. Commissioner, I have a
8 question here which is rather unusual.

9 As you heard earlier there was some issue
10 from Mr. Manderville as to a statement or some kind of a
11 written document.

12 **THE COMMISSIONER:** Yes.

13 **MR. STAUFFER:** Now, it was my intention to
14 recall Mrs. Dunlop since she'd been here. She, I'm told,
15 has now left the room, and I'm just wondering if Mr.
16 Chisholm knows how we can locate her.

17 **MR. CHISHOLM:** Well, she did tell me before
18 we came in that she was going to speak to whatever the
19 office of the Commission is. She may be in there, I'm not
20 sure.

21 **THE COMMISSIONER:** We'll take a five-minute
22 break.

23 **MR. STAUFFER:** Thank you, sir.

24 **THE COMMISSIONER:** Mr. Manderville? Hold
25 it.

1 **MR. MANDERVILLE:** I don't feel it's
2 necessary to recall Mrs. Dunlop on my account.

3 **THE COMMISSIONER:** Okay.

4 Yes, ma'am?

5 **UNIDENTIFIED SPEAKER:** She's gone to the
6 hospital to see our sister.

7 **THE COMMISSIONER:** She what?

8 **UNIDENTIFIED SPEAKER:** She's gone to the
9 hospital to see our sister.

10 **THE COMMISSIONER:** To see a ---

11 **UNIDENTIFIED SPEAKER:** Our sister.

12 **THE COMMISSIONER:** Okay, she went to the
13 hospital to visit your sister.

14 **UNIDENTIFIED VOICE:** A patient in Emergency.

15 **THE COMMISSIONER:** Fine. We won't be
16 recalling her then. Thank you very much.

17 Now, I understand that there's a
18 housekeeping matter?

19 **MR. STAUFFER:** Yes.

20 **THE COMMISSIONER:** That -- no, no, people
21 are getting up in anticipation ---

22 **MR. STAUFFER:** Yes.

23 **THE COMMISSIONER:** --- that we're going to
24 leave but we have a couple of things to take care of.

25 **MR. STAUFFER:** Yes. Yes, I don't want to

1 prolong the agony here, but my understanding from my
2 friends is there's some concern -- and I'm not sure who
3 wants to address it. First of all, I don't think we
4 require Mr. Chisholm any further.

5 **THE COMMISSIONER:** Mr. Chisholm, you're free
6 to leave now. Just don't take any documents. No, no, no.
7 You can go. No, you can leave, sir. You can step down.

8 **MR. CHISHOLM:** Oh.

9 **THE COMMISSIONER:** No, you can step down
10 from here, yes.

11 **MR. CHISHOLM:** Oh.

12 **THE COMMISSIONER:** You don't have to leave.

13 **MR. STAUFFER:** All right. So I'm not sure
14 which one of my friends wants to address this, Mr.
15 Commissioner, but it has to do with Perry Dunlop's ode ---

16 **THE COMMISSIONER:** Don't forget your coat,
17 sir.

18 **MR. STAUFFER:** --- and the timing issues.

19 **THE COMMISSIONER:** Yes.

20 **MR. STAUFFER:** And so I'm not sure if any of
21 my friends want to address this right now but ---

22 **THE COMMISSIONER:** Well, we're not sitting
23 next week so ---

24 **MR. STAUFFER:** My friend, Ms. McIntosh.

25 **THE COMMISSIONER:** Pulled the short straw,

1 did you?

2 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LESLIE McINTOSH

3 MS. McINTOSH: Thank you. We're just
4 concerned about the time frame for consultation on Mr.
5 Dunlop's ode, Mr. Commissioner. And this is not about
6 lawyers, you know, not wanting to burn the midnight oil.
7 It's really about the process. As you may know, the ode is
8 about 70 pages long, I haven't -- I've been looking at it
9 on my Blackberry, so it's sort of difficult, and it
10 references what I think must be thousands of pages of
11 attachments.

12 Obviously, we've read many of the documents
13 before but we'll need to go through that ODE in detail to
14 see whether it captures what we think it should capture
15 from the documents referenced, and I can tell you from my
16 quick review of it that there are a lot of documents that
17 are not referenced there.

18 So, I anticipate needing quite a lot of
19 time, to comment on the draft ODE, and I anticipate
20 delivering a fair volume of comments back to Commission
21 counsel to incorporate in the ODE and I think from my
22 discussion with my friends, they're in the same position.

23 And so -- and then I think that we're
24 entitled to see a redraft of the ODE once comments are
25 incorporated in it.

1 In fact in the C-3 process. I'm sorry, I
2 just said a name I shouldn't say but in the C-3 process we
3 were entitled to see several versions of the draft and work
4 on them until we got a draft that we were all comfortable
5 with and it seems to me that doing that in this process,
6 we'll save hearing time because we won't spend time
7 hopefully, in front of you Mr. Commissioner, arguing about
8 the ODE and so on.

9 We'll -- rather, spend time behind the
10 scenes, trying to work it out. And it's such an important
11 document that we think it should be done right rather than
12 perhaps quickly in this case.

13 So, we're just putting you on notice, Mr.
14 Commissioner, that -- I'm sorry if that sounds
15 presumptuous, but we wanted to alert you to the fact that
16 we anticipate we're going to need more time than aiming to
17 present it a week from today will give us.

18 I don't know if any of my friends have
19 anything to add to that.

20 --- **SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. MICHAEL NEVILLE:**

21 **MR. NEVILLE:** Just so you know, Mr.
22 Commissioner, a number of us met last night in anticipation
23 of either addressing you ---

24 **THE COMMISSIONER:** Was that the night of
25 long daggers or -- what was that constitutional meeting

1 there, of the provincial premiers?

2 **MR. NEVILLE:** It didn't have quite that
3 sinister feel to it, Mr. Commissioner.

4 **THE COMMISSIONER:** Oh, okay.

5 **MR. NEVILLE:** There might have been ---

6 **THE COMMISSIONER:** Pardon me?

7 **MR. NEVILLE:** There may have been beverages
8 and more relaxing atmosphere than that -- just as a group,
9 because we know it had arrived at 70 pages in length, and I
10 don't think it is overstating things that Mr. Dunlop is a
11 significant figure in the history of these matters.

12 And the detail that may be required to do it
13 properly -- and, just so it's clearly understood, sir, that
14 there may be an issue as to whether, given his role
15 throughout many years, an ODE is even appropriate.

16 Now, I'm not saying -- that's necessarily
17 going to be the position; we have to look at it as a
18 starting point.

19 But it may be a question, in some of our
20 minds, as to whether that approach to him -- he having been
21 here, this is not a situation like Mr. Nadeau or someone
22 else who is deceased and it's a question of putting in some
23 kind of chronology.

24 One of the concerns we have, of course, is
25 whether the document in itself -- which none of us have had

1 a chance to read in any detail, is in effect, a version of
2 what would be evidence.

3 And Mr. Dunlop is not unavailable by virtue
4 of being alive or not; he has made himself unavailable.

5 And, therefore, there may be an issue as to
6 the propriety from a point of view of fundamental fairness,
7 natural justice, et cetera; that this method of dealing
8 with his involvement is appropriate. But I only say that
9 so you understand our concerns are about content and about
10 process.

11 The deadline -- I'm not saying -- maybe
12 that's not a fair term. The suggestion has been made by
13 your counsel, by Commission counsel, having this process
14 completed by -- I think it's actually next Thursday, was
15 the date proposed, and I think you should realize that is
16 completely unrealistic for all of us.

17 Particularly it not being a sitting week,
18 you can appreciate that some of us have other commitments,
19 brief or otherwise.

20 **THE COMMISSIONER:** Well, if it was a sitting
21 week I would understand -- we've got to be here.

22 **MR. NEVILLE:** Well we -- some of us have
23 other matters in our practices ---

24 **THE COMMISSIONER:** Obviously so, but it
25 doesn't make sense that you say, "Well, because it's an off

1 week it's a terrible time to do this," because ---

2 **MR. NEVILLE:** No, no, no.

3 **THE COMMISSIONER:** Well ---

4 **MR. NEVILLE:** Some of the week is available,
5 some may not be. But that's simply one aspect, because
6 it's a very short timeline for such a significant figure.

7 I just want you to know from the
8 consultation we've had as a group that there may be a
9 question of content ---

10 **THE COMMISSIONER:** I won't shoot messenger.

11 **MR. NEVILLE:** --- and a question of process.

12 **THE COMMISSIONER:** Okay; but just before you
13 go ---

14 **MR. NEVILLE:** Yes?

15 **THE COMMISSIONER:** Had Mr. Dunlop been here
16 and testified, his cross-examination would be ongoing now.

17 **MR. NEVILLE:** His cross-examination, Mr.
18 Commissioner, was expected to last for close to a week.

19 **THE COMMISSIONER:** Yes; yes.

20 **MR. NEVILLE:** So, if we're now being asked
21 to put in a version of his evidence, with a pretend cross
22 or otherwise ---

23 **THE COMMISSIONER:** Right.

24 **MR. NEVILLE:** Through documents alone,
25 that's quite a different exercise.

1 THE COMMISSIONER: No, that ---

2 MR. NEVILLE: Bearing in mind that this
3 document is one that would be applicable to all parties,
4 regardless of the position we may have taken with Mr.
5 Dunlop.

6 THE COMMISSIONER: M'hm.

7 MR. NEVILLE: So, it speaks for all of us,
8 not just one of us ---

9 THE COMMISSIONER: Right.

10 MR. NEVILLE: ---- and may involve a degree
11 of consultation amongst ourselves. Not simply with your
12 counsel.

13 THE COMMISSIONER: M'hm.

14 MR. NEVILLE: All we're saying to you is,
15 for reasons of content and, perhaps process, that now six
16 days is simply not adequate.

17 THE COMMISSIONER: And how much time will
18 you need?

19 MR. NEVILLE: I haven't seen it; I literally
20 have not seen it, sir. So I just ---

21 THE COMMISSIONER: So we have daggers and
22 now we have veiled threats.

23 MR. NEVILLE: Well, no. Well, you treat it
24 as you see fit, sir.

25 THE COMMISSIONER: Well ---

1 **MR. NEVILLE:** We were going to attempt to --
2 we raised it through Ms. McIntosh with Mr. Engelmann ---

3 **MS. McINTOSH:** M'hm.

4 **MR. NEVILLE:** --- on a very informal basis of
5 what our concerns were.

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

7 **MR. NEVILLE:** The next suggestion, as I
8 understand it, is a conference call but there is no point
9 in taking you by surprise. It's no help to you to find out
10 at the last minute that, whether you want to call it a
11 night of daggers or whatever, I'm -- it's unfortunate, I
12 hope you're just being humourous.

13 We have concerns about process of fairness,
14 and that's what we're alerting you to and we'd like to work
15 on it but six days may not do it.

16 **THE COMMISSIONER:** Very well, sir.

17 And other comments?

18 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEIL KOZLOFF:**

19 **MR. KOZLOFF:** Good afternoon, sir.

20 **THE COMMISSIONER:** Good afternoon.

21 **MR. KOZLOFF:** I haven't completed reading
22 the document.

23 What I have read thus far indicates that the
24 document is based on references to Mr. Dunlop's self-
25 created documents. In other words, it references

1 affidavits that he swore in furtherance of various
2 litigation, and his own 110-page will-say prepared in 2000.

3 So far, all I have heard is third hand
4 exchanges between various counsels for the parties and
5 various Commission counsel and I don't want to give any
6 attribution to those because it's not fair to anybody.

7 I don't really know beyond the points that
8 Mr. Neville and Ms. McIntosh made, which I take the
9 position are valid, I don't even know the purpose for which
10 the ODE is being tendered or purports to be tendered.

11 Whether it represents an independent neutral
12 presentation of Mr. Dunlop's role, or whether it purports
13 to be Mr. Dunlop's version of what his role was.

14 **THE COMMISSIONER:** ODE?

15 **MR. KOZLOFF:** I understand that, sir, but
16 the D in ODE is his documents and none other.

17 So, we have a 70 page document that is based
18 on information gleaned from approximately four documents.

19 If we go through a process, sir, of rounding
20 it out so that there is a representation based on the
21 position of various parties, to other documents that
22 respond to those documents or other documents that respond
23 to the various assertions contained, my sense is you could
24 have, at the end of this process, a 500 page document with
25 thousands of documents referred to.

1 And I acknowledge, in saying that Mr.
2 Commissioner, that what I am doing right now is purely
3 speculation, but I think what we are trying to say is we
4 need some time to absorb the information that we've been
5 provided, bearing in mind sir, we've also been provided
6 with another ODE virtually simultaneously of Mr. Nadeau
7 which is a significant document in terms of what is
8 referred to therein.

9 All we are saying is this is so important
10 that we shouldn't be pointing guns at our heads trying to
11 get it finished for an arbitrary point in time that is not
12 realistic.

13 **THE COMMISSIONER:** Fine, thank you.

14 **MR. KOZLOFF:** Thank you.

15 --- SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. WILLIAM CARROLL:

16 **MR. CARROLL:** And one other point is this.
17 There is a process that has been undertaken in the
18 Divisional Court or at least will be undertaken, I
19 understand, with respect to Mr. Dunlop.

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

21 **MR. CARROLL:** And I don't profess to be an
22 expert in the area of that branch of the law, but I
23 understand that generally speaking a person who appears
24 before a tribunal on such a matter is given an opportunity
25 to purge the contempt, if it's so found, rather than face a

1 penalty.

2 I'm just wondering if that were to come to
3 pass and there's a decision to testify in order to purge
4 the contempt ---

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

6 **MR. CARROLL:** --- if his ODE at this point
7 isn't premature and that we should wait because we could
8 well spend upwards of two weeks on the ODE process or more
9 only to find that he's going to be available.

10 I know it's speculative, but I think it's
11 something to keep in mind when you are assessing whether or
12 not we should be rushing to do this.

13 --- FURTHER-SUBMISSIONS BY/REPRÉSENTATIONS SUPPLÉMENTAIRE
14 PAR MS. McINTOSH:

15 **MS. McINTOSH:** Mr. Commissioner, I'm sorry
16 to rise again, but I did want to address this long knives
17 view, because right after counsel met -- first of all, we
18 just got the ODE yesterday.

19 **THE COMMISSIONER:** Can I stop you there?

20 **MS. McINTOSH:** Yes.

21 **THE COMMISSIONER:** It was just an ill-
22 advised attempt at humour.

23 **MS. McINTOSH:** All right, thank you, because
24 I did let Mr. Engelmann know as soon as ---

25 **THE COMMISSIONER:** Of course, of course.

1 MS. McINTOSH: Thank you.

2 THE COMMISSIONER: I thought that since we'd
3 been working together for the last two and a half years,
4 that people would not take that that way.

5 I mean, we got Mr. Kozloff slipping in that
6 I'm putting a gun to your head, and I didn't, you know.
7 Come on, come on.

8 MS. McINTOSH: Thank you.

9 THE COMMISSIONER: I think we've got enough
10 on our hands.

11 Very well, Mr. Sherriff-Scott, come on up.

12 (LAUGHTER/RIRES)

13 THE COMMISSIONER: The world would not be
14 complete without yours.

15 MR. SHERRIFF-SCOTT: I'm so happy you think
16 that way, sir.

17 (LAUGHTER/RIRES)

18 MR. SHERRIFF-SCOTT: I can say that I wasn't
19 at dinner last night but I do understand that you were
20 served well done.

21 (LAUGHTER/RIRES)

22 THE COMMISSIONER: Oh, so what minister
23 would you have been.

24 MR. SHERRIFF-SCOTT: I was hiding at my home
25 in Ottawa, innocent of these events.

1 THE COMMISSIONER: M'hm.

2 (LAUGHTER/RIRES)

3 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DAVID SHERRIFF-
4 SCOTT:

5 MR. SHERRIFF-SCOTT: I would suggest this
6 comment to add to the mix that you'll recall last time when
7 we did this process that I had a concern about the certain
8 of nature of the document for the purposes of which it
9 received.

10 THE COMMISSIONER: M'hm.

11 MR. SHERRIFF-SCOTT: And whether or not the
12 document itself is evidence and so forth, and I objected
13 and you ruled.

14 But you left the door open for further
15 submissions on that point.

16 THE COMMISSIONER: Absolutely.

17 MR. SHERRIFF-SCOTT: I would say that --
18 first of all; we got the thing last night. I have not had
19 a chance to go through it but in support of more time, I
20 would say that one thing that may potentially resolved is
21 objection -- in other words, if more consensus can be
22 achieved in the document, then so much the better.

23 Then the Commission has got what the parties
24 consider to be a balance, not an agreed statement of fact,
25 but a document that's more consistent with everybody's

1 interests. If we can achieve that, then objection is
2 resolved, and the thing is better for everybody's purpose.

3 So that's my comment. Thank you.

4 **THE COMMISSIONER:** Anyone else?

5 We are going to come back because we have to
6 go in an in-camera session to deal with some monikers.

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

8 **THE COMMISSIONER:** All right. But I don't
9 want to discuss this in camera. I'm going to go take a
10 break and think about this and see how we can better
11 resolve that part of it.

12 No, we better stay. Let's not go in-camera.
13 I'll just go out and have a few minutes; come back and
14 we'll deal with this issue. Then we'll deal with the in
15 camera issues afterwards. All right?

16 **THE REGISTRAR:** Order. All rise. À
17 l'ordre. Veuillez vous lever.

18 This hearing will resume at 12:45.

19 --- Upon recessing at 12:29 p.m./

20 L'audience est suspendue à 12h29

21 --- Upon resuming at 12:42 p.m./

22 L'audience est reprise à 12h42

23 **THE REGISTRAR:** This hearing is now resumed.

24 Please be seated. Veuillez vous asseoir.

25 ---STATEMENT BY THE COMMISSIONER/DÉCLARATION PAR LE

1 **COMMISSAIRE :**

2 **THE COMMISSIONER:** Thank you. Again, I wish
3 to stress that my comments were made in jest and I
4 apologize for any grief it has caused anyone. Maybe -- I
5 guess humor should stay away when we are discussing serious
6 matters.

7 In any event, I have considered what all of
8 you have said and I think that I'll take it under
9 advisement in the sense that a lot of you haven't seen the
10 document and I'm given to understand that Commission
11 counsel will be organizing an all-counsel meeting sometime
12 next week, so that once you've had a chance to read it I'm
13 sure that Mr. Engelmann will consider your concerns and see
14 how we can work together in doing that.

15 I think in the past, we have -- we, as a
16 group -- have shown that we can work together and I'm
17 hopeful that that can be done.

18 Having said that, I have set out a schedule
19 with an end date and I think it's important to follow it
20 especially since some of the counsel in other proceedings
21 have indicated that the Commission is taking too much time.
22 So I wouldn't want to be seen as disappointing those people
23 and making sure that we stick to a schedule.

24 All that to say, that I have heard you; I
25 understand your predicaments; you understand our

1 predicament, and I'm sure that we will try to work things
2 out and if not, the matter can be spoken to on the Monday
3 when we come back.

4 But I can tell you that I will balance all
5 of the interests and make sure that the matter is properly
6 done.

7 Having said that now, we will break so that
8 we can go in-camera for the purposes of simply putting in
9 the names to the monikers. So I will not feel slighted if
10 the room is considerably more empty than it is now. In
11 other words, so that we don't mistake ourselves or you can
12 take you leave and I will simply read in who the monikers
13 are for.

14 Mr. Kozloff?

15 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. NEIL KOZLOFF:

16 **MR. KOZLOFF:** Mr. Commissioner, I don't want
17 you to think for a minute that I was suggesting you were
18 putting a gun at our head.

19 **THE COMMISSIONER:** Oh, no, no.

20 **MR. KOZLOFF:** No, seriously.

21 **THE COMMISSIONER:** No, no.

22 **MR. KOZLOFF:** Okay because that was
23 certainly not my intention. If I left that impression,
24 it's my mistake.

25 **THE COMMISSIONER:** No, no. Sir, you know, I

1 think we've been at the Bar and at the bench for a long
2 time. Heck, we've got to work together for another year
3 and a half so I think that it was ---

4 **MR. KOZLOFF:** Minimum.

5 (LAUGHTER/RIRES)

6 **THE COMMISSIONER:** Oh, no. I know this is
7 being broadcast and this is going to come back to bite me
8 but I did say July 31st and July 31st it will be, Mr.
9 Kozloff. All right. And July 31st is less than a year from
10 now, sir.

11 **MR. STAUFFER:** Mr. Commissioner, just one
12 point. If the counsel for the parties will stay after we
13 are through with our in-camera, we can discuss the all-
14 counsel meeting date for next week. Thank you.

15 **MR. CARROLL:** If it takes a fair bit of time
16 for the process to go down for the in camera ---

17 **THE COMMISSIONER:** Fifteen (15) -- oh yes,
18 that's what I'm saying, yes, it will take 15 minutes to do
19 that. So I'm sure that 15 lawyers, 15 minutes can come up
20 with a couple of decisions in any event. All right.

21 **THE REGISTRAR:** Order. All rise. À
22 l'ordre. Veuillez vous lever.

23 This hearing will resume at 1:00 p.m. in-
24 camera.

25 --- Upon adjourning in public at 12:46 p.m. to resume in-

1 camera

2 --- L'audience est ajournée en public à 12h46 pour
3 reprendre à huis clos

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

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

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



Marc Demers, CVR-CM